

**TOWNSHIP OF CHISHOLM
PLANNING REPORT**

Report Prepared for:	Committee of Adjustment	Application Number:	2024-11 & 12
Report Prepared by:	Jessica Laberge Admin. Assistant	Application Name:	Martin Hochstetler (Owner/(Applicant))
Location:	Lots 9-11 & 15-21 Plan M185	1483 Alderdale Road	
Report Date:	November 26, 2024		

A. PROPOSAL/BACKGROUND

An application for consent has been submitted by Martin Hochstetler. The subject land is located at 1483 Alderdale Road and the total area of the subject lands are approximately 2 acres according to MPAC.

The applicant is proposing to create 2 lots and retain one lot, as shown on the attached sketch of the application. In order to complete this, there are several steps that need to be undertaken. They are as follows:

- Provisional Consent to divide original subdivision M185 lots 11 and 18 and lots 9 and 20 to create 2 rural lots and retain 1.
- A deeming by-law to be passed by Council to legally consolidate the subdivision lots
- A By-law to purchase the unopened road allowance from plan M185 to be then consolidated with the created lots of this consent proposal.

The two severed lots will both have a frontage of 6.096 meters on Alderdale Road. Sev#1 will encompass approximately 0.5224 hectares (1.29 Acres). Sev#2 will encompass approximately 0.3042 hectares (0.75 Acres). The retained lot will have a frontage of 48.159 meters on Alderdale Road and encompass approximately 0.5088 hectares (1.25 Acres), after all above steps are complete. See figure 3.

The subject lands are described as PLAN M185 LOTS 9 TO 11 LOT 15 TO 21 PCL 11986 12710 13251 13382 27313 PCL 16824 NIP.

The subject land is comprised of multiple original lots from a registered subdivision plan being M185. For the purposes of section 50 of the *Planning Act*, the whole of each subdivision lot can only legally merge if the lots were subject to a deeming by-law.

The lots are situated in an area of the Township where there is an established cluster of housing as a result of other consolidated subdivision lots. As shown in figure 2, to the North of the subject land are other M185 subdivision lots that have been developed on. The property to the South as shown in figure 1, is the general store described as RU-7 and further defined on page 71 of the Zoning By-law. There are no other subdivisions in the Township to compare how an application like this should be considered.

According to legal advice there is no deeming by-law registered for any of the original subdivision lots. This means the lots are still registered as individual lots and can be conveyed separately.

B. ZONING BY-LAW COMPLIANCE

The subject lands are designated Rural (RU), under the Township of Chisholm Zoning By-law (ZB) 2014-25. In the Rural Zone, residential uses are permitted, as per Table A1 on Page 61 of the ZB, provided that the residence can be serviced with a private septic and well. This will be further determined by the North Bay Mattawa Conservation Authority. In addition, the lots being below the minimum size may require minor variances in order to meet all of the residential setbacks as per Table B1 on Page 65, at the time of building.

Subject Property

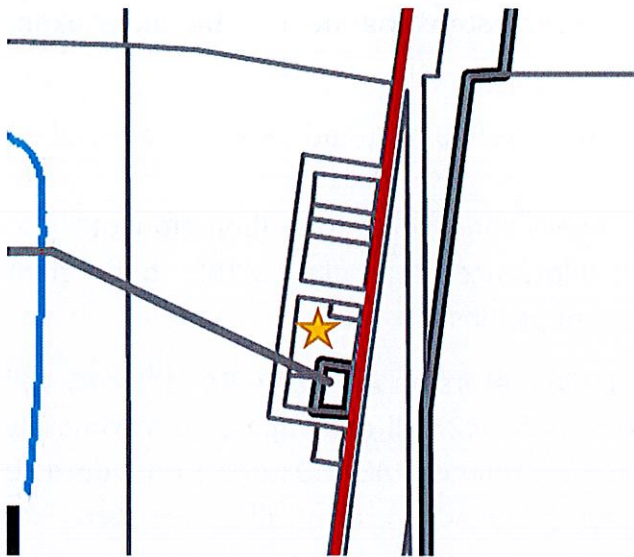


Figure 1: Zoning by-law Schedule 'B

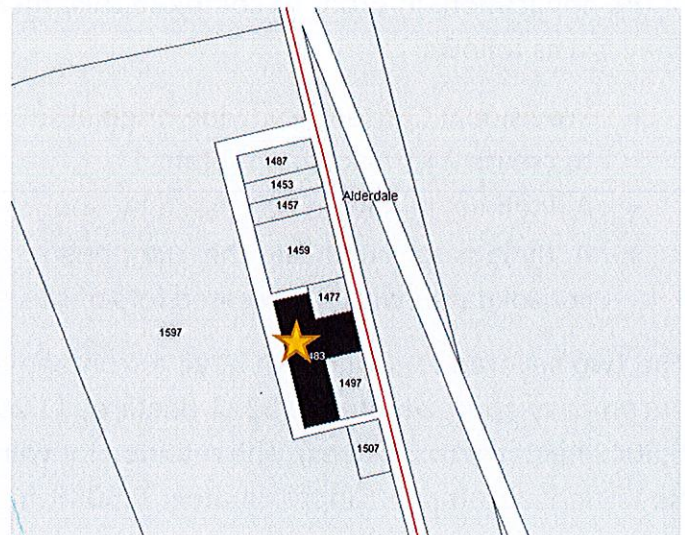


Figure 2: CGIS

Section D4.2.1 New Lots by Consent, General Criteria may be more suitable to assess the application

D4.2.1 General Criteria

Prior to considering an application to create a new lot for any purpose, Council shall be satisfied that the proposed lot:

- a) fronts on and will be directly accessed by a public road that is maintained on a year-round basis;*
- b) Notwithstanding (a), a lot may be created on an existing private road as shown on Schedule C with a registered right-of-way extending 500 metres or less from an assumed municipal road;*
- c) will not cause a traffic hazard as a result of its location on a curve or a hill;*
- d) can be serviced with an appropriate water supply and means of sewage disposal, including septage disposal;*
- e) will not have a negative impact on the drainage patterns in the area;*
- f) will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;*

From the above criteria the proposed lots do meet this section of the Official Plan 2013.

Provincial Planning Statement

All decisions under the Planning Act are required to be consistent with the Provincial Planning Statement.

The province released a new Provincial Planning Statement which came into effect on October 20, 2024. This Planning Report was considered from the perspective of this new Provincial Planning Statement, 2024

According to the Provincial Planning Statement:

- Growth and development may be directed to rural lands in accordance with section 2.6, including where a municipality does not have a settlement area – (Section 2.5.3);
- On rural lands located in municipalities, permitted uses are: residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services (Section 2.61. c)
- Development that can be sustained by rural services levels should be promoted. (Section 2.6.2)
- Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure. (Section 2.63)

In reviewing the Provincial Planning Statement, and applying relevant policies, it is my opinion that the proposed application is consistent with the Provincial Planning Statement, 2024.

D. Buildings and Uses

The property is a vacant property. Demolition of an old condemned house was completed in 2023. The applicant has noted that there is a septic and a well on the retained lands.

For committees reference the approximate building site areas for the proposal are as follows:

Sev#1: 80m by 60m = 4800m² (this excludes the laneway)

Sev#2: 60m by 46m = 2760m² (this excludes the Laneway)

Retained: 100m by 48m = 4800m²

Comments from Public Works:

Public works visited the property and noted that the location of the severances along that section of Alderdale Road would not require a culvert at this time should a driveway be proposed. It was also noted that the minimum size for a culvert for a driveway is 8M, as per by-law 2021-24. Should a culvert be required in the future this could cause an issue. A 6.09m wide driveway is a small access for a residential driveway but it should be large enough to be fully contained on the lot.

E. Recommendation

Below is a summary of the key information in the report and background information, the committee should take note of.

- (a) The subject land, though is considered by MPAC to have 1 roll number, is actually registered at land titles, as individual subdivision lots that can currently be conveyed as is into separate ownership even though the lots do not meet the requirements of the ZB or OP.
- (b) The applicant is seeking to consolidate these subdivision lands with the unnamed road allowance as part of the M185 Plan and is seeking consent to create 3 conveyable building lots.
- (c) Council has agreed that the applicant may carry out the process of purchasing the road allowance, and Council was made aware of the applicants plan to create the 3 lots at the time of agreeing to sell the road allowance.
- (d) The neighbouring properties to the north are already an established cluster of housing on lots smaller than the minimum requirements of the Zoning By-law and Official Plan.
- (e) Frontage for the severed (6.09M) are much smaller than the required frontage and smaller than original lots(20m). The purpose of this layout according to the applicant is to accommodate the location of the existing septic and well located on the retained lands.
- (f) There are no other subdivisions in the Township of Chisholm that have ever been carried out in this manner. This means that any decisions made will not create a precedent for any future planning decisions.

Conditions that should be included in the provisional consent are as follows:

- (a) That a deeming by-law be carried out by the applicant and completed
- (b) That the road closure by-law and consolidation be completed
- (c) That the septic comments received from North Bay Mattawa Conservation Authority confirm that the lots are suitable to contain a septic and well and confirm that compliance can be met for all required setbacks to adjacent lots.

November 25, 2024

Corporation of the Township of Chisholm
2847 Chiswick Line
RR# 4
Powassan, ON P0H 1Z0

Attention: Jessica Laberge, Administrative Assistant

**Re: Consent Application – Hochstetler
Con 11 Lot 5, Plan M-185, 1483 Alderdale Rd
Township of Chisholm
Roll No.: 483-100-000-11860-000000
Our File No.: PC06-CHI-24
Your File No.: 2024-11 & 12**

This office has received and reviewed a consent to sever application for Alderdale Rd in the Township of Chisholm. The following comments are based on a review of the application with respect to our delegated responsibility from the province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and our regulatory authority under Ontario Regulation 41/24, Section 28 and the Clean Water Act, 2006. The Conservation Authority has no objection to this application and offers the following comments.

The subject property is located within the Wistiwasing River subwatershed, does not contain any known hazards and is not within the Approximate Regulated Area under O. Reg. 41/24. Map attached. The purpose for severance is to provide road access to other lots 9/20 and 11/18 as per plan M-185.

The proposed lot for severance is located just outside of the Issue Contributing Area for Safe Drinking Water. The NBMCA has no concerns with the application.

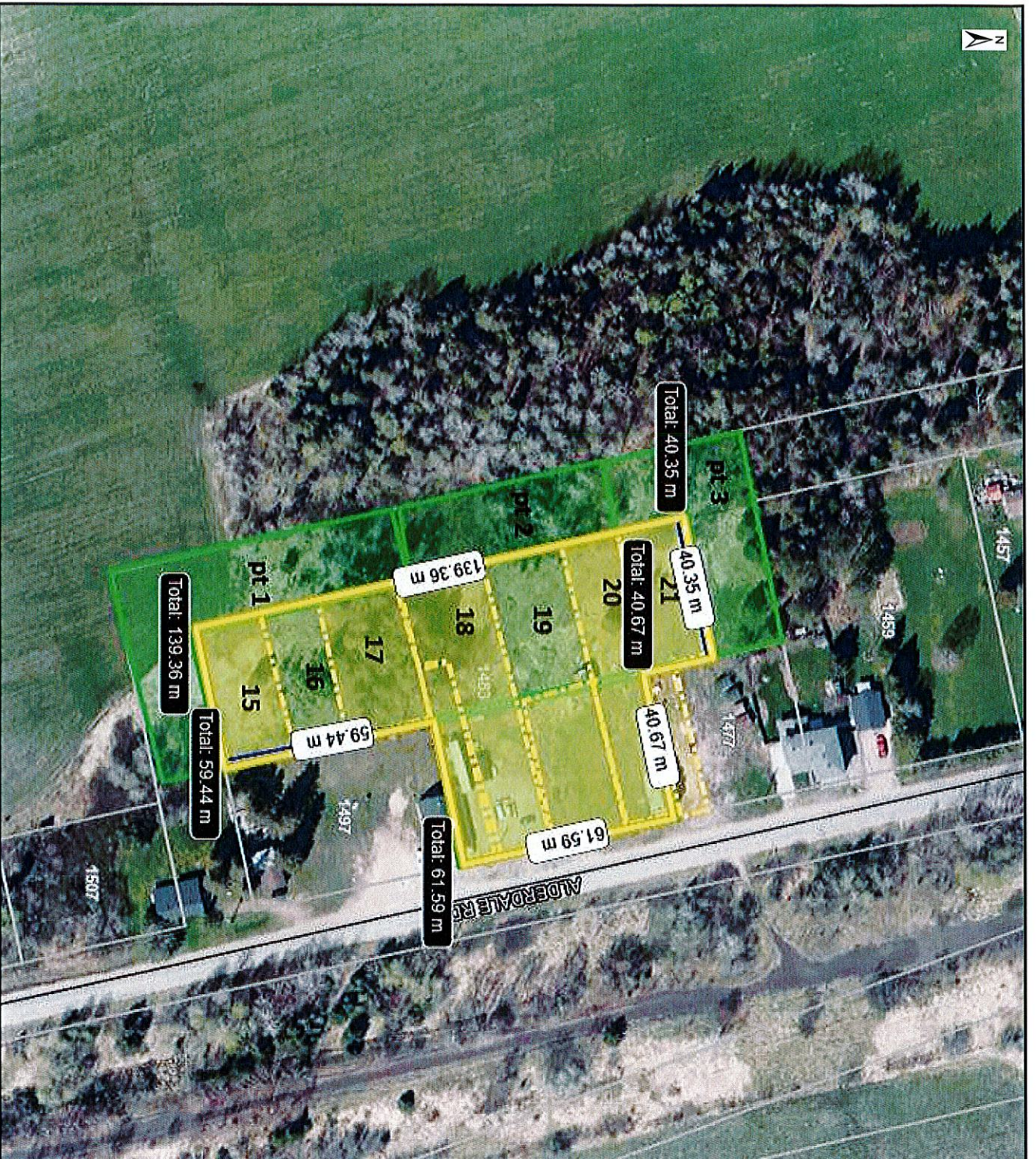
Should you have any questions, please do not hesitate to contact this office at (705) 474-5420. Thank you for the opportunity to comment.

Yours truly,



Kevin Taylor: Senior Manager Planning & Water Resources

Encl [1]

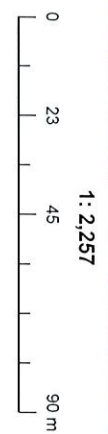


LEGEND

- Road
- HIGHWAY
- Assessment Parcel (July 5, 2023)
- Lot & Concession
- Municipal Boundary
- Wetland (NBMCA)
- Watercourse (OHN)
- Waterbody (OHN)
- Approximate Regulated Area

NOTES

1483 Alderdale Rd



15 Jersey Avenue
 North Bay, ON P1C 1N1
 Tel: (705) 474-5420
 Fax: (705) 474-9793

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 May Not be Reproduced without Permission.
THIS IS NOT A PLAN OF SURVEY

Sketch

INTEGRATION DATA

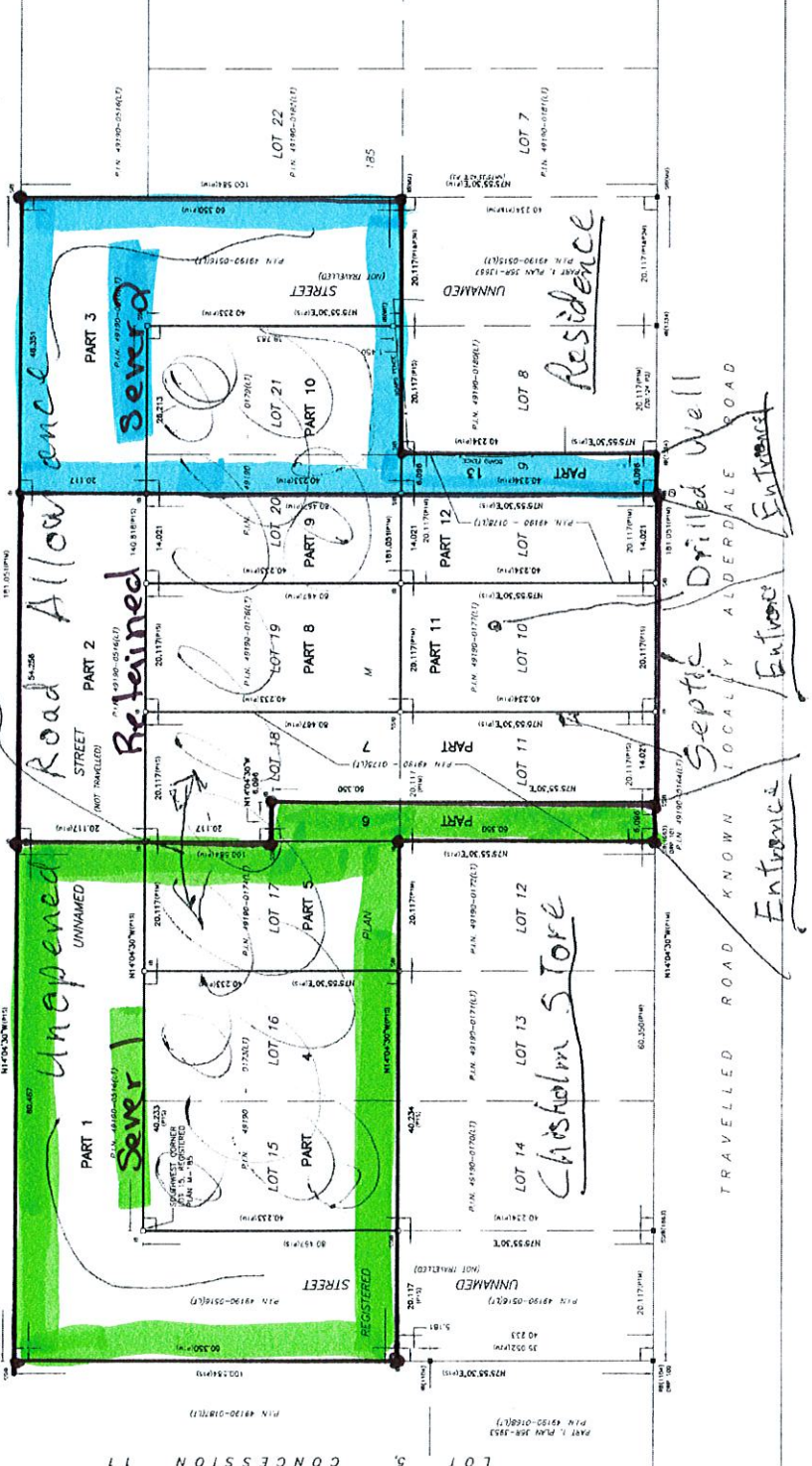
COORDINATES BELOW ARE DERIVED BY SURVEY INTERSECTION FROM GPS OBSERVATIONS USING PRECISE POINT POSITIONING (PPP) SERVICE		
UTM ZONE 17, NAD83 CSRS-CENAD-2011.3 COORDINATES		
CONVERSION TO UTM FROM NAD83 DATUM DATE: 11/07/10		
POINT ID	5105649.705	63424.535
POINT ID	5105649.705	63441.670
PLAN COORDINATES, UTM ZONE 17, NAD83 CSRS-CENAD-2011.3		
1	5105649.705	63424.535
2	5105649.705	63441.670
COORDINATES SHOWN IN THICK LINES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN		

NOTES

ALL DIMENSIONS SHOWN ARE MEASURED, UNLESS OTHERWISE NOTED. DISTANCES ARE GIVEN IN METERS AND CAN BE CONVERTED TO FEET BY MULTIPLYING BY THE CONVERSION FACTOR OF 0.3048. METRIC DIMENSIONS ARE CONSIDERED TO TAKE PRECEDENCE OVER FEET DIMENSIONS.

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LOT 5, CONCESSION 11, WOODED AREA



PLAN 36R- RECEIVED AND DEPOSITED

DATE: _____

W.J. SIMPSON, O.L.S.

PART	LOT	PLAN	SCHEDULE	P.L.N.	REG. NO.
1	UNNAMED				0.2428
2	UNNAMED				0.1581
3	UNNAMED				0.1742
4	UNNAMED				0.1519
5	UNNAMED				0.0896
6	UNNAMED				0.0896
7	UNNAMED				0.0896
8	UNNAMED				0.0896
9	UNNAMED				0.0896
10	UNNAMED				0.0896
11	UNNAMED				0.0896
12	UNNAMED				0.0896
13	UNNAMED				0.0896
TOTAL AREA:					1.3304

PLAN OF SURVEY OF ALL OF LOTS 9, 10, 11, AND LOTS 15 TO 21 UNNAMED STREET REGISTERED PLAN M-185 IN THE TOWNSHIP OF CHISHOLM DISTRICT OF NIPISSING

SCALE 1:400 (METRIC)

M.J. SIMPSON
ONTARIO LAND SURVEYOR

- LEGEND**
- UNNAMED STREET
 - REGISTERED STREET
 - TRAVELLED ROAD KNOWN LOCALLY AS ALDERDALE ROAD
 - UNNAMED
 - REGISTERED
 - CHISHOLM STORE
 - SEPTIC DRILLED WELL
 - UNOPENED SEWER
 - ROAD ALLOWANCE
 - RESIDENCE

SURVEYOR'S CERTIFICATE

I, THE SURVEYOR, HAVE EXAMINED THE SURVEY AND THE INSTRUMENTS USED THEREIN AND I AM SATISFIED THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS THEREUNDER.

THE SURVEY WAS COMPLETED ON THE 30th DAY OF SEPTEMBER, 2024.

DATE: OCTOBER 29, 2024

M.J. SIMPSON
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO P.L.N. SUBMISSION FORM NUMBER 14-82113

Callon Dietz INCORPORATED

ONTARIO LAND SURVEYORS

CALTON PLACE NORTH BAY

1000 BAYVIEW AVE. NORTH BAY, ONTARIO

TEL: 709-242-2627 FAX: 709-242-2606

REG. NO. 1006 OSI

TOWNSHIP OF CHISHOLM

**Application for Consent Under
Section 53 of the Planning Act**

Note to Applicants: In this form the term "subject" land means the land to be severed and the land to be retained.

Completeness of the Application:

The information in this form that must be provided by the applicant is indicated by black asterisks on the left side of the section numbers. This information is prescribed in the Schedule to Ontario Regulations 41/95 made under the Planning Act. The mandatory information must be provided with the appropriate fee. If the mandatory information and fee are not provided, the Township of Chisholm will return the application or refuse to further consider the application until the information and fee have been provided.

The application form also sets out other information that will assist the Township of Chisholm and others in their planning evaluation of the consent application. To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

Submission of the Application

- One application form is required for each proposal
- The applicable fee as per By-law 2023-39 (attached)
- Site sketch with Measurements

To help you understand the consent process and information needed to make a planning decision on the application, refer to the "Application Guide Q & A". For more information on the Planning Act, the consent process or provincial policies please see the "Guide to Planning Applications" and the "Comprehensive Set of Policy Statements".

Please Print and Complete or (x) Appropriate Box(es)

Application Information		
**1.1 Name of Applicant Martin Hochstetler	Home Telephone [REDACTED]	Business Telephone [REDACTED]
Address (Civic and Mailing) [REDACTED]		Postal Code [REDACTED]
**1.2 Name of Owner(s) (If different from the applicant). Same An owner's authorization is required in Section 11.1 if the applicant is different from the owner.		
Name of Owner(s) Same	Home Telephone	Business Telephone
Address (Civic and Mailing) Same		Postal Code
**1.3 Name of the person who is to be contacted, if different from the applicant (ie. Firm acting on the applicant's behalf) N/A		
Name of Contact Person N/A	Home Telephone	Business Telephone
Address (Civic and Mailing)	Postal Code	Fax Number

Severance of Lot 9/20

2. Location of Subject Land (Complete applicable boxes in 2.1)			
**2.1 District District of Nippissing		Municipality Township of Chisholm	
Concession	Lot Number(s) 9-11 / 15-21	Reference Plan Number Plan M-185	Parcel Number As per diagram
**2.2 Are there any easements or restrictive covenants affecting the subject land?			
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, describe the easement or covenant and its effect.			
3. Purpose of this Application			
**3.1 Type and Purpose of proposed transaction (check appropriate box).			
Transfer	<input type="checkbox"/> Creation of new lot	<input checked="" type="checkbox"/> Addition to lot	<input type="checkbox"/> An easement
Other	<input type="checkbox"/> A charge	<input type="checkbox"/> A lease	<input type="checkbox"/> Correction of title
	<input type="checkbox"/> Other purposes	<input type="checkbox"/> Validation/Cancellation certificate	<input type="checkbox"/>
**3.2 Name of person(s), if known, to whom land is to be transferred, leased or charged. N/A			
**3.3 If a lot addition, identify the lands to which the parcel will be added.			
4. Description of Subject Land and Servicing Information. (Complete each subsection.)			
**4.1 Description		Severed	Retained
	Frontage (m)	6.096	48.159
	Depth (m)	80.466	80.466
	Area (m)	490.521	3,997.793
**4.2 Use of Property	Existing Uses	Vacant	Vacant
	Proposed Uses	Residential	Residential
**4.3 Buildings/Structures	Existing	None	None
	Proposed	N/A	N/A
**4.4 Access	Provincial Highway		
<i>Check appropriate space.</i>	Municipal road maintained all year	Yes	Yes
	Municipal road maintained seasonally		
	Other public road		
	Right of way		
	Water access (if so describe below)		
Describe in Section 9.1, the parking and docking facilities to be used, and the approximate distance of these facilities from the subject land and the nearest public road.			
**4.5 Water Supply	Publically owned and operated piped water system		
	Privately owned and operated individual water system	N/A	Yes
	Privately owned and operated communal well		
	Lake or other water body		
	Other means		

Severance of Lot 11/18

2. Location of Subject Land (Complete applicable boxes in 2.1)			
**2.1 District District Of Nipissing		Municipality Township of Chisholm	
Concession	Lot Number(s) 9-11 / 15-21	Reference Plan Number Plan M-185	Parcel Number As per diagram
**2.2 Are there any easements or restrictive covenants affecting the subject land?			
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, describe the easement or covenant and its effect.			
3. Purpose of this Application			
**3.1 Type and Purpose of proposed transaction (check appropriate box).			
Transfer	<input type="checkbox"/> Creation of new lot	<input checked="" type="checkbox"/> Addition to lot	<input type="checkbox"/> An easement
Other	<input type="checkbox"/> A charge	<input type="checkbox"/> A lease	<input type="checkbox"/> Correction of title
	<input type="checkbox"/> Other purposes	<input type="checkbox"/> Validation/Cancellation certificate	<input type="checkbox"/>
**3.2 Name of person(s), if known, to whom land is to be transferred, leased or charged.			
Unknown			
**3.3 If a lot addition, identify the lands to which the parcel will be added.			
N/A			
4. Description of Subject Land and Servicing Information. (Complete each subsection.)			
**4.1 Description			
	Frontage (m)	6,096	48.159
	Depth (m)	60.350	80.466
	Area (m)	367.894	3,997.793
**4.2 Use of Property			
	Existing Uses	Vacant	Vacant
	Proposed Uses	Residential	Residential
**4.3 Buildings/Structures			
	Existing	None	None
	Proposed	N/A	N/A
**4.4 Access			
	Provincial Highway		
<i>Check appropriate space.</i>			
	Municipal road maintained all year	Yes	Yes
	Municipal road maintained seasonally		
	Other public road		
	Right of way		
	Water access (if so describe below)		
Describe in Section 9.1, the parking and docking facilities to be used, and the approximate distance of these facilities from the subject land and the nearest public road.			
**4.5 Water Supply			
	Publically owned and operated piped water system		
	Privately owned and operated individual water system	N/A	Yes
	Privately owned and operated communal well		
	Lake or other water body		
	Other means		

**4.6 Sewage Disposal <i>Check appropriate space.</i>	Publicly owned and operated Sanitary sewage system		
	Privately owned and operated Individual septic tank (1)	N/A	See attached report NBMCA
	Privately owned and operated Communal septic system		
	Other means		

(1) A certificate of approval from the North Bay-Mattawa Conservation Authority submitted with this application will facilitate the review.
Attached

**4.7 Other Services	Electricity		
	School Busing	Yes	Yes
	Garbage Collection	Yes	Yes

**4.8 If access to the subject land is by private road, or if "other public road" or "right of way" was indicated in Section 4.4, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.

5. Land Use

** 5.1 What is the existing official plan designation(s) if any, of the subject land?

Rural

** 5.2 What is the zoning, if any, of the subject land? If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

Rural

** 5.3 Are any of the following uses or features on the subject land or within 500 meters of the subject land, unless otherwise specified? Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 metres of Subject Land, unless otherwise specified. (Indicate distance.)
An agricultural operation, including livestock facility or stockyard within 1000 metres of the subject land	No	No
A landfill	No	No
A provincially significant wetland (Class 1,2 or 3)	No	No
A provincially significant wetland within 120 meters of the subject land	No	No
Flood Plain	No	No
A rehabilitated or active mine site	No	No
A non-operating mine site within 1 km of the subject land	No	No
Industrial or commercial use (specify the use(s))	No	Yes store
An active railway line	No	No
An existing quarry operation	No	No
An existing pit within 300 metres	No	No
A municipal or federal airport	No	No

6. History of the Land

** 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act?

X

Yes
No

If yes and if known, provide the Ministry's application file No. and the decision made on the application.

** 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application. N/A

** 6.3 Has any land been severed from the parcel originally acquired by the owner of the subject land?

X

Yes
No

If yes, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

7. Current Applications

** 7.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted to the Minister for approval? NO

** 7.2 Is the subject land the subject of an application for a zoning by-law amendment, Minister's zoning order amendment, minor variance consent or approval of a plan of subdivision?

X

Yes
No

If yes and if known, specify the appropriate file number and status of the application.
Subdivision Plan M-185

8. Sketch (use the attached sketch sheet) To help you prepare a sketch, refer to the attached Sample Sketch.

** 8.1 The application shall be accompanied by a sketch showing the following:

- The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- The boundaries and dimensions of any land owned by the owner of the subject land and that abut the subject land.
- The distance between the subject land and the nearest township lot line or landmark, such as railway crossing or bridge.
- The location of all land previously severed from the parcel originally acquired by the current owner of the subject land.
- The approximate location of all natural and artificial features on the subject land and adherent lands that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- The existing use(s) on adjacent lands.
- The location, width and name of any roads within, or abutting the subject land, indicating whether it is an unopened road allowance, a public road, a private road or a right of way.
- If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- The location and nature of any easement affecting the subject land.

9. Other Information

** 9.1 Is there any other information that you think may be useful to the Township or other agencies in reviewing this application? If so, explain below, or attach on a separate page.

To Whom It May Concern: The purpose of these applications are a necessary step in fulfilling our vision of consolidating these ten small lots and combining them with the adjoining road allowance to create three sizable lots for residential purposes. The specific purpose of these severances is to provide road access to two of these lots. Please note that the road allowance that was originally designated to provide access to these lots have been awarded to other parties.