

**TOWNSHIP OF CHISHOLM**

**COMMITTEE OF ADJUSTMENT MEETING**

**TUESDAY, APRIL 4, 2023 6:00 p.m.**

In attendance was Mayor Gail Degagne, Councillor Nunzio Scarfone, Councillor Claire Riley by Zoom, and committee members Don Butterworth and Chris Frappier. Applicants present were Kelly Jarvis, Richard Cote, Lanny Davis, Mark and Connie Summerville, and Alexis by Zoom.

**1. APPOINT CHAIR**

Secretary Jenny Leblond called the meeting to order at 6:00 p.m. and facilitated a vote to appoint a chair.

**Resolution 2023-01 (COA)**

Nunzio Scarfone and Chris Frappier: Be it resolved that Gail Degagne be appointed chair of the Committee of Adjustment Committee for the Council Term 2022-2026. **‘Carried’**

**2. CALL TO ORDER**

The meeting was then called to order by Gail Degagne at 6:02 p.m. by.

**3. DECLARATION OF PECUNIARY INTEREST**

Nunzio Scarfone Declares Pecuniary Interest for Agenda Item 6

**4. APPROVAL OF AGENDA**

**Resolution 2023-02 (COA)**

Chris Frappier and Don Butterworth: Be it resolved that the *Agenda* for this meeting be approved as presented. **‘Carried’**

**5. APPROVAL OF MINUTES**

**Resolution 2023-03 (COA)**

Nunzio Scarfone and Don Butterworth: Be it resolved that the *Minutes* of the November 8<sup>th</sup>, 2022, Committee of Adjustment Meeting be adopted as printed and circulated. **‘Carried’**

**6. REQUEST FOR EXTENSION**

**Resolution 2023-04 (COA)**

Don Butterworth and Chris Frappier: Be it resolved that the committee approve the one year extension request by Nunzio Scarfone for his consent file 2021-03. **‘Carried’**

**7. MINOR VARIANCE APPLICATION**

**(A) SUMMARY OF APPLICATION –MVA 2023-01 – CON. 16, PT LOT 16 – SALO**

Chairperson Gail Degagne confirmed with Secretary Jenny Leblond that notices had been sent in accordance with Planning Act regulations.

Secretary Jenny Leblond reported that a letter, dated March 28, 2023, was received from the North Bay-Mattawa Conservation Authority (NBMCA) relating to File No. MVA-2023-01, stating:

- NBMCA reviewed the application as per its mandate.
- The NBMCA has no objection to the application.

- The property has frontage on Wasi Lake. Elevation of Wasi is 265.67m.a.s.l C.G.D, development is not permitted in the floodplain. The shoreline is regulated by the Conservation Authority.
- The proposed garage is within the Approximated Regulated Area. a DIA permit is required for construction.
- The proposed garage will not impact the existing sewage system.

**Resolution 2023-05 (COA)**

Don Butterworth and Claire Riley: Be it resolved that the application from Mike Salo requesting permission to increase the maximum lot coverage for an accessory building from 5% to 6% to construct an additional garage, located at, 815A River Road, Con. 16, Part Lot 16, RP 36R4543, Part 1, Parcel 24552, Township of Chisholm, District of Nipissing, be approved for the following reasons and subject to the following conditions:

There are four tests a minor variance must meet under Section 45(1) of the Planning Act:

- 1) Is the application minor? The variance is minor in nature.
- 2) Is the application desirable for the appropriate development of the lands in question? An accessory building is appropriate development on the lands.
- 3) Does the application conform to the general intent of the Zoning By-law? The general intent and purpose of the Zoning By-law are maintained given the nature of the development on the property.
- 4) Does the application conform to the general intent of the Official Plan? The general intent and purpose of the Official Plan are maintained given the nature of the development on the property.

**Conditions**

1. That the applicants obtain a building permit for the construction of the garage.
  2. That the applicants obtain a DIA permit from North bay-Mattawa Conservation Authority.
- ‘Carried’**

**(B) SUMMARY OF APPLICATION –MVA 2023-02 – CON. 13, PT LOT 13 – JARVIS & COTE**

Chairperson Gail Degagne confirmed with Secretary Jenny Leblond that notices had been sent in accordance with Planning Act regulations.

Secretary Jenny Leblond reported that a letter, dated March 22, 2023, was received from the North Bay-Mattawa Conservation Authority (NBMCA) relating to File No. MVA-2023-02, stating:

- NBMCA reviewed the application as per its mandate.
- The NBMCA has no objection to the application.
- The property has frontage on Wasi Lake. Elevation of Wasi is 265.67m.a.s.l C.G.D, development is not permitted in the floodplain. The shoreline is regulated by the Conservation Authority.
- The proposed dwelling is located outside of the floodplain. A DIA permit is required.
- NBMCA did a file review on the current septic system and its location. The proposed construction should not result in an increase in the sewage flows generated on the property. No further action is required.

**Resolution 2023-06 (COA)**

Chris Frappier and Nunzio Scarfone: Be it resolved that the application from Kelly Jarvis and Richard Cote requesting permission to increase the maximum 25% expansion of a legal non-complying building to 48%, to enlarge a cottage, located at 180A Greenpoint Road, Con. 16, Part Lot 16, RP 36R4543, Part 1, Parcel 24552, Township of Chisholm, District of Nipissing, be approved for the following reasons and subject to the following conditions:

There are four tests a minor variance must meet under Section 45(1) of the Planning Act:

- 1) Is the application minor? The variance is minor in nature.
- 2) Is the application desirable for the appropriate development of the lands in question? The proposed dwelling expansion does not further reduce the frontage setback to the highwater mark, nor does it reduce the side or rear required setback. The development still meets the 10% maximum lot coverage.
- 3) Does the application conform to the general intent of the Zoning By-law? The general intent and purpose of the Zoning By-law are maintained given the nature of the development on the property.
- 4) Does the application conform to the general intent of the Official Plan? The general intent and purpose of the Official Plan are maintained given the nature of the development on the property.

**Conditions**

1. That the applicants obtain a building permit for the construction of the addition.
2. That the applicants obtain a DIA permit from North bay-Mattawa Conservation Authority.

**‘Carried’**

**SUMMARY OF APPLICATION –2023-01,02,03,04 – CON. 13, LOT 21 – MARSHALL**

Chairperson Gail Degagne confirmed with Secretary Jenny Leblond that notices had been sent in accordance with Planning Act regulations.

Secretary Jenny Leblond reported that a letter, dated March 22, 2023, was received from the North Bay-Mattawa Conservation Authority (NBMCA) relating to File No. 2023-01,02,03,04.

- NBMCA reviewed the application as per its mandate.
- The NBMCA has no objection to the application.
- This property is within the Wasi River subwatershed. There is a small wetland pocket found at the Southern end of the property on the Severed #1 and the retained. The wetland is regulated by the NBMCA. a DIA permit is required for any work within 30M of the Wetland. The wetland will not impair the ability of severed lot #1 or the retained lands to accommodate development.
- Due to the size of the lots, there are no concerns with the ability of the severed portions or retained lands to accommodate an initial and a replacement Class 4 sewage system based on a three-bedroom single family dwelling.

**Resolution 2023-07 (COA)**

Don Butterworth and Claire Riley: Be it resolved that the application from Lanny Dennis Planning on behalf of Jack and Amy Marshall for consent to sever four rural lots and retain one on lands described as Concession 13, Lot 21, Nipissing, be approved subject to the following conditions which must be fulfilled within two years from the date of the Committee’s Notice of Decision letter. These conditions must be fulfilled prior to the granting of consent.

1. That this approval applies to the creation of four rural lots each approximately 200 meters in frontage and 403 meters in depth and approximately 8.1 Hectares in area, and retain one 403 meters in frontage and 207 meters in depth and approximately 8.4 Hectares.
2. That the following documents be provided for the transactions described in Condition No. 1:
  - (a) That a signed Acknowledgement and Direction Consent and Draft Electronic Transfer setting out the entire legal description of the parcel in question be submitted to the Clerk-Treasurer of the Township for the issuance of a Certificate of Consent.
  - (b) A reference plan of survey, which bears the land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel to which the consent approval relates, unless it is not required by the Land Titles Office.
3. That any traveled road situated on the severed property be transferred to the Township for road purposes.
4. That the applicant pay all fees and planning consultant fees incurred by the Township in processing the application.

**NOTES:**

- NBMCA reviewed the application as per its mandate.
- The NBMCA has no objection to the application.
- This property is within the Wasi River subwatershed. There is a small wetland pocket found at the Southern end of the property on the Severed #1 and the retained. The wetland is regulated by the NBMCA. a DIA permit is required for any work within 30M of the Wetland. The wetland will not impair the ability of severed lot #1 or the retained lands to accommodate development.
- Due to the size of the lots, there are no concerns with the ability of the severed portions or retained lands to accommodate an initial and a replacement Class 4 sewage system based on a three-bedroom single family dwelling.

**‘Carried’**

**ADJOURNMENT**

**Resolution 2023-08 (COA)**

Claire Riley and Nunzio Scarfone: Be it resolved that we do now adjourn to meet again at the call of the Chair. **‘Carried’**

for   
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 Chairperson, Gail Degagne

  
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 CAO Clerk-Treasurer, Jenny Leblond