

**TOWNSHIP OF CHISHOLM**

**COMMITTEE OF ADJUSTMENT MEETING**

**TUESDAY, JUNE 7, 2022 6:00 p.m.**

**CALL TO ORDER**

The meeting was called to order at 6:03p.m. by Chairperson Gail Degagne along with Councillor Gauthier and committee member Don Butterworth. Councillor Nunzio Scarfone and committee member Chris Frappier was absent with regrets. Staff member present was CAO Clerk-Treasurer Jenny Leblond. Applicants in attendance: Peter and Bonnie Loy, Noah Perron/Miller and Urso, and John and Beth Janseen.

**DECLARATION OF PECUNIARY INTEREST** - None

**APPROVAL OF AGENDA**

**Resolution 2022-13 (COA)**

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

**APPROVAL OF MINUTES**

**Resolution 2022-14 (COA)**

Don Butterworth and James Gauthier: Be it resolved that the *Minutes* of the April 5, 2022 Committee of Adjustment Meeting be adopted as printed and circulated. **‘Carried’**

**Resolution 2022-15 (COA)**

James Gauthier and Don Butterworth: Be it resolved that the committee approve the extension request by John Osborn regarding File 2021-11 to be able to satisfy all conditions of consent within two years from date of decision as per amendments made to the Planning Act effective January 1, 2022. **‘Carried’**

**SUMMARY OF APPLICATION –2022-04 – CON. 17, Lot 23 – Janssen**

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 May 25, 2022, was received from the North Bay-Mattawa Conservation Authority (NBMCA) relating to File No. 2022-04.

- NBMCA reviewed the application as per its mandate.
- The NBMCA has an issue with the proximity to the adjacent gravel pit.
- Depot Creek is found on this property and is part of the Kaibuskong River subwatershed, which is regulated by the NBMCA as per Ontario Regulation 177/06 Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (DIA). A DIA permit is required for any work within or near Depot Creek.
- A large wetland is also located at the north end of the property as well as wetland areas adjacent to Depot Creek at the south end of the property. The proposed building envelope for the retained lands will be outside the Environmental Protection. Development in or near wetlands (30m) requires a DIA permit from NBMCA.
- A site visit in October of 2018 notes that the river system (Depot Creek) was an unconfirmed system with active erosion.
- NBMCA determined what the meander belt allowance is using the MNR Tools and determined that the only access to the building envelope, would be best suited at the very eastern corner of the property, this area is still within the wetland and a DIA permit is required for the construction

of the driveway. Floodproofing of the driveway in the vicinity of River Road and through the wetland would be recommended.

- Due to the size of the severed and retained there is adequate room to accommodate a Class 4F (3-bedroom single-family dwelling) septic system or replacement on both the severed and retained lands. A sewage permit is required prior to any development on the severed land.
- According to the MDS calculation provided by the applicant a 154 m setback is required from the livestock facility to the new lot.
- The property is within 300m of an active aggregate pit. As per the official plan, an impact assessment is required, according to MOE D-Series guidelines, to address the proximity of the gravel pit on the adjacent property and the proposed residential use.

### **Resolution 2022-16 (COA)**

James Gauthier and Don Butterworth: Be it resolved that the consent application from John Janssen to sever off one rural lot and retain one on lands described as Con. 17 lot 23, in the Township of Chisholm, District of 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 one rural lot being approximately 231.51 meters in frontage and 240.68 meters in depth approximately 4.66 Ha, and retaining 153.51 meters of frontage (irregular shape), approximately 33.9 Ha.
2. That the following documents be provided for the transaction 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 or Alternate 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. An impact assessment report, in accordance with MOE D-Series Guideline, done by a qualified professional, and written confirmation of adherence to the LU-131 Noise Guideline.
4. That any traveled road situated on the severed property be transferred to the Township for road purposes.
5. That the applicant pays pre-consultation planning consultant fees incurred by the Township in processing the application, if any.

### **NOTES:**

- NBMCA reviewed the application as per its mandate.
- The NBMCA has an issue with the proximity to the adjacent gravel pit.
- Depot Creek is found on this property and is part of the Kaibuskong River subwatershed, which is regulated by the NBMCA as per Ontario Regulation 177/06 Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (DIA). A DIA permit is required for any work within or near Depot Creek.
- A large wetland is also located at the north end of the property as well as wetland areas adjacent to Depot Creek at the south end of the property. The proposed building envelope for the retained lands will be outside the Environmental Protection. Development in or near wetlands (30m) requires a DIA permit from NBMCA.
- A site visit in October of 2018 notes that the river system (Depot Creek) was an unconfirmed system with active erosion.

- NBMCA determined what the meander belt allowance is using the MNR Tools and determined that the only access to the building envelope, would be best suited at the very eastern corner of the property, this area is still within the wetland and a DIA permit is required for the construction of the driveway. Floodproofing of the driveway in the vicinity of River Road and through the wetland would be recommended.
- Due to the size of the severed and retained there is adequate room to accommodate a Class 4F (3-bedroom single-family dwelling) septic system or replacement on both the severed and retained lands. A sewage permit is required prior to any development on the severed land.
- According to the MDS calculation provided by the applicant a 154 m setback is required from the livestock facility to the new lot.
- The property is within 300m of an active aggregate pit. As per the official plan, an impact assessment is required, according to MOE D-Series guidelines, to address the proximity of the gravel pit on the adjacent property and the proposed residential use. **‘Carried’**

### **SUMMARY OF APPLICATION –2022-05,06 & 07 – CON. 6, Lot 26 & 27 – Loy**

Chairperson Gail Degagne confirmed with Secretary Jenny Leblond that notices had been sent in accordance with Planning Act regulations, for all three applications. It was noted that one written submission was received from a neighbor, to be informed of the decisions.

Secretary Jenny Leblond reported that a letter, dated May 29, 2022, was received from the North Bay-Mattawa Conservation Authority (NBMCA) relating to File No. 2022-05, 06, and 07

- NBMCA reviewed the application as per its mandate.
- The Conservation Authority has no objection to this application.
- This property is found within the Wasi River subwatershed. Two tributaries of the Wasi River are found on this property. Any work within the Approximate Regulated Area requires a DIA permit from NBMCA.
- The most impacted lot is along the frontage of file 2022-07, at the east end. It is anticipated that access will not be granted here, due to the hazards in this area, but could occur on the west side of the property.
- A site visit was conducted on May 27, 2022 and it was determined that there was adequate room to accommodate an initial and a replacement Class 4F septic system based on a 3-bedroom single-family dwelling on severed and retained lots.
- The tributaries that are on the property have been identified as part of the Issue Contributing Area (ICA), and as per Reg. 332/12, of the building code, any septic system within the ICA will be subject to the mandatory septic system re-inspection program, in which inspections are conducted every 5 years.
- According to the MDS calculation provided by the applicant a 116 m setback is required from the existing barn use located on a neighboring property being lot 25 concession 6. Prior to any proposed development, an MDS calculation should be done to ensure operations of the Barn have not changed.
- The application is consistent with the policies as set out in Section 2 and 3 of the PPS.

### **Application # 2022-05 - Loy**

#### **Resolution 2022-17 (COA)**

Don Butterworth and James Gauthier: Be it resolved that the consent application from Miller and Urso on behalf of Peter and Bonnie Loy to sever off one rural lot and retain one on lands described as Con. 6 lot 26, in the Township of Chisholm, District of 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 one rural lot being approximately 155 meters in frontage on Poplarvale Road and 137 meters in depth approximately 2.1 Ha, and retaining, approximately 65.6 Ha.
2. That the following documents be provided for the transaction 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 or Alternate 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 pays pre-consultation planning consultant fees incurred by the Township in processing the application, if any.

**NOTES:**

- NBMCA reviewed the application as per its mandate.
- The Conservation Authority has no objection to this application.
- The subject property is found within the Wasi River subwatershed with two tributaries of the Wasi River.
- A site visit was conducted on May 27, 2022 and it was determined that there was adequate room to accommodate an initial and a replacement Class 4F septic system based on a 3-bedroom single-family dwelling on severed and retained lots.
- The tributaries that are on the property have been identified as part of the Issue Contributing Area (ICA), and as per Reg. 332/12, of the building code, any septic system within the ICA will be subject to the mandatory septic system re-inspection program, in which inspections are conducted every 5 years.
- According to the MDS calculation provided by the applicant a 116 m setback is required from the existing barn use located on a neighboring property being lot 25 concession 6. Prior to any proposed development, an MDS calculation should be done to ensure operations of the Barn have not changed.
- The application is consistent with the policies as set out in Section 2 and 3 of the PPS.

**‘Carried’**

**Application # 2022-06 - Loy**

**Resolution 2022-18 (COA)**

James Gauthier and Don Butterworth: Be it resolved that the consent application from Miller and Urso on behalf of Peter and Bonnie Loy to sever off one rural lot and retain one on lands described as Con. 6 lot 26 and 27, in the Township of Chisholm, District of 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 one rural lot being approximately 276 meters in frontage on Poplarvale and 480 meters in depth approximately 22.7 Ha, and retaining, approximately 65.6 Ha.
2. That the following documents be provided for the transaction 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 or Alternate 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 pays pre-consultation planning consultant fees incurred by the Township in processing the application, if any.

**NOTES:**

- NBMCA reviewed the application as per its mandate.
- The Conservation Authority has no objection to this application.
- This property is found within the Wasi River subwatershed. Two tributaries of the Wasi River are found on this property. Any work within the Approximate Regulated Area requires a DIA permit from NBMCA.
- The frontage of this lot at the east end is entirely within the wetland. It is anticipated that access will not be granted here, due to the hazards in this area, but could occur on the frontage at the west side of the property.
- A site visit was conducted on May 27, 2022 and it was determined that there was adequate room to accommodate an initial and a replacement Class 4F septic system based on a 3-bedroom single-family dwelling on severed and retained lots.
- The tributaries that are on the property have been identified as part of the Issue Contributing Area (ICA), and as per Reg. 332/12, of the building code, any septic system within the ICA will be subject to the mandatory septic system re-inspection program, in which inspections are conducted every 5 years.
- According to the MDS calculation provided by the applicant a 116 m setback is required from the existing barn use located on a neighboring property being lot 25 concession 6. Prior to any proposed development, an MDS calculation should be done to ensure operations of the Barn have not changed.
- The application is consistent with the policies as set out in Section 2 and 3 of the PPS.

**‘Carried’**

**Application # 2022-07 - Loy**

**Resolution 2022-19 (COA)**

Don Butterworth and James Gauthier: Be it resolved that the consent application from Miller and Urso on behalf of Peter and Bonnie Loy to sever off one rural lot and retain one on lands described as Con. 6 lot 26, in the Township of Chisholm, District of 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 one rural lot being approximately 126 meters in frontage on Poplarvale and 100 meters in depth (irregular shape), approximately 2.7 Ha, and retaining approximately 65.6 Ha.
2. That the following documents be provided for the transaction 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 or Alternate 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 pays pre-consultation planning consultant fees incurred by the Township in processing the application, if any.

**NOTES:**

- NBMCA reviewed the application as per its mandate.
- The Conservation Authority has no objection to this application.
- The subject property is found within the Wasi River subwatershed with two tributaries of the Wasi River.
- A site visit was conducted on May 27, 2022 and it was determined that there was adequate room to accommodate an initial and a replacement Class 4F septic system based on a 3-bedroom single-family dwelling on severed and retained lots.
- The tributaries that are on the property have been identified as part of the Issue Contributing Area (ICA), and as per Reg. 332/12, of the building code, any septic system within the ICA will be subject to the mandatory septic system re-inspection program, in which inspections are conducted every 5 years.
- According to the MDS calculation provided by the applicant a 116 m setback is required from the existing barn and use located on a neighboring property being lot 25 concession 6. Prior to any proposed development, an MDS calculation should be done to ensure operations of the Barn have not changed.
- The application is consistent with the policies as set out in Section 2 and 3 of the PPS.

**‘Carried’**

**SUMMARY OF APPLICATION –2022-08 – CON. 10, Lot 27 – Marion Rupp-Koch**

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 May 25, 2022, was received from the North Bay-Mattawa Conservation Authority (NBMCA) relating to File No. 2022-08

- NBMCA reviewed the application as per its mandate.
- The Conservation Authority has no objection to this application.
- This property is found within both the Wasi River subwatershed to the west and the Kaibuskong River subwatershed to the east. The wetland is found on both the severed and the retained and is regulated by NBMCA as per O.Reg. 177/06, any work in the Regulated Area requires a DIA permit from the NBMCA. It is anticipated that this natural hazard feature will not impact development on the severed lands.
- Due to the size of the severed and the retained there is adequate room for an initial and/or replacement Class 4F septic system based on a 3-bedroom single-family dwelling.
- The application is consistent with the policies as set out in Section 2 and 3 of the PPS.

**Resolution 2022-20 (COA)**

Don Butterworth and James Gauthier: Be it resolved that the consent application from Hannes Koch and Marion Rupp-Koch on behalf of Manfred Koch and Lisa Koch to sever off one rural lot and retain one on lands described as Con. 10 lot 27, in the Township of Chisholm, District of 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 one rural lot being approximately 100.5 meters in frontage and 1005.84 meters in depth approximately 10 Ha, and retaining, approximately 241.39 meters of frontage and 24 Ha.
2. That the following documents be provided for the transaction 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 or Alternate 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 pays pre-consultation planning consultant fees incurred by the Township in processing the application, if any.

**Notes:**

- NBMCA reviewed the application as per its mandate.
- The Conservation Authority has no objection to this application.
- This property is found within both the Wasi River subwatershed to the west and the Kaibuskong River subwatershed to the east. The wetland is found on both the severed and the retained and is regulated by NBMCA as per O.Reg. 177/06, any work in the Regulated Area requires a DIA permit from the NBMCA. It is anticipated that this natural hazard feature will not impact development on the severed lands.
- Due to the size of the severed and the retained there is adequate room for an initial and/or replacement Class 4F septic system based on a 3-bedroom single-family dwelling.
- The application is consistent with the policies as set out in Section 2 and 3 of the PPS.

**'Carried'**

**SUMMARY OF APPLICATION –MVA 2021-01 – 316 Greenpoint Road – Angela Gibson and Patricia Brown**

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 May 25, 2022, was received from the North Bay-Mattawa Conservation Authority (NBMCA) relating to File No. MVA 2022-01, stating:

- NBMCA reviewed the application as per its mandate.
- The NBMCA has no objection to the application.
- The property has frontage on Wasi Lake and is regulated by the NBMCA. A DIA permit is required for all development on this property. Development is not permitted in the floodplain of Wasi Lake.
- During a site visit in 2018 it was clear that the front portion of the property had wetland vegetation and was inundated with water. A survey of the property confirmed that this low area was in fact part of the floodplain of Wasi Lake and is the highwater mark. There was evidence of erosion along the embankment running along the width of the property.
- The NBMCA has been working with the current property owner to overcome the flooding and erosion hazards associated with the property. DIA application RCH-22-04 has been submitted and

is awaiting approval of minor variance. In addition the property owner needs to update the site sketch with the NBMCA DIA permit.

- The dwelling must be at least 5 meters from the top of the slope.
- A Sewage Permit, 03-CHI-22 has been received for the proposed dwelling. The system is designed for a 2-bedroom dwelling and will be setback 32 meters from the highwater mark of Wasi Lake.
- The NBMCA is satisfied that the application is consistent with the policies as set out in Sections 2 and 3 of the *Provincial Policy Statement*.

### **Resolution 2022-21 (COA)**

James Gauthier and Don Butterworth: Be it resolved that the application from Angela Gibson and Patricia Brown requesting permission to reduce the required septic system setback to 32 meters from the highwater mark, the slope setback to 5 meters and the front yard setback to 13 meters from the highwater mark, located at Con. 13, Part Lot 12, RP 36R3664, Part 11 Plus ROW Pcl. 26155, Township of Chisholm, District of Nipissing, be approved for the following reasons and subject to the following conditions:

### **Reasons**

1. That the variance is minor in nature.
2. That the lot is an existing undersized lot that existed before passing Zoning By-law 2014-25.
3. That the general intent and purpose of the Official Plan and Zoning By-law are maintained given the nature of the development on the property.

### **Conditions**

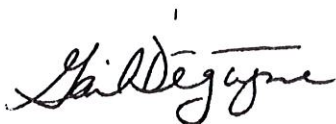
1. That the applicant submit the changes to the site sketch to the North Bay Mattawa Conservation Authority to obtain the DIA permit and Septic Permit.
2. That the applicants obtain a building permit for the main dwelling.

**‘Carried’**


### **ADJOURNMENT**

### **Resolution 2022-22 (COA)**

Don Butterworth and James Gauthier : Be it resolved that we do now adjourn to meet again on July 5, 2022 at 6:00 p.m., or at the call of the Chair. **‘Carried’**



Chairperson, Gail Degagne



CAO Clerk-Treasurer, Jenny Leblond