



COMMITTEE OF ADJUSTMENT
Wednesday, April 20th, 2022

The regular Meeting of the Municipality of East Ferris Committee of Adjustment was held on Wednesday, April 20th, 2022 at 7:00 p.m. via Zoom.

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

EXCUSED ABSENT: None

ALSO IN ATTENDANCE: Deborah Hickey, Nanci Teal, and Rick Miller, Miller and Urso Surveying

1. ADOPTION OF AGENDA:

Resolution No. 2022-10
Bill Boake – Al Herauf

THAT the draft agenda presented to the Committee and dated the 20th day of April, 2022 be hereby adopted as circulated.

CARRIED

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

Resolution No. 2022-11
Frank Corbeil – Terry Kelly

THAT the Minutes of the Committee of Adjustment Meeting of February 16th, 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) B-2022-01 to B-2022-02
Michael & Deborah Hickey – 799 Nosbonsing Park Road

A public meeting was held on an application submitted by Michael and Deborah Hickey requesting permission from the Committee to create two new lots for residential purposes. Deborah Hickey advised the two lots are at the bottom their property. They are currently vacant and do not have water access. Mr. Kirton advised each lot is just over two acres in size and frontage requirement are exceeded. The MTO had no comment as this property is outside their jurisdiction. No public comments were received at the public meeting and the applications were approved.

DECISION OF CONSENT (File B-2022-01 to B-2022-02):

Bill Boake - Frank Corbeil – Al Herauf – Erika Loughheed – John O'Rourke – John Symons - 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 20th day of April, 2022.

DECISION: That the requested consent to create two new lots 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 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;
- 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



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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 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

No public input was received at the public meeting.

b) B-2022-03 to B-2022-04
Miller & Urso Surveying Inc. on behalf of Anthony Rota – 591 South Shore Road

A public meeting was held on an application submitted by Miller and Urso Surveying on behalf of Anthony Rota requesting permission from the Committee to create two new lots for residential purposes. Mr. Miller spoke to the application. These two lots technically do not have frontage on Lake Nosbonsing as there is a road allowance between the property and the lake. It is proposed that a land swap take place where in exchange for the closing and transferring of the road allowance, the westerly piece of land would be transferred to the municipality and merged with the lands adjacent to the boat launch. The road allowance is a forced road that was never transferred to the municipality but would become part of municipal inventory with this proposed land swap.

Mr. Kirton advised that these two applications, if approved, would be the final lots created in the West Basin where septic systems would be within 300m of the lake as per the Lake Nosbonsing Water Quality Study completed last year. The proposed land exchange will be discussed at the Council meeting on April 26th.

The MTO advised this property is outside their jurisdiction. The North Bay Mattawa Conservation Authority did not provide written comments, but verbally advised Mr. Kirton that they had no objections or concerns. No public input was received at the public hearing and the applications were approved.



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DECISION OF CONSENT (File B-2022-03 to B-2022-04):

Bill Boake - Frank Corbeil – Al Herauf – Erika Loughheed – 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 20th day of April, 2022.

DECISION: That the requested consent to create two new lots 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 \$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 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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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.

c) B-2022-05 to B-2022-06
Roch Beaudoin & Nanci Teal – 564 Ouellette Road

A public hearing was held on an application submitted by Roch Beaudoin and Nanci Teal requesting permission from the Committee to create two new lots for residential purposes. Ms. Teal was having technical difficulties, so Mr. Kirton spoke to the application on their behalf. The two new lots are 2.5 acres in size. The drawings that were submitted were not to scale and did not indicate the minimum lot frontage requirements would be met. A condition was added to the decision to ensure the 60 m frontage is met. The MTO advised this property is outside of their jurisdiction. A letter of support was submitted from the neighbours at 455 Ouellette Road.

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

DECISION OF CONSENT (File B-2022-05 to B-2022-06):

Bill Boake - Frank Corbeil – Al Herauf – Erika Lougheed – 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 20th day of April, 2022.

DECISION: That the requested consent to create two new lots 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 \$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 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.
- 9) That confirmation is provided prior to finalization of this application that the minimum lot frontage of 60m in Zoning By-law 2021-60 is met.

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.

- d) B-2022-07**
Miller & Urso Surveying Inc. on behalf of 1761877 Ontario Inc.- MacPherson Drive

A public hearing was held on an application submitted by Miller and Urso Surveying on behalf of 1761877 Ontario Inc. requesting a consent to re-establish the lot lines for two properties that



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had inadvertently merged on title due to regulations in the Planning Act. The lots lines need to be re-established through this consent application. No new construction or lots are proposed beyond what is already taking place on site. The merger was discovered through a title search when preparing for the closing of one of the properties.

The MTO advised this property is outside their jurisdiction and the NBMCA had no concerns.

No public information was received at the public hearing at the applications were approved.

DECISION OF CONSENT (File B-2022-07):

Bill Boake - Frank Corbeil – Al Herauf – Erika Lougheed – 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 20th day of April, 2022.

DECISION: That the requested consent to re-establish lot lines 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 the applicant pays \$250.00 in finalization fee prior to the transfer of the parcel of land;
- 4) Issuance of the Certificate of Consent under subsection 53 (42) of the Planning Act, R.S.O. 1990, c.P.13, as amended;
- 5) 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
- 6) 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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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

Mr. Kirton advised the Committee that the Planning Act has been amended to allow applicants two years to complete their conditions for consent applications.

9. ADJOURNMENT:

Resolution No. 2022-12
Al Herauf – Frank Corbeil

That the Committee of Adjustment meeting adjourn at 7:42 p.m.

CARRIED

Chair, John O'Rourke

Greg Kirton, Director of Community Services