



COMMITTEE OF ADJUSTMENT
Wednesday, August 17th, 2022

The regular Meeting of the Municipality of East Ferris Committee of Adjustment was held on Wednesday, August 17th, 2022 at 7:00 p.m. via Zoom.

PRESENT: John O'Rourke, John Symons, Al Herauf , Terry Kelly, Frank Corbeil, Erika Lougheed, Bill Boake, Director of Community Services, Greg Kirton, and Recording Clerk, Kari Hanselman

EXCUSED ABSENT: None

ALSO IN ATTENDANCE: Larry Fuld, Bernie Graham, Peter MacDonald, Megan Delorme, Samara and Glenn Paleczny, Paul Goodridge, Noah Perron

1. ADOPTION OF AGENDA:

Resolution No. 2022-21
Bill Boake – Al Herauf

THAT the draft agenda presented to the Committee and dated the 17th day of August, 2022 be hereby adopted as circulated.

CARRIED

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

Resolution No. 2022-22
Frank Corbeil – Terry Kelly

THAT the Minutes of the Committee of Adjustment Meeting of June 15th, 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

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



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6. PUBLIC HEARING:

**a) A-2022-03 & A-2022-04 & B-2022-16
Bernie and Karen Graham, Larry Fuld – 118 & 120 Dugas Road**

A public meeting was held on an application submitted by Bernie and Karen Graham and Larry Fuld. The applicants are requesting a consent to sever for the purpose of transferring a portion of land with a garage on it from 118 Dugas Road to 120 Dugas Road. The Minor Variances are required to recognize lot deficiencies for both lots. The North Bay Mattawa Conservation Authority commented that they do not have a septic permit for the current system and that the consent may limit the ability of the lot to accommodate a new septic system in the future. No other comments were received, and no public input was received at the public meeting

DECISION OF MINOR VARIANCE (File A-2022-03 & A-2022-04):

Frank Corbeil – Bill Boake – Al Herauf - Terry Kelly – Erika Loughheed – 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 17th day of August, 2022.

DECISION: That the requested variance to recognize the existing lot deficiencies or 118 and 120 Dugas Road be approved:

A-2022-03 – 120 Dugas Road

Minimum Lot Area – 0.49ha

Minimum Accessory Structure Setback from the Rear Lot Line – 0m

A-2022-04 – 118 Dugas Road:

Minimum Lot Area – 0.21ha

Minimum Lot Frontage – 34m

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



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- neighbourhood; and
4) The variance is minor in nature.

No public input was received at the public meeting and the 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-2022-16):

Frank Corbeil – Bill Boake – Al Herauf - 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 17th day of August, 2022.

DECISION: That the requested consent to adjust lot lines between 118 and 120 Dugas Road 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;
- 6) That prior to the endorsement of the transfer(s) the owner grants simply unto the Municipality of East Ferris free of any charges, all lands measured 10.0 metres (33 feet) from the centerline of any existing publicly maintained road along the full length of the owner's total holdings 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.



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8) That an encroachment agreement be entered into with the Municipality of East Ferris to address the portion of the accessory structure that is built on the municipal road allowance. Alternatively, the applicant could remove the portion of the structure that is encroaching to meet the 0m setback.

b) A-2022-05
Lynn and Peter MacDonald - 711 Nosbonsing Park Road

A public meeting was held on an application submitted by Lynn and Peter MacDonald requesting permission from the Committee to construct a 1,280 square foot garage. The Zoning By-law allows for accessory structures to be 960 square feet for properties of this size. The applicants intend to use the garage for storage. The North Bay Mattawa Conservation Authority had no objection to the application. No other comments were received, and no public input was received at the public hearing.

DECISION OF MINOR VARIANCE (File A-2022-05):

Frank Corbeil – Bill Boake – Al Herauf - 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 17th day of August, 2022.

DECISION: That the requested minor variance to build a 1,280 square foot detached garage 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 the 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.



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c) A-2022-06
Megan and Richard Delorme – 1033 Centennial Crescent

A public hearing was held on an application submitted by Megan and Richard Delorme requesting permission from the committee to build a 1,326 square foot detached garage. The Zoning By-law allows for accessory structures to be 960 square feet for properties of this size. The applicants would like more storage. No comments were received on the application and no public input was received at the public hearing.

Councillor Lougheed left the meeting at approximately 7:30 p.m.

DECISION OF MINOR VARIANCE (File A-2022-06):

Frank Corbeil – Bill Boake – Al Herauf - Terry Kelly – 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 17th day of August, 2022.

DECISION: That the requested minor variance to build a 1,326 square foot detached garage 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 the 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.



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d) A-2022-07
Samara and Glenn Paleczny – 49 Primrose Lane

A public hearing was held on an application submitted by Samara and Glenn Paleczny requesting permission from the committee to build a 1,480 square foot detached garage. The Zoning By-law allows for accessory structures to be 960 square feet for properties of this size. The applicants require more storage space.

The North Bay Mattawa Conservation Authority had concerns regarding the location of the septic. This issue has since been resolved and there are no longer any concerns.

A letter was received from the Warren's at 57 Primrose Lane. They have concerns regarding proper notice requirements, whether the variance is minor, whether the variance is consistent with applicable by-laws and policies, and whether the application is complete. Mr. Kirton spoke to the concerns of the Warren's. The Warren's requesting written notice of the outcome of the hearing as well as for the Committee to defer decision on the application to allow them time to seek advice on the application. The committee determined that the Warren's could appeal any decision made by the Committee. The application was approved.

The Committee discussed reviewing the allowable size for accessory structures in the future as the Committee has seen numerous applications requesting size increases above what is provided for in the Zoning By-law.

DECISION OF MINOR VARIANCE (File A-2022-07):

Frank Corbeil – Bill Boake – Al Herauf - Terry Kelly – 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 17th day of August, 2022.

DECISION: That the requested minor variance to build a 1,480 square foot detached garage 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;



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- 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 the 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.

e) B-2022-14 & B-2022-15
Paul Goodridge on behalf of Ruth Elder & Jean Larocque – 74 & 76 Dugas Road

A public meeting was held on an application submitted by Paul Goodridge on behalf of Ruth Elder and Jean Larocque requesting permission from the Committee to adjust lot lines and create one new lot for residential purposes. The applicants would like to create building lots for their two children. The Committee discussed the use of the existing driveway to serve the other two lots. The committee wants to ensure future access to the lots if the properties no longer belong to the same family. All the lots have frontage on Dugas Road. All minimum requirements are met. This lot would be the final impact lot (septic within 300m of the lake) on Trout Lake until a review is completed.

The North Bay Mattawa Conservation Authority had no concerns. No other correspondence was received, and the applications were approved.

DECISION OF CONSENT (File B-2022-14 & B-2022-15):

Frank Corbeil – Bill Boake – Al Herauf - Terry Kelly – 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 17th day of August, 2022.

DECISION: That the requested consent to adjust lot lines and create one new lot 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;



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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 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 prior to the endorsement of the transfer(s) the owner grants simply unto the Municipality of East Ferris free of any charges, all lands measured 10.0 metres (33 feet) from the centerline of any existing publicly maintained road along the full length of the owner's total holdings 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 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

f) B-2022-17 to B-2022-20
Paul Goodridge on behalf of Stephane and Macrina Perron – 281 Ouellette Road

A public meeting was held on an application submitted by Paul Goodridge on behalf of Stephane and Macrina Perron requesting permission from the Committee to create four new lots. Each lot is approximately two acres in size. Three of the lots front on Quae Quae Road and one fronts on Ouellette Road. The North Bay Mattawa Conservation Authority stated that the location of severed lot #1 in relation to the wetlands be confirmed.



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No public input was received at the public meeting and the applications were approved.

DECISION OF CONSENT (File B-2022-17 & B-2022-20):

Frank Corbeil – Bill Boake – Al Herauf - Terry Kelly – 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 17th day of August, 2022.

DECISION: That the requested consent to create four new lots for residential purposes 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;
- 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 prior to the endorsement of the transfer(s) the owner grants simply unto the Municipality of East Ferris free of any charges, all lands measured 10.0 metres (33 feet) from the centerline of any existing publicly maintained road along the full length of the owner's total holdings 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.



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- 9) That for File B-2022-17 (severed lot #1), the wetland area be delineated to the satisfaction of Municipality of East Ferris staff and the North Bay Mattawa Conservation Authority staff to confirm that there is adequate room to place a dwelling and septic system on the proposed lot.

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

g) B-2022-21
Miller and Urso Surveying on behalf of Laurent Marasse – 802 Centennial Crescent

A public meeting was held on an application submitted by Miller and Urso Surveying on behalf of Laurent Marasse requesting permission from the Committee to create one new lot. The severed lot is approximately 8.1 hectares in size and will be sold to the applicant's son. The North Bay Mattawa Conservation Authority has no concerns. Larry Warren submitted an email in support of the application.

No public input was received at the public meeting and the applications were approved.

DECISION OF CONSENT (File B-2022-21) :

Frank Corbeil – Bill Boake – Al Herauf - Terry Kelly – 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 17th day of August, 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



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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 prior to the endorsement of the transfer(s) the owner grants simply unto the Municipality of East Ferris free of any charges, all lands measured 10.0 metres (33 feet) from the centerline of any existing publicly maintained road along the full length of the owner's total holdings 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.
7. **IN-CAMERA:** None for this session
8. **CORRESPONDENCE:** None for this session
9. **ADJOURNMENT:**

Resolution No. 2022-23
Frank Corbeil – Al Herauf

That the Committee of Adjustment meeting adjourn at 8:38 p.m.

CARRIED

Chair, John O'Rourke

Greg Kirton, Director of Community Services