



**COMMITTEE OF ADJUSTMENT  
Wednesday, March 17<sup>th</sup>, 2021**

The regular Meeting of the Municipality of East Ferris Committee of Adjustment was held on Wednesday, March 17<sup>th</sup>, 2021 at 7:00 p.m. via Zoom.

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

**EXCUSED ABSENT:** None

**ALSO IN ATTENDANCE:** Kyle and Josee Kelly, Kim Malkowski

**1. ADOPTION OF AGENDA:**

Resolution No. 2021-01  
Bill Boake – Al Herauf

THAT the draft agenda presented to the Committee and dated the 17<sup>th</sup> day of March, 2021 be hereby adopted as circulated.

CARRIED

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

Resolution No. 2021-02  
John Symons – Frank Corbeil

THAT the Minutes of the Committee of Adjustment Meeting of December 16<sup>th</sup>, 2020 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



**COMMITTEE OF ADJUSTMENT  
Wednesday, March 17<sup>th</sup>, 2021**

Prior to the Public Hearings Mr. Kirton advised the Committee that Rick Miller has requested the Public Hearing for his application be deferred to a future meeting. The Committee passed the following resolution:

Resolution No. 2021-03

Frank Corbeil – Erika Lougheed

THAT application B-2021-02 be deferred pending a site visit once the snow is gone from the North Bay-Mattawa Conservation Authority to determine the viability of a septic installation on the proposed lot.

CARRIED

**6. PUBLIC HEARING:**

**a) A-2021-01  
Kyle Kelly – 228 MacPherson Drive**

A public meeting was held on an application submitted by Kyle Kelly requesting permission from the Committee to construct a garage on the property in front of the existing dwelling. Kyle and Josee Kelly spoke to the application. The placement of the garage is the only viable option due to the location of the septic system, well, and a pond. The garage would be 74 feet back from the road. Chair O'Rourke asked where the garage is in relation to the house. Ms. Kelly advised it is off to the side and shared a sketch of the property. The only comments received on the application were from the North Bay Mattawa Conservation Authority and the Ministry of Transportation. They both 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 MINOR VARIANCE (File A-2021-01):**

John Symons – 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.



**COMMITTEE OF ADJUSTMENT  
Wednesday, March 17<sup>th</sup>, 2021**

**CONCUR** in the following decision and reasons for decision on the 17<sup>th</sup> day of March, 2021.

**DECISION:** That the requested variance to permit the construction of a detached garage in front of the existing dwelling and closer to the road than permitted be approve.

**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 in minor in nature.

**b) B-2021-01  
Kim Malkowski on behalf of Daniel Dorval - 204 Taillefer Road**

A public meeting was held on an application submitted by Kim Malkowski on behalf of Daniel Dorval. The applicant is requesting permission from the Committee to create one new lot for residential purposes. Mr. Malkowski spoke to the application. His plan is to build a single-family dwelling on the property. Mr. Kirton advised he went on a site visit last fall with the landowner, Mr. Malkowski and Conservation Authority staff to look at where the water flows through the property and assess potential issues. The Conservation Authority provided mapping. The watercourse will not prevent development within our zoning by-law requirements. A letter was submitted stating no objection. The MTO also 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.



**COMMITTEE OF ADJUSTMENT  
Wednesday, March 17<sup>th</sup>, 2021**

**DECISION OF CONSENT TO SEVER (File B-2021-01):**

John Symons – 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 17<sup>th</sup> day of March, 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 \$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 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.



**COMMITTEE OF ADJUSTMENT  
Wednesday, March 17<sup>th</sup>, 2021**

**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

**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.

- c) **B-2021-02  
Miller & Urso Surveying on behalf of Susan Hutchinson – Nosbonsing  
Park Road**

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

**7. CORRESPONDENCE:**

Mr. Kirton advised he is in the final stages of drafting the new comprehensive zoning by-law for the Municipality. He would like to schedule a Special Meeting outside of the regular meeting to review the by-law. Mr. Kirton can provide a hard copy to Committee members. Mr. Kirton will send e-mail to the Committee confirming availability.

- 8. IN-CAMERA:** None for this session



**COMMITTEE OF ADJUSTMENT  
Wednesday, March 17<sup>th</sup>, 2021**

**9. ADJOURNMENT:**

Resolution No. 2021-04  
Frank Corbeil – John Symons

That the Committee of Adjustment meeting adjourn at 7:35 p.m.

CARRIED

\_\_\_\_\_  
Chair, John O'Rourke

\_\_\_\_\_  
Greg Kirton, Manager of Planning