



**COMMITTEE OF ADJUSTMENT  
Wednesday, July 21<sup>st</sup>, 2021**

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

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

**EXCUSED ABSENT:** Bill Boake, John Symons

**ALSO IN ATTENDANCE:** Doug Murrell, Elisha Sloan-Keats, Jim Braund, Lise Currie, Michael Marlatt, Travis Busschaert, Brian Fay, Josh Saunders

**1. ADOPTION OF AGENDA:**

Resolution No. 2021-16  
Frank Corbeil – Al Herauf

THAT the draft agenda presented to the Committee and dated the 21<sup>st</sup> day of July, 2021 be hereby adopted as circulated.

CARRIED

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

Resolution No. 2021-17  
Erika Lougheed – Terry Kelly

THAT the Minutes of the Committee of Adjustment Meeting of June 16<sup>th</sup>, 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-2021-05**  
**Doug and Mary Murrell – Vacant Land (Nosbonsing Park Road)**

A public meeting was held on an application submitted by Doug and Mary Murrell requesting permission from the Committee to construct a 20' x 40' cottage. A minor variance from the zoning by-law is required for a front yard setback reduction and a rear yard setback reduction.

Mr. Murrell spoke to his application. They purchased the approximately half acre property back in March. They would like to build a small cottage with a septic system on the north side. They are requesting the front yard setback be reduced from 20 meters to 14.6 meters, and the rear yard setback be reduced from 8 meters to 5 meters. The North Bay Mattawa Conservation Authority expressed having a septic system designed for the lot. The system is a Class 4 Eco Flo tertiary system and has been provisionally approved by the NBMCA.

Mr. Corbeil asked why the minor variance was necessary. The cottage wouldn't fit without setbacks.

Mr. Herauf mentioned the lot was for sale a number of times with condition that it was not a buildable lot. Mr. Kirton advised nothing has change with regards to the zoning but a minor variance would have always been required to build a structure on the lot. Mr. Herauf asked about the types of septic system used by others in the area. Mr. Kirton advised this type of system is the most stringent, but the minor variance application is not related to the septic system.

Councillor Kelly asked whether or not an acre of land was required to build a dwelling. Mr. Kirton advised that is only for newly created lots. This lot is legal non-conforming; thus the lot size minimum does not apply. Mr. Kelly asked the applicants if they were aware the lot was a non-building lot when they purchased it. Mr. Murrell stated they bought with the hope there was the possibility of building through a minor variance application. Mr. Kelly expressed concerns for the lake.

Mr. Kirton advised a water quality study was completed and it was determined that the lake has the capacity for significant additional lot development without an impact to water quality in the Main Basin, as defined by the study, of Lake Nosbonsing. There is no concern for the septic based on those parameters. Mr. Kirton further advised that the servicing of the proposed cottage is not a matter for this application.

Mr. Murrell stated the cottage is modest and understands concerns about the septic system.



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Comments

-The North Bay Mattawa Conservation Authority has given provisional approval on the septic system based on the outcome of this hearing. The floodplain runs along the shoreline. Recommend vegetation be removed for the building, septic, and driveway only. French drains or soakaway pits could be used to treat stormwater runoff as an additional measure implemented through site plan control.

-Cheryl and Keven Archer from 653 Nosbonsing Park Road expressed concerns about the location of the septic system and the reduced setbacks.

-Michael and Carolyn Lucier from 608 Nosbonsing Park Road expressed concerns about lake health and blue/green algae

-Ingrid VanderMarel from 719 Nosbonsing Park Road expressed concerns about the lot not being suitable for building, septic, and setbacks.

-Robert and Lise Currie from 646 Nosbonsing Park Road expressed concerns about the accuracy of measurements and would like a survey of the land completed.

-Kelly Brown from 894 Nosbonsing Park Road expressed concerns about previous zoning, septic system, and the application being precedence setting.

-Elisha Sloan-Keats from 603 Nosbonsing Park Road expressed concerns about the variance being numerically too significant, lake health, setbacks not changing, drainage, and the property being prone to flooding.

Mr. Kirton discussed the intent being to provide uniform development. The property is designated and zoned for this type of use. The Committee must decide whether the setbacks are appropriate or not. The location the applicants have chosen is the most optimal.

Elisha Sloan-Keats joined the meeting and expressed concerns about the deviation from existing setbacks, lake health, storm water drain off, precedence setting, construction being close to the road, no ability of the municipality to enforce site plan control, lake pollution, and the berm.

Jim Braund from 662 Nosbonsing Park Road joined the meetings and expressed concerns about the four tests not being met, the variance not being minor, the dimensions of the cottage being the inside or outside dimensions, runoff to the lake, blue/green algae, and requested an environmental impact study be completed.



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Lise Currie joined the meeting and expressed concerns about the site layout including the accuracy of boundaries and dimensions. A survey of the property was requested. Concerns were raised about the easterly limit of the property not being stationary. The parcel is low and normally flooded.

Mr. Murrell advised there is a break in the berm already. Surveyors have already staked boundary marks.

Council Kelly motioned for the application to be refused. Al Herauf seconded the motion. Councillor Lougheed was in agreeance. Frank Corbeil and John O'Rourke wishes to defer the application. The application was refused by the majority of the Committee.

**DECISION OF MINOR VARIANCE (File A-2021-05):**

Terry Kelly – Al Herauf - Erika Lougheed

**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 21<sup>st</sup> day of July, 2021.

**DECISION:** That the requested variance to permit a 14.6m setback from the water in the front yard and a 5m setback from the rear lot line, be refused, whereas the Zoning by-law 1284 requires a 20m setback from the water in the front yard and an 8m setback from the rear lot line.

Public input was received at the public meeting.

**b) A-2021-06, A-2021-07, B-2021-26 & B-2021-27  
Michael and Patricia Marlatt & John and Michell Seguin**

A public meeting was held on an application submitted by Michael and Patricia Marlatt and John and Michell Seguin requesting permission from the Committee for a land swap between 506 and 520 Astorville Road. A small piece of each lot is proposed to be exchanged to straighten the lot line. The minor variances are required in order to recognize that the existing lot area of each lot is deficient to the current by-law standards.

Mr. Marlatt spoke to the applications. They would like to swap triangles to rectify an encroachment of lawn area and improve the boundary from Astorville Road. There will be a more direct line to the road. The minor variances recognize existing lot deficiencies.



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Mr. Kirton advised that no comments were received from neighbours. The NBMCA and Hydro had no objections to the applications.

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-2021-06 & A-2021-07):**

Frank Corbeil – Al Herauf - Erika Lougheed – Terry Kelly – John O’Rourke

**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 21<sup>st</sup> day of July, 2021.

**DECISION:** That the requested minor variances to recognize that the existing lot area of each lot is deficient to the current by-law standards, be approved.

A-2021-06 – to permit a reduction in the required lot area from 2.00 acres to 1.3 acres.

A-2021-07 – to permit a reduction in the required lot area from 2.00 acres to 1.4 acres.

**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:**

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.

**DECISION OF CONSENT (File B-2021-26 & B-2021-27):**

Frank Corbeil – Al Herauf - Erika Lougheed – Terry Kelly – John O’Rourke



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**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 21<sup>st</sup> day of July, 2021.

**DECISION:** That the requested consent to facilitate a land swap between the two properties in order to straighten the lot line 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 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.

**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



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**c) B-2021-22 & B-2021-23**  
**Travis Busschaert – Vacant Land (Fay Road)**

A public meeting was held on applications submitted by Travis Busschaert requesting permission from the Committee to create two new lots for residential purposes.

Mr. Busschaert spoke to the application. Mr. Kirton advised there is one person in the waiting room waiting to speak. The NBMCA had no objections to the application but did advise a portion of the property is within 300 meters of Trout Lake.

Brian Fay of Fay Road joined the meeting. He owns the two properties at the end of Fay Road and the Road dips onto his property. He was told in the past that the road was his property and has concerns about the new lots having access through his property. Mr. Kirton advised the mapping shows a wider road allowance, but the Committee may wish to defer in order to verify.

The Committee deferred the applications in order to verify the road allowance location and property boundaries of adjacent properties.

Resolution No. 2021-18  
Frank Corbeil – Erika Lougheed

That applications B-2021-22 and B-2021-23 be deferred to gather further information.

CARRIED

**d) B-2021-24 & B-2021-25**  
**Josh Saunders on behalf of Mary Saunders – 117 Lavigne Road**

A public meeting was held on an application submitted by Josh Saunders on behalf of Mary Saunders requesting permission from the Committee to create one new lot for residential purposes as well as one lot addition.

Mr. Saunders spoke to the application. The new lot will be approximately 5 acres with 67 meters of frontage on Lavigne. The lot addition is to the property on the west side with no frontage change. The Conservation Authority had no concerns with the septic. There is wetland on the property, but setbacks are sufficient.



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Chair O'Rourke asked for clarification on where the lot addition was going.

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-2021-24 & B-2021-25):**

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

**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 21<sup>st</sup> day of July, 2021.

**DECISION:** That the requested consent to create one new additional lot and 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;
- 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 \$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 (File No. B-2021-24 only);
- 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.





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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

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. 2021-19  
Frank Corbeil – Al Herauf

That the Committee of Adjustment meeting adjourn at 8:54 p.m.

CARRIED

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Chair, John O'Rourke

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Greg Kirton, Manager of Planning