



**COMMITTEE OF ADJUSTMENT
Wednesday, November 17th, 2021**

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

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

EXCUSED ABSENT: John O'Rourke, Bill Boake

ALSO IN ATTENDANCE: Corey Regan, Jonathan Ball

1. ADOPTION OF AGENDA:

Resolution No. 2021-31
Frank Corbeil – Al Herauf

THAT the draft agenda presented to the Committee and dated the 17th day of November, 2021 be hereby adopted as circulated.

CARRIED

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

Resolution No. 2021-32
Terry Kelly – Erika Lougheed

THAT the Minutes of the Committee of Adjustment Meeting of October 20th, 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



COMMITTEE OF ADJUSTMENT
Wednesday, November 17th, 2021

6. PUBLIC HEARING:

a) A-2021-11
Corey Regan – 920 Centennial Crescent

A public meeting was held on an application submitted by Corey Regan requesting permission from the Committee to construct an addition to the existing accessory structure that would exceed the permitted floor area. The applicant is requesting an accessory structure of 163 square metres whereas the by-law permits 89.2 square metres.

Mr. Kirton stated the addition would have no negative impact on the neighbours. The MTO and NBMCA advised this property is outside their regulated areas. No public comments were received at the public meeting.

DECISION OF MINOR VARIANCE (File A-2021-11):

Frank Corbeil – Al Herauf – Terry Kelly – Erika Lougheed – 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 November, 2021.

DECISION: That the request to permit the construction of an addition to the existing accessory structure 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 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.



COMMITTEE OF ADJUSTMENT
Wednesday, November 17th, 2021

b) A-2021-12
Jonathan and Laura Ball – 804 Nosbonsing Park Road

A public meeting was held on an application submitted by Jonathan and Laura Ball requesting permission from the Committee to construct a new deck with a reduced setback from the lake. The applicants are requesting a setback of 15.24 metres whereas the by-law permits 18.5 metres. Mr. Ball spoke to the application. The deck would be added to the west side of the home and would be closer to the water than allowable.

The property is within the regulated area of the Conservation Authority. A DIA permit will be required, but there are no concerns. The MTO advised the property is outside their regulated area. Mr. Kirton advised that due to the dwelling being built to a deficient standard which is below the required 20 metre setback, any expansion triggers the needs for a minor variance.

DECISION OF MINOR VARIANCE (File A-2021-12):

Frank Corbeil – Al Herauf – Terry Kelly – Erika Lougheed – 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 November, 2021.

DECISION: That the request to permit the construction of a new deck with a reduced setback from the lake 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 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.



COMMITTEE OF ADJUSTMENT
Wednesday, November 17th, 2021

- c) **B-2021-39**
Jordyn Vaillancourt, Carlyle Strang, Drew Hampel – 68 Cedar Bay Road

Due to potential septic and topography issues, the applicants have requested the application be deferred until a site visit with the NBMCA can be completed.

Resolution No. 2021-33
Frank Corbeil – Al Herauf

THAT the Public Hearing for File No. B-2021-39 (Jordyn Vaillancourt, Carlyle Strang, Drew Hampel – 68 Cedar Bay Road) be deferred in order to do a site visit with the North Bay Mattawa Conservation Authority.

CARRIED

- d) **B-2021-40**
Ron Lavigne on behalf of Daniel Power – 42 Lavigne Road

A public meeting was held on an application submitted by Ron Lavigne on behalf of Daniel Power requesting permission to create one new lot for residential purposes. This application has been before the Committee twice before and has lapsed both times. Mr. Lavigne was not present at the public meeting.

Mr. Kirton shared with the Committee that the landowner has recently passed away. The Estate has the final say on the request as their sign off is required for the transfer. The municipal solicitor advised there are no legal issues with approving the application.

DECISION OF CONSENT APPLICATION (File B-2021-40) :

Frank Corbeil – Al Herauf – Terry Kelly – Erika Lougheed – 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 November, 2021.

DECISION: That the requested consent for the creation of one new lot be approved, conditional upon the following:

- 1) That confirmation is provided that all taxes are paid up to date;



COMMITTEE OF ADJUSTMENT
Wednesday, November 17th, 2021

- 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 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 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.

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



COMMITTEE OF ADJUSTMENT
Wednesday, November 17th, 2021

9. ADJOURNMENT:

Resolution No. 2021-34
AI Herauf – Frank Corbeil

That the Committee of Adjustment meeting adjourn at 7:32 p.m.

CARRIED

Chair, John O'Rourke

Greg Kirton, Manager of Planning