



PLANNING JUSTIFICATION BRIEFING

837 Nosbonsing Park Road, Astorville
Concurrent Minor Variance & Consent to Sever
applications for the purpose of creating two lots,
plus retained, in the Municipality of East Ferris.

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1. PROPOSAL

TULLOCH has been retained by the owners of 837 Nosbonsing Park Road (PIN's 49186-0485 and 49186-0487) in the Municipality of East Ferris (Astorville) to prepare a Planning Justification Briefing as part of a complete application package submitted to the Municipality. These concurrent Minor Variance & Consent to Sever applications are for the purpose of creating two (2) new lots, plus retained, in the Municipality of East Ferris. The proposal to create two (2) new lots from the subject property will result in the need for a concurrent Minor Variance to recognize a frontage deficiency on the retained. The following variances are being requested:

- **Table 5B – Zoning Requirements Table – Minimum Lot Frontage:** Relief from the required 60m frontage to the proposed 55.071m is requested. All other requirements of Zoning By-law 2021-60 can and will be met and both proposed severed lots will have 60m of frontage.

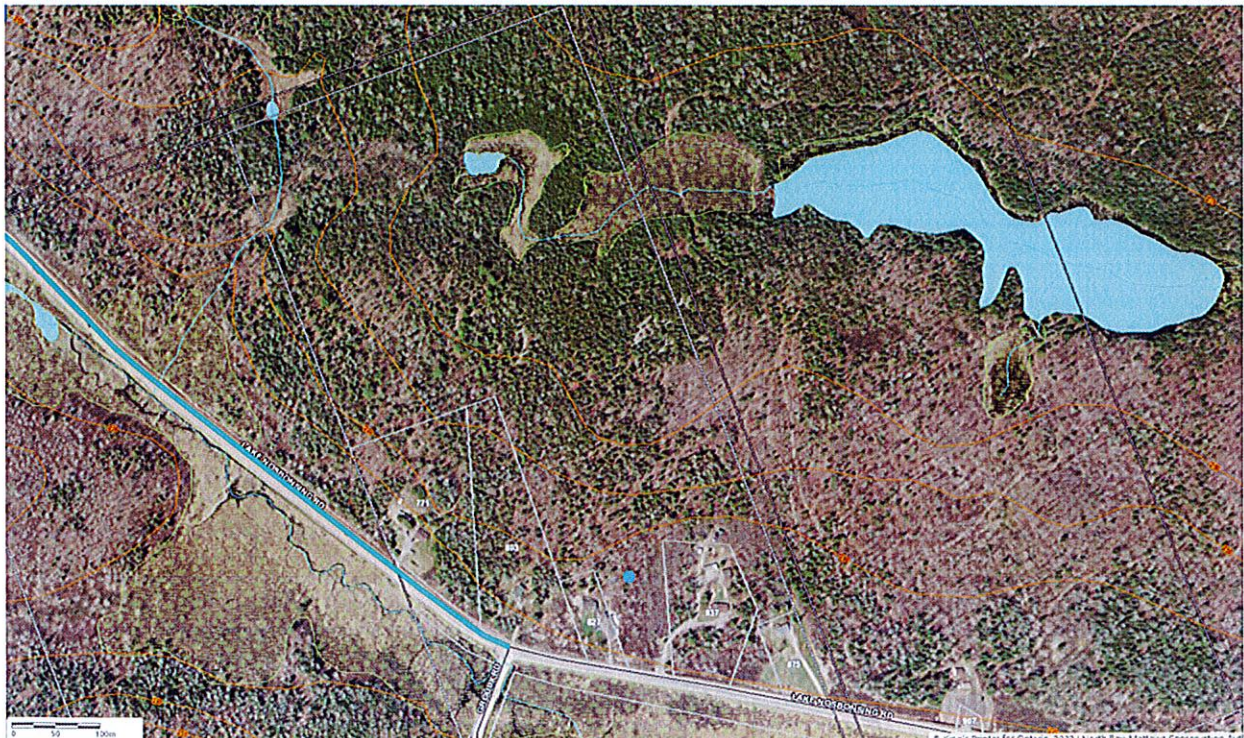
In this briefing, the author demonstrates that the impact of the variance is minor, the intent and purpose of the Zoning By-law and the Municipality's Official Plan will be maintained, and the proposed use and development of the property is appropriate. In my professional opinion, the proposal meets all four tests of a minor variance and should be supported.

2. SUBJECT SITE AND SURROUNDING LAND USES

The subject property is +/-23 hectares in size, with frontage of +/-175m on Lake Nosbonsing Road and a depth of +/-720m at its deepest point. It is surrounded by rural residential uses and vacant undeveloped lands on all sides. Small wetland pockets exist on the property in the far northeast corner, away from any proposed construction.

The subject lands that are represented by this application are legally described as CON 4, PT LOT 25, NR-6918, PLAN 36R-13558 PART 1, EAST FERRIS, PIN's 49186-0485 and 49186-0487.

Figure 1.0 – Subject Lands – 837 Lake Nosbonsing Road and adjacent lands (blue dot marks the site)



3. PLANNING POLICY REVIEW

3.1 Provincial Policy Statement 2020 (“PPS”)

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act, which requires that decisions affecting planning matters “*shall be consistent with*” policy statements issued under the Act.

Section 1.1 of the PPS 2020, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, states that Healthy, liveable & safe communities are sustained by:

“a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; and

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs”

Section 1.1.5.2 further adds that: “*On rural lands located in municipalities, permitted uses are:*

a) the management or use of resources;

b) resource-based recreational uses (including recreational dwellings);

c) residential development, including lot creation, that is locally appropriate;...”

Section 1.1.5.4 speaks to: “*development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.”*

The proposed large rural residential lots will front on the existing Lake Nosbonsing Road and will not require any extension of municipal services, which is encouraged by Sections 1.1 and 1.1.5.4. They will be in character with the other rural residential uses in the immediate area, making them locally appropriate as per Section 1.1.5.2.

This application has been reviewed in the context of policies contained within the Provincial Policy Statement (PPS 2020) and has been found to be consistent with all matters of Provincial interest.

3.2 Official Plan

This application has been reviewed in terms of its conformity with the Municipality of East Ferris Official Plan. **Section 5.2.4** of the Plan, Rural - Residential Uses, Scope of Uses Permitted, lists residential uses include single detached dwellings, secondary units and accessory uses as permitted uses. That section goes on to state that: “*It is a basic objective of Council to control the amount and type of new residential development in the Rural designation in order to preserve agricultural land and to ensure that neither municipal water supply nor municipal sewage disposal facilities shall be required. It is therefore the policy of Council to only permit residences in the Rural designation where:*

A) The lot on which the residential use is to be located is on a road which has been opened, established and is presently maintained year round by the Municipality;

B) The residential use will not lead to a demand for urban services or strip development along the roads and highways of the Municipality. To this end infilling will be encouraged in existing pockets of residential development as a means of consolidating these pockets of development;

C) The residential use will be located on an existing lot of record; or

D) The lot conforms to the consent policies of this Plan (see Section 9.15.2)..."

Both the proposed lot and retained parcel will front on existing Lake Nosbonsing Road and there is no requirement for the extension of services. The lot area for each shall be larger than the minimum 0.81 hectares required and will be suitable for individual on-site water and sewage disposal systems, as per **Section 4.19**.

Section 5.2.1 Rural - Development Concept states that: *"it is the intent of the Official Plan that a mix of residential living environments through low density rural development will be met in the Rural Designation over the Planning Period ending in 2025. The rural area will also permit commercial uses, institutional uses and public service facilities..."*

Section 9.15.2, Subsection 3, speaks to Single Lot Development. *"Single lot development for seasonal or permanent residential uses may be permitted subject to meeting the requirements of Sections 4.19, 5.3.7 and Section 9.15.2 of this Plan. Lot size shall be a minimum of 0.81 hectare (2.00 acres) with a corresponding frontage of 60 metres (196.85 feet) unless more stringent standards apply. The general design principles set out in Section 5.3.4 (2) above shall apply for mainland or island development and in addition, natural vegetation and amenities shall be conserved. Development will be serviced by on-site water and sewage disposal systems as the intent is to maintain a very low density settlement pattern. The objective is to protect the present rural and natural qualities of the Municipality of East Ferris."*

The Consent policies of **Section 9.15.2** have been reviewed in their entirety and the subject applications are in conformity with the policies. A concurrent Minor Variance has been submitted to recognize a deficiency of less than 5m of the required frontage (from 60m to 55.071m) on the proposed retained.

The Plan adds that: *"Consents shall be permitted when it is clearly not necessary, or in the public interest, that a plan of subdivision is required. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in this Plan and, more specifically, to the following criteria when considering applications for consent:*

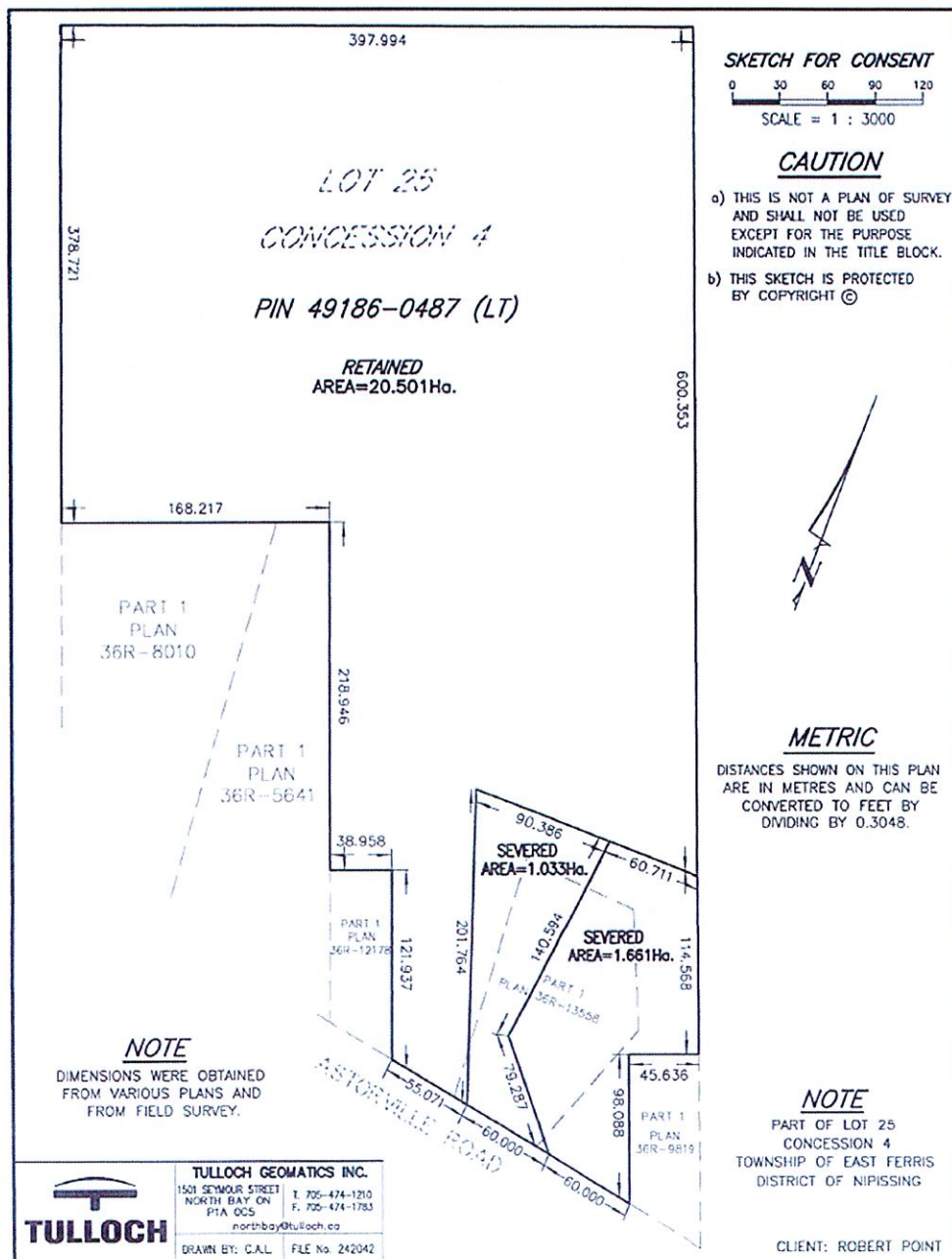
- 1. The applicant has provided confirmation that capacity exists at a sewage disposal or treatment facility (e.g. a letter signed by holder of the Certificate of Approval, for the lot's septage exists.*
- 2. Consent should be given only when the land fronts on and has direct access to a year round maintained public road which is of a reasonable standard of construction except in the case where the lands are designated or intended to be used in the Waterfront designation (see section 8.15.2(18)(A)) or are located on an island, or are located within or adjacent to an area which has already been developed primarily on the basis of water access only."*

Consents should be granted only when it has been established by the public authority having jurisdiction, that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a sufficient and potable water supply and to permit the installation of an adequate means of sewage disposal. Consideration should be given to the adequacy of water supply and sewage disposal for both the severed and retained portions of the subject property. As part of the circulation, the proposed must be reviewed and approved by the North Bay-Mattawa Conservation Authority.

The Official Plan adds that: "No severance for a year-round residential use shall be approved if the necessary school accommodation is not available. The proposed lot should also be served by an existing school bus route." The lots will front on Lake Nosbonsing Road, which has school bus services, as well as garbage pickup and snow removal. No extension of municipal services is required.

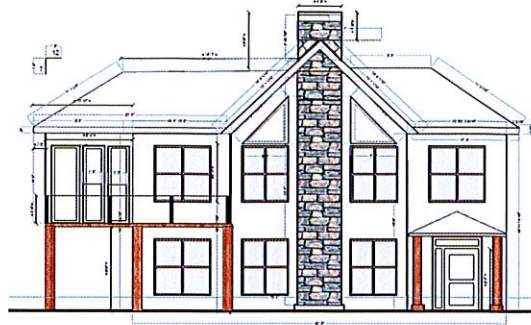
Finally, the Official Plan cautions that: "Except as expressly permitted in **Section 9.15.2 (16)**, it shall be a policy of Council to generally permit a maximum of two severances (e.g., creation of two additional lots) from any parcel of land. The number of new lots permitted to be created by severance within the combined Rural and Waterfront designations within any calendar year shall be limited to a maximum of 25, provided that the severance(s) conform(s) to all other applicable sections of this Plan."

This is the second severance from the property holdings, but this severance will re-align property lines done in 2014 under Plan 36R-13558 as shown here:



The owners have decided to sever the vacant parts of their property to bestow lands to their children. There is an immediate plan to build a single detached dwelling and detached accessory garage on a cleared building site on the proposed severed 1.033Ha parcel.

The house is currently being designed and when finished will resemble the design shown on here...



This proposal has been reviewed in the context of the policies of the Municipality of East Ferris Official Plan and is in conformity with it.

3.3 Zoning By-law No. 2021-60

The subject lands are currently zoned 'Rural' in the Municipality of East Ferris' Comprehensive Zoning By-law 2021-60. Section 5 – Rural and Residential Zones – lists Single Detached Dwellings as a permitted use in the Rural zone. The proposed severed and the retained (and eventual building envelopes) will meet all of the lot area, frontage, setback and lot coverage requirements listed under Section 5, with the exception of the frontage proposed for the retained lot, as discussed in the next section to this report. A concurrent Minor Variance has been applied for to deal with this deficient frontage on the retained.

4. FOUR TESTS OF A MINOR VARIANCE

4.1 MINOR IN NATURE

The subject lands have just over 175m of frontage on Lake Nosbonsing Road. The regulations of the Zoning By-law No. 2021-60 require 60m of frontage per lot. The owners can accommodate the required 60m frontage for each proposed severed lot. Therefore the requested variance is to recognize a frontage deficiency of 4.9m on the proposed retained.

Specifically, the requested variance is to Table 5B – Zoning Requirements Table – Minimum Lot Frontage. Relief is sought from the required 60m frontage to the proposed 55.071m for the proposed retained parcel. All other requirements of Zoning By-law 2021-60 can and will be met for both of the proposed severed and the retained. Any buildings constructed will meet all of the lot area, frontage, setback and lot coverage requirements listed under Section 5. It is my professional opinion that this requested variance is by definition minor and will not impact the form or function of the retained parcel.

4.2 INTENT AND PURPOSE OF THE ZONING BY-LAW

The subject property is zoned Rural (R). The residential use of the property is permitted. The requested relief from Table 5B described above is minor and there will be no discernible difference in the lot frontage for the proposed severed and retained lots. Each lot will have to have it's own driveway access to Lake Nosbonsing Road and all structures will be required to meet all of the lot area, frontage, setback and lot coverage requirements listed under Section 5. With these considerations, I believe that the proposal meets the intent of the Zoning By-law No. 2021-60.

4.3 CONFORMITY WITH THE OFFICIAL PLAN

The subject property is designated Rural in the Municipality's Official Plan. Section 9.15.2, Subsection 3, speaks to Single Lot Development. *"Single lot development for seasonal or permanent residential uses may be permitted subject to meeting the requirements of Sections 4.19, 5.3.7 and Section 9.15.2 of this Plan. Lot size shall be a minimum of 0.81 hectare (2.00 acres) with a corresponding frontage of 60 metres... Development will be serviced by on-site water and sewage disposal systems as the intent is to maintain a very low-density settlement pattern. The objective is to protect the present rural and natural qualities of the Municipality of East Ferris."* The Consent policies of Section 9.15.2 have been reviewed in their entirety and the subject applications are in conformity with the policies, with the exception of a recognized deficiency of less than 5m of the required frontage (from 60m to 55.071m) on the proposed retained. It is my professional opinion that this minor variance does not adversely affect the proposal's conformity to the Official Plan.

4.4 APPROPRIATE USE AND DEVELOPMENT OF THE PROPERTY

The proposed large rural residential lots will front on the existing Lake Nosbonsing Road and will not require any extension of municipal services, which is encouraged by Sections 1.1 and 1.1.5.4 of the PPS and by Official Plan policies. They will be in character with the other rural residential uses in the immediate area. In my professional opinion, the proposal is appropriate for the property.

5.0 CONCLUSION

Any new construction on these proposed lots would require approval from the North Bay-Mattawa Conservation Authority (NBMCA) and would include new, modern sewage systems that would meet the minimum requirements for development as set out in Part 8 of the Ontario Building Code (OBC). The NBMCA will be circulated on all pending Planning Act applications.

In this briefing, the author demonstrates that the impact of the variance is minor, the intent and purpose of the Zoning By-law and the Municipality's Official Plan will be maintained, and the proposed use and development of the property is appropriate. In my professional opinion, the proposal meets all four tests of a minor variance and should be supported.

It is further requested that the proposal to create two (2) new rural residential lots from the owners' land holdings be approved by the Municipality of East Ferris. Based on the preceding planning analysis, the proposed consent to sever application would:

- Be consistent with the Provincial Policy Statement, 2020;
- Is in conformity with the Municipality of East Ferris Official Plan;
- Have frontage and access to a fully maintained, existing road; and therefore
- Represents good planning.

Respectfully submitted,



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