



TOWNSHIP OF CHISHOLM COMMITTEE OF ADJUSTMENT

2847 Chiswick Line, R.R. # 4

Powassan, Ontario, P0H 1Z0

Phone (705) 724-3526 Fax (705) 724-5099

info@chisholm.ca

Gail Degagne, Mayor

Jennistine Leblond, CAO Clerk-Treasurer

AGENDA

TOWNSHIP OF CHISHOLM

COMMITTEE OF ADJUSTMENT MEETING

Tuesday, May 7, 2024 – 7:00 P.M.

1. Call to Order
2. Declaration of pecuniary interest.
3. Approval of Agenda.
4. Approval of Minutes – December 5, 2023 Committee of Adjustment. (Encl.)
5. Memo Re: RFP – Official Plan Review (Encl.)
6. Consider the following Consent Application:
 - (a) File # 2024-01 – Lambe/Walton – Con. 14 Lot 7 – 2904 Grahamvale Road (Encl.)
 - (b) File # 2024-02 – Shetler – Con 10 Lot 4, Con 9 Pt Lot 4 and Con 10 Pt Lot 5 (Encl.)
 - (c) File # 2024-03 – McCharles – Con 18, Part Lot 27 (Encl.)
7. Adjournment

TOWNSHIP OF CHISHOLM
COMMITTEE OF ADJUSTMENT MEETING
TUESDAY, DECEMBER 5, 2023 7:00 p.m.

1. ACKNOWLEDGMENT AND CALL TO ORDER

“We respectfully acknowledge that we are on the traditional territory of the Anishinaabe Peoples, in the Robinson-Huron and Williams Treaties areas. We wish to acknowledge the long history of First Nations and Metis Peoples in Ontario and show respect to the neighbouring Indigenous communities. We offer our gratitude for their care for, and teachings about, our earth and our relations. May we continue to honor these teachings.”

The meeting was called to order by Chairperson Mayor Gail Degagne at 7:00 p.m., along with Councillor Nunzio Scarfone, Claire Riley, and committee members Don Butterworth. Member Chris Frappier was absent with regrets. Staff present was Acting Clerk Jess Laberge. Applicant in attendance Ken Conrad and Sara Tonks.

2. DECLARATION OF PECUNIARY INTEREST - None

3. APPROVAL OF AGENDA

Resolution 2023-45 (COA)

Don Butterworth and Nunzio Scarfone: Be it resolved that the *Agenda* for this meeting be approved as presented.

‘Carried’

4. APPROVAL OF MINUTES

Resolution 2023-46 (COA)

Claire Riley and Nunzio Scarfone: Be it resolved that the *Minutes* of the November 7th, 2023, Committee of Adjustment Meeting be adopted as printed and circulated.

‘Carried’

5. CONSIDER THE FOLLOWING CONSENT APPLICATIONS

A. SUMMARY OF APPLICATION –2023-20 – Con. 11 Lot 11 and 12 – Conrad/Tonks

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

Secretary Jenny Leblond reported that a letter, dated November 16, 2023 was received from the North Bay-Mattawa Conservation Authority (NBMCA) relating to File No. 2023-20.

- NBMCA reviewed the application as per its mandate.
- The NBMCA has no objection to the application.
- The property lies within the Wasi River subwatershed. A tributary of the Wasi River is found on the retained lands. The tributary is the Provincially Significant Wasi River Wetland (PSW). There is a small portion of the PSW at the south-west corner of the severed lands.
- Development is not permitted within or within 120 m of the PSW.
- The severed and retained are within the Issue Contributing Area (ICA). The retained lands existing septic is outside of the ICA. And the proposed septic on the severed land is outside of the ICA. The septic systems will not be subject to the Mandatory Maintenance Inspection (MMI).
- There is sufficient room on the severed and retained land to accommodate an initial and replacement Class 4F sewage system.

Resolution 2023-47 (COA)

Claire Riley and Don Butterworth: Be it resolved that the consent application from Ken Conrad and Sara Tonks to sever one rural lot, along the original lot line, from Concession 11, Lot 11 &12, PCL 3630 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 to be severed along the original lot line between lot 11 and 12, Concession 11, and being approximately 400 meters in frontage on Church Lane and approximately 38.8 Hectares in area.
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:

- The property lies within the Wasi River subwatershed. A tributary of the Wasi River is found on the retained lands. The tributary is the Provincially Significant Wasi River Wetland (PSW). There is a small portion of the PSW at the south-west corner of the severed lands.
- Development is not permitted within or within 120 m of the PSW.
- The severed and retained are within the Issue Contributing Area (ICA). The retained lands existing septic is outside of the ICA. And the proposed septic on the severed land is outside of the ICA. The septic systems will not be subject to the Mandatory Maintenance Inspection (MMI).
- There is sufficient room on the severed and retained land to accommodate an initial and replacement Class 4F sewage system.

'Carried'

6. ADJOURNMENT

Resolution 2023-48 (COA)

Nunzio Scarfone and Don Butterworth: Be it resolved that we do now adjourn to meet again at the call of the Chair.

'Carried'

Chairperson, Gail Degagne

CAO Clerk-Treasurer, Jenny Leblond

Corporation of the Township of Chisholm
Municipal Office: 2847 Chiswick Line, RR #4, Powassan, ON P0H 1Z0
(705)724-3526 - Fax (705)724-5099
info@chisholm.ca

Leo Jobin, Mayor
Jenny Leblond, CAO Clerk-Treasurer

Memorandum

TO: Committee of Adjustment
FROM: Administrative Assistant, Jessica Laberge
DATE: May 2, 2024
RE: RFP Official Plan Review

This memo is to inform the committee that a Request for Proposal has been released for the Official Plan Review. As per section E8 of the Official Plan, the Official Plan is to be reviewed every 5 years. The current plan was passed in January of 2013. Timelines for the RFP are as follows:

Key Dates

The Municipality will conduct the RFP process according to the following dates. These dates are tentative and subject to change.

Task	Target Date
Issue RFP	April 10, 2024
Final date of receipt of proponents questions	May 8, 2024 4:00 PM
Response to proponents questions	May 15, 2024 4:00 PM
RFP closed	May 24, 2024 1:00 PM
Evaluation of Proposals/ Selection	May 27 – 31 st , 2024
Council approval and award of contract	June 11, 2024

The full RFP package can be found on the Township website, under Tenders & Procurement, should you wish to review it.

TOWNSHIP OF CHISHOLM

PLANNING REPORT

Report Prepared for:	Committee of Adjustment	Application Number:	2024-01
Report Prepared by:	Jessica Laberge Admin. Assistant	Application Name:	Dawn Lambe and David Walton
Location:	Pt Lot 7, Con. 14	Report Date:	May 2, 2024

A. PROPOSAL/BACKGROUND

An application to sever has been submitted by Dawn Lambe and David Walton, Grahamvale Road. The subject land is approximately 30 Hectares. The application proposes to sever one rural lot and retain one on lands described as Concession 14, Pt. Lot 7, in the Township of Chisholm, District of Nipissing. The severed lot will have an approximate land area of 1 hectare, being 60 meters in frontage and 180 meters in depth, and an irregular shape. The retained parcel has an approximate area of 29 hectares. The submitted application is attached to this report

B. ZONING BY-LAW COMPLIANCE

The subject land is 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. The proposed lot is to be located in the Rural Zone, and conforms to the Zoning By-law minimum lot area and frontage requirements. The severed and retained lot will have frontage on Grahamvale Road.

C. OFFICIAL PLAN

The property is designated *Rural*

Section B1.3 – Rural

Within the rural designation, single detached dwellings are a permitted use. The location of the proposed severance is in the *Rural* designation.

According to our records the Original Township lot was 100 acres (40 ha). The subject property has been severed 3 times as shown in Figure 2.

Section B1.4.1(a) allows for the severance of a maximum of 4 new lots from an original Township lot having a lot area of 40 hectares.

Section D4.2.1(a) requires that the proposed lot fronts on and will be directly accessed by a public road that is maintained on a year-round basis. The proposed lot has frontage on the municipally maintained portion of Grahamvale Road.

Figure 1 is an excerpt from Schedule A of the Zoning By-law. Figure 2 is from CGIS.

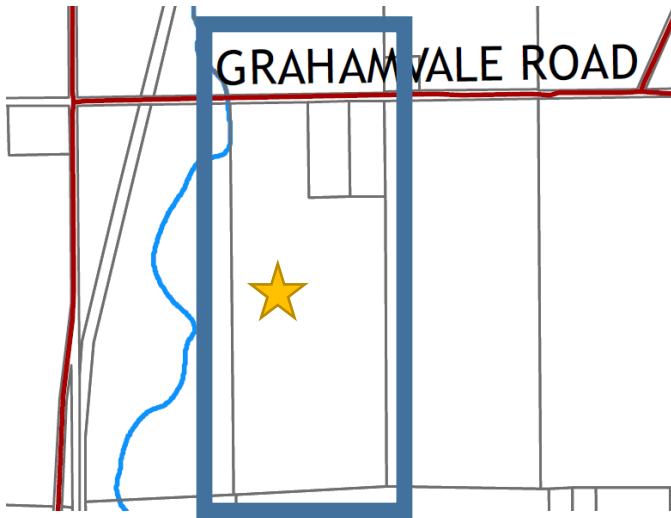


Figure 1

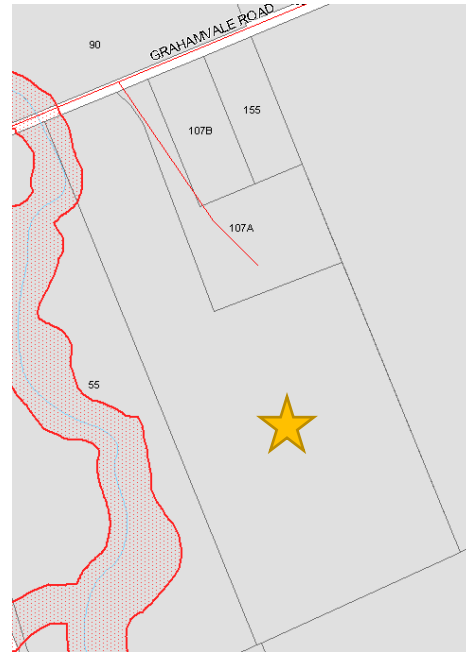


Figure 2

Provincial Policy Statement

The Provincial Policy Statement is issued under Section 3 of the Planning Act. All decisions under the Planning Act are required to be consistent with the Provincial Policy Statement.

The Province released a new Provincial Policy Statement on February 28, 2020, which came into effect on May 1, 2020. This Planning Report was considered from the perspective of this new Provincial Policy Statement (PPS 2020).

According to the Provincial Policy Statement:

- Growth and development may be directed to rural lands in accordance with Policy 1.1.5, including where a municipality does not have a settlement area – (Section 1.1.4.4);

In reviewing the Provincial Policy Statement, and applying relevant policies, it is my opinion that the proposed severance is consistent with the Provincial Policy Statement, 2020.

COMMENTS FROM THE NORTH BAY-MATTAWA CONSERVATION AUTHORITY FOLLOW THIS REPORT.

LOT

7

CONCESSION 15

ROAD ALLOWANCE BETWEEN CONCESSIONS 14 AND

SIB (1104)

N68°47'55"E 60m

135.065

SIB (1104)

ORP 'B'

CONCESSION 14

12.737

N. W. CORNER
LOT 7, CON. 14

15m

20m

180m

PART 4

RETAIN

70m

LOT

136m

N20°25'55"W

RIGHT-OF-WAY
AS IN 11245981

PART 1,

PLAN

36R-13332

LOT 6,

CONCESSION 14

14

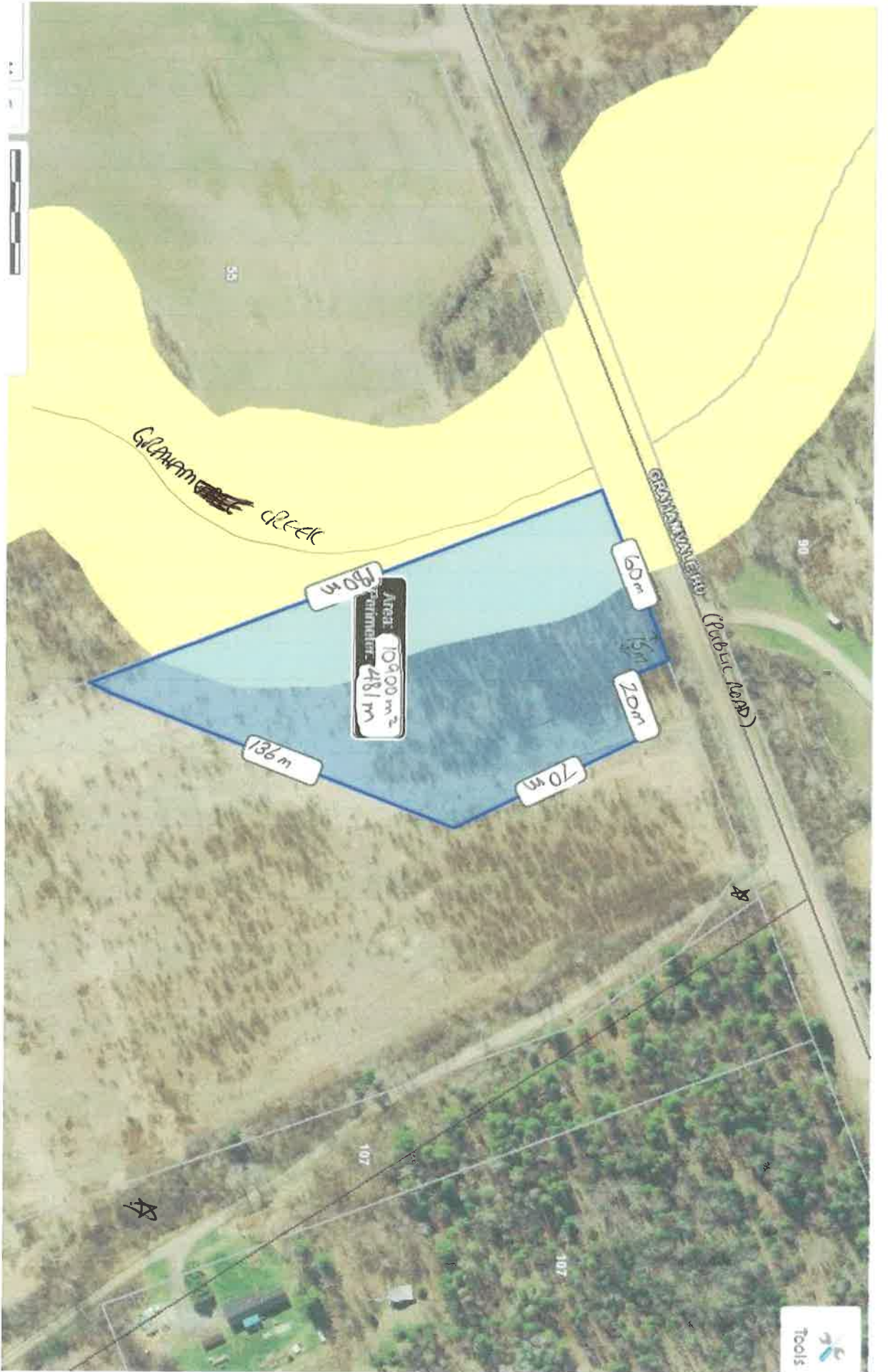
LOT 6

LOT 7

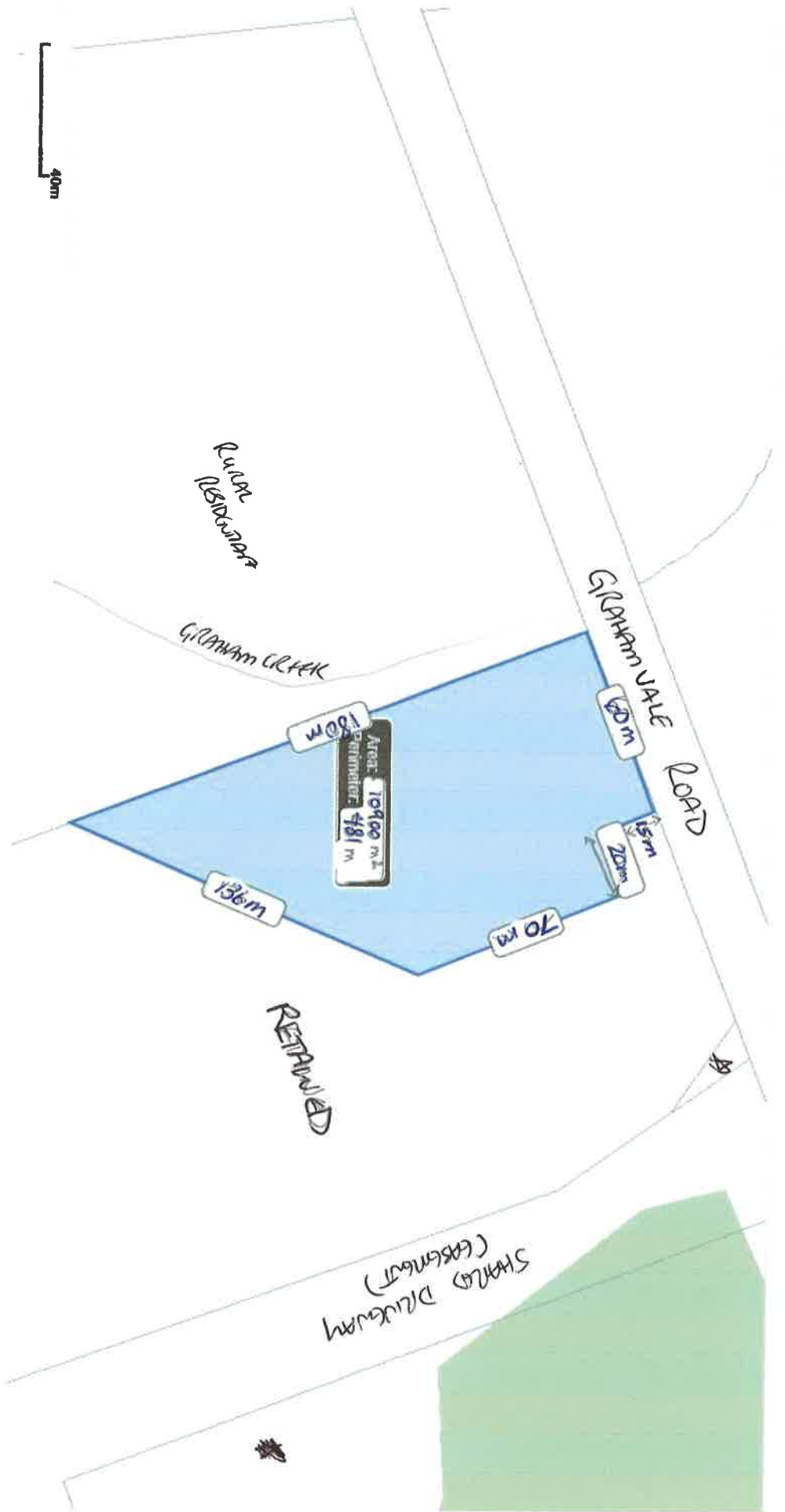
LOT 6

LOT 7

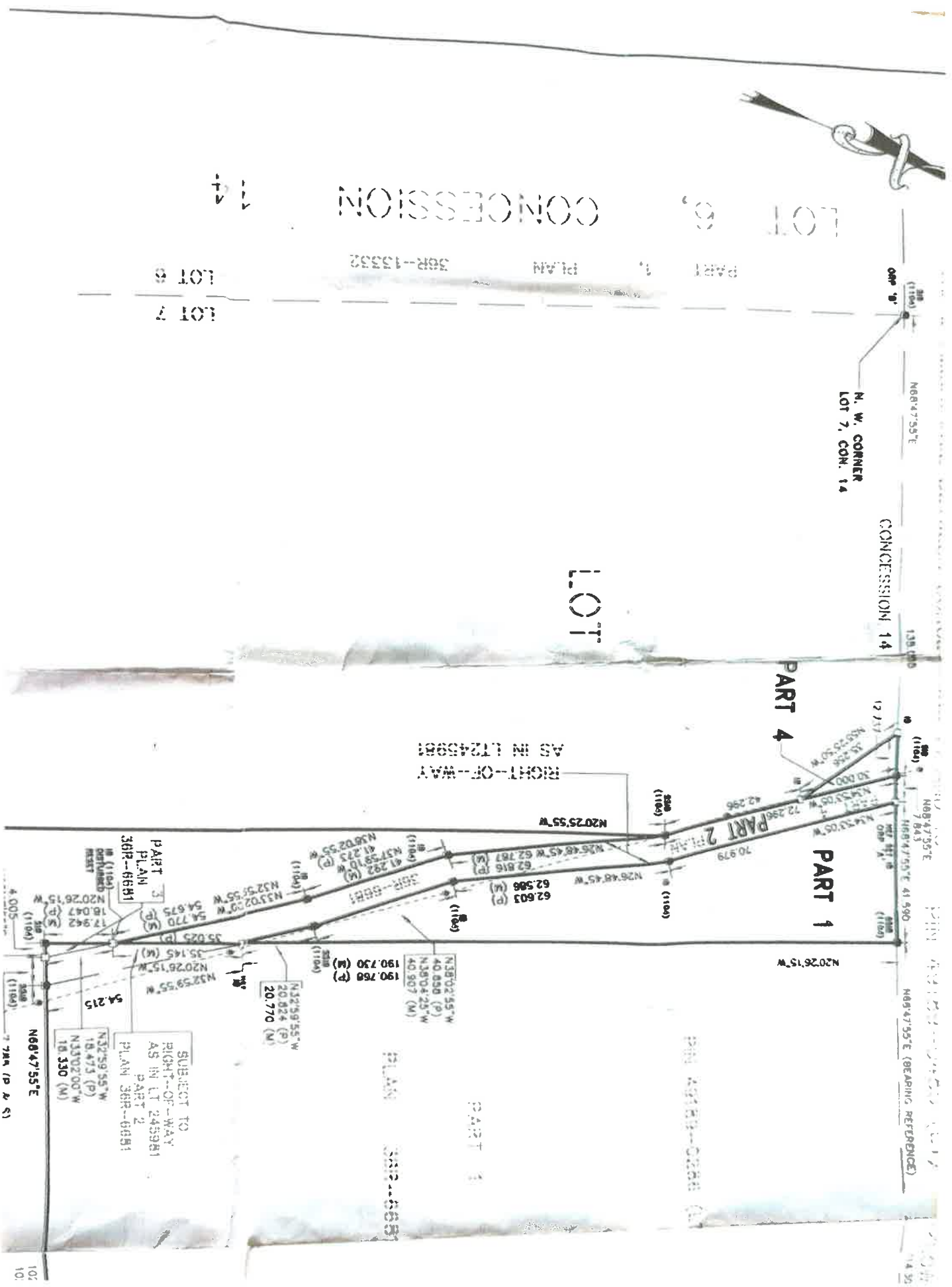




A previously owned by
 current owner of subject
 land
 see Appendix A → letter
 of consent
 no sign



PREVIOUSLY OWNED BY
 CURRENT OWNER OF SUBJECT
 LAND
 SEE APPENDIX A-1 LEGAL OF COSSAN
 TO SEE



Township of Chisholm
Planning Report

Report for:	Committee of Adjustment	Application Number:	2024-02
Report Prepared by:	Jessica Laberge Admin. Assist.	Owners Name:	John, Martha Shetler, Edward, Verna Shetler, and Eli, Lydia Miller
Location:	Con. 10 Lot 4, Con. 9 Pt Lot 4	Con. 10 Pt Lot 5	
Report Date:	May 2, 2024		

A. PROPOSAL/BACKGROUND

An application to sever has been submitted by John and Martha Shetler, Edward and Verna Shetler, and Eli and Lydia Miller. The applicant is applying to sever out a consolidated Original Township lot down the original lot lines. The lots are zoned Agriculture, and front on Chiswick Line. The Legal description is Concession 10 Lot 4, Concession 9 Pt Lot 4 and Concession 10 Pt Lot 5 in the Township of Chisholm, District of Nipissing. The severed lot will have an approximate land area of 40.5 hectare. The retained parcel has an approximate area of 44 hectares. The severed and retained lot will be of an appropriate size to allow for agricultural uses to continue as two farms. The submitted application is attached to this report.

B. ZONING BY-LAW COMPLIANCE

The subject lands are designated Agriculture (Ag), under the Township of Chisholm Zoning By-law (ZB) 2014-25. In the Agriculture zone, residential uses are permitted, as per Table A1 on Page 61 of the ZB, provided they meet the appropriate setbacks and MDS calculations. Table B3, states that the Minimum Lot area for an Agricultural Use, intensive is 20 Ha, the definition of Agricultural Use, Intensive: Means the use of land for the purpose of raising livestock such as poultry or cattle and may include a feed lot.

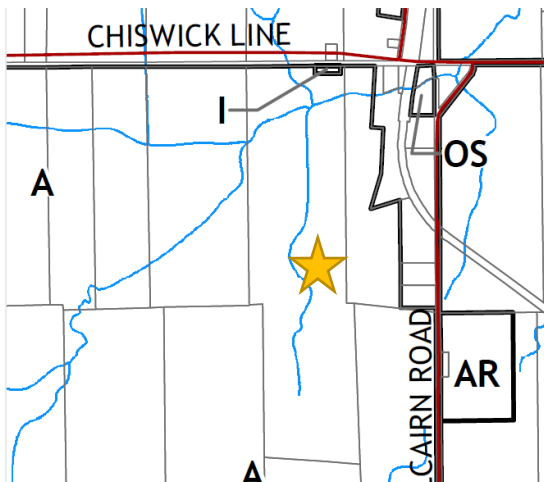


Figure 1: Zoning by-law Schedule 'B

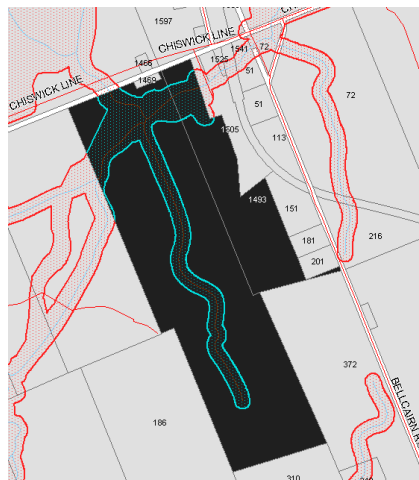


Figure 2: CGIS

C. OFFICIAL PLAN

The property is designated ***Agriculture*** under the Official Plan.

Section B2.4.1 The Creation of New Lots in the Agriculture Designation

The majority of the new residential development is directed to the Rural Area and vacant building lots. However, while lot creation within the Agricultural designation is generally discouraged, a lot may be created in the Agricultural designation provided Council is satisfied of the following:

- a) That the new lot is of a size appropriate for the type of agricultural use(s) common in the area and is sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) That a lot for agriculture-related uses will be limited to a minimum size needed to accommodate the use and sustain appropriate sewage and water services;
- c) That the purpose of the application is to sever a residence surplus to a farming operation as a result of a farm consolidation. Council shall ensure that a new residential dwelling will not be a permitted use on any vacant remnant parcel of farmland created by such a severance;
- d) That an infrastructure facility or corridor cannot be accommodated through the use of easements or rights-of-way;
- e) The minimum lot area for new and retained agricultural lots should be 40.0 hectares; and,

Based on these criteria's the proposed application complies with the intent of the Official Plan.

Provincial Policy Statement

The Provincial Policy Statement is issued under Section 3 of the Planning Act. All decisions under the Planning Act are required to be consistent with the Provincial Policy Statement.

The Province released a new Provincial Policy Statement on February 28, 2020, which came into effect on May 1, 2020. This Planning Report was considered from the perspective of this new Provincial Policy Statement (PPS 2020).

According to the Provincial Policy Statement:

2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
- c) *a residence surplus to a farming operation* as a result of farm

consolidation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

In reviewing the Provincial Policy Statement, and applying relevant policies, it is my opinion that the proposed severance is consistent with the Provincial Policy Statement, 2020.

D. Buildings

Retained Land:

The retained lands have an open building permit for a single family detached, and a large storage building.

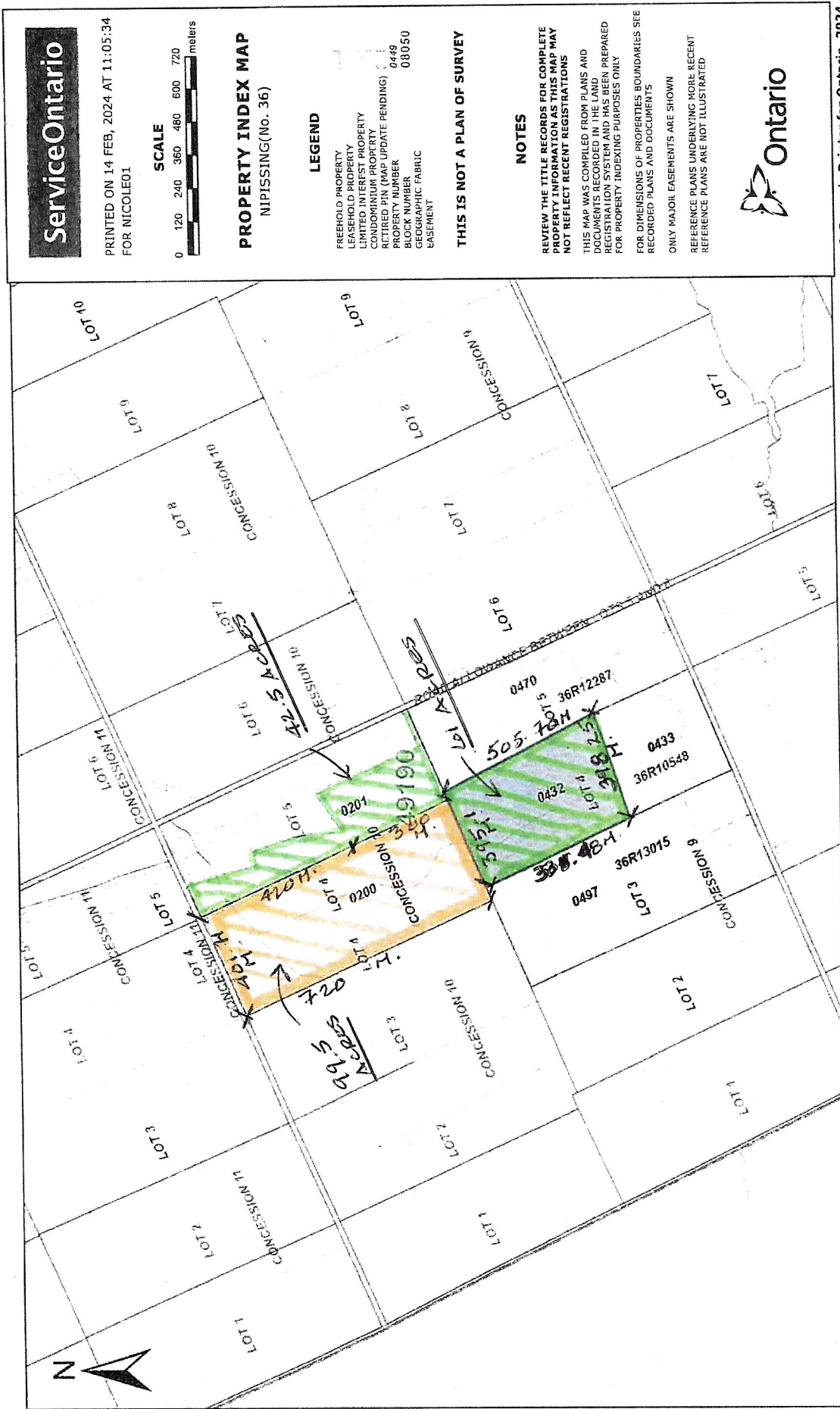
Severed Land:

The Severed land has no buildings and its use is Agriculture. The applicant is proposing a House and Barn on this property.

COMMENTS FROM THE NORTH BAY-MATTAWA CONSERVATION AUTHORITY FOLLOW THIS REPORT.

Green = retained lands

Orange = lands to be severed



TOWNSHIP OF CHISHOLM

PLANNING REPORT

Report Prepared for:	Committee of Adjustment	Application Number:	2024-03
Report Prepared by:	Jessica Laberge Admin. Assistant	Applicant /Owner Name:	Brian McCharles
Location:	Pt Lot 27, Con. 18	Report Date:	May 2, 2024

A. PROPOSAL/BACKGROUND

An application to sever have been submitted by Brian McCharles. The application proposes to sever one rural lot and retain one on lands described **CON 18 PART LOT 27**, in the Township of Chisholm, District of Nipissing. The severed lot will have an approximate land area of 4.22 acres, being 90.1 m in frontage and 190 m in depth. The retained parcel has an approximate area of 90 acres.

The subject property is located along South Shore Road on the maintained Road. The property has a total area of approximately 94.4 Acres. The submitted application is attached to this report.

B. ZONING BY-LAW COMPLIANCE

The subject lands are designated Rural (RU), and Environmental Protection (EP) 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. In the Environmental Protection Zone, development is not permitted. The proposed lot is to be located in the Rural Zone, and conforms to the Zoning By-law minimum lot area and frontage requirements.

Subject Property

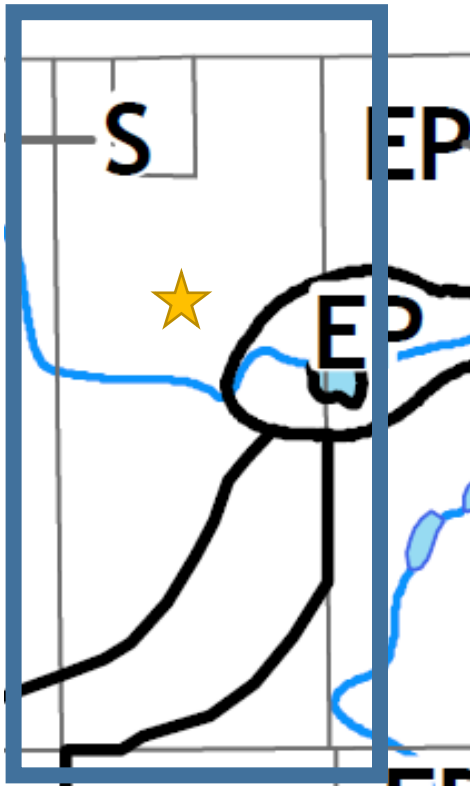


Figure 1 Schedule A, Zoning By-law

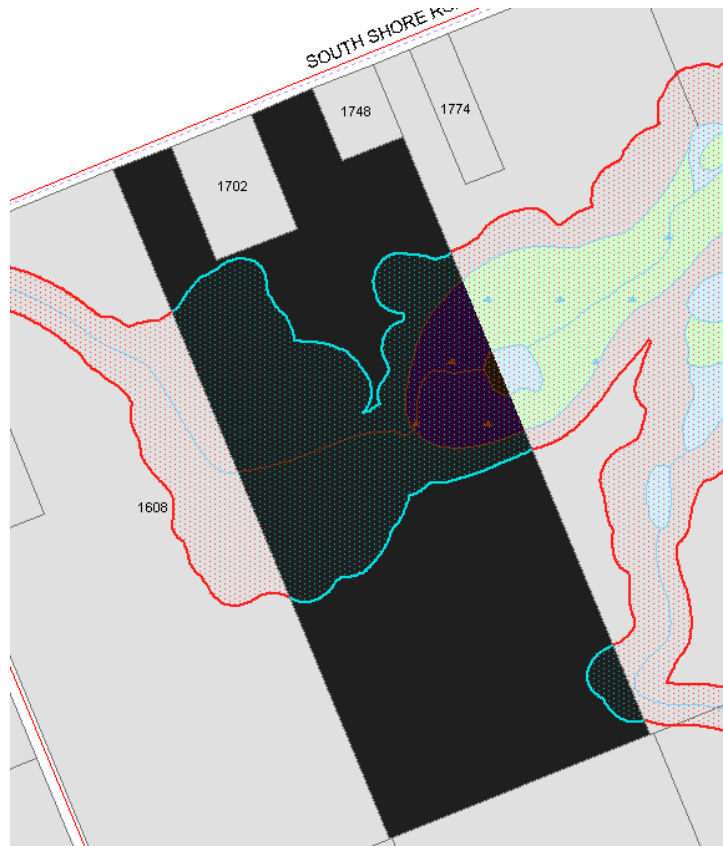


Figure 2 CGIS Mapping

C. OFFICIAL PLAN

The property is designated ***Rural, and Environmental Protection*** under the Official Plan.

Section B1.3 – Rural

Within the rural designation, single detached dwellings are a permitted use. The location of the proposed severance is in the *Rural* designation. The retained property will have the Environmental Protection (EP) designation as well as Rural.

Section B1.4.1(b) allows for the severance of a maximum of four new lots from an original Township lot having a lot area of 40 hectares. According to our records, there have been 2 severances from the subject land.

Section D4.2.1(a) requires that the proposed lot fronts on and will be directly accessed by a public road that is maintained on a year-round basis. The proposed lot has frontage on South Shore road.

Section B1.4.1(g) the boundary of the severed lot must comply with the minimum distance required by the Minimum Distance Separation I Formulae; The applicant submitted along with the application an MDS calculation for the barn located on the

adjacent property to the west. The MDS calculation gave a minimum distance of 187m from the livestock barn. The proposed severed lot is well beyond the minimum distance as determined from the MDS I Calculation.

Section B5.3 - Environmental Protection

Permitted uses on lands designated Environmental Protection are limited to conservation and passive recreational uses that do not require development or site alteration. The proposed severance is located outside of the Environmental Protection Zone, and is beyond the 45 meter setback for a septic system.

The proposed severance is in conformity with the Township's Official Plan and Zoning By-law.

Provincial Policy Statement

The Provincial Policy Statement is issued under Section 3 of the Planning Act. All decisions under the Planning Act are required to be consistent with the Provincial Policy Statement.

The province released a new Provincial Policy Statement on February 28, 2020, which came into effect on May 1, 2020. This Planning Report was considered from the perspective of this new Provincial Policy Statement (PPS 2020).

According to the Provincial Policy Statement:

- Growth and development may be directed to rural lands in accordance with Policy 1.1.5, including where a municipality does not have a settlement area – (Section 1.1.4.4);

In reviewing the Provincial Policy Statement, and applying relevant policies, it is my opinion that the proposed severances are consistent with the Provincial Policy Statement, 2020.

D. BUILDINGS

The subject property is vacant.

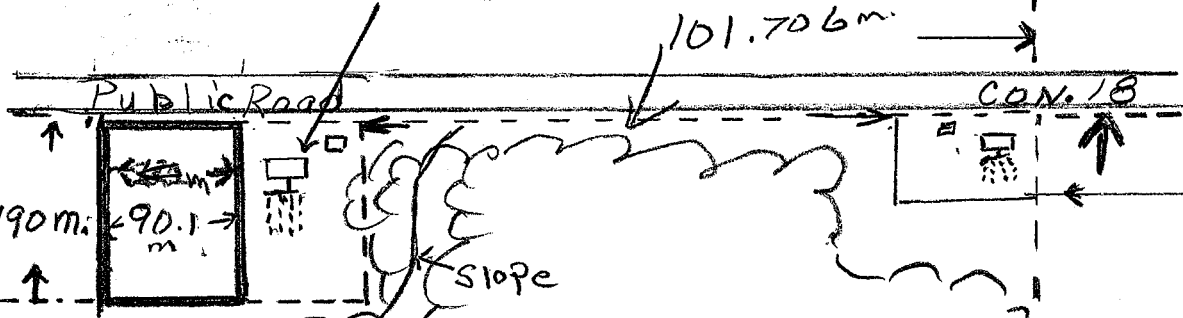
COMMENTS FROM THE NORTH BAY-MATTAWA CONSERVATION AUTHORITY FOLLOW THIS REPORT.

20

← 400 m →



grantor's Residence (2.42 hectare)



Lot 26
CON. 18

Lot 27
CON 18

Lot 28
CON. 18

Field

Wooded AREA

Field

Wooded Area

Pond

Pond

Creek

grantor's holding
38.44 hectares

Area
to be Severe
→ 2.42
hectare

Township
Chisholm
705.724-3526