



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

Lesley Marshall, CAO Clerk-Treasurer

AGENDA

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY, June 3, 2025 – 7:00 P.M.

“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.”

1. Call to Order
2. Declaration of pecuniary interest.
3. Approval of Agenda.
4. Approval of Minutes – May 6, 2025 Committee of Adjustment. (Encl.)
5. The following Consent Application has been deferred to June 24, 2025:
 - (a) File # 2025-05, 06, 07 – Loxton – Con. 12 Lot 1 – 1278 Memorial Park Drive
6. Consider the following Minor Variance Application:
 - (a) File # 2025-01 – Bayliss – 465 Mallard Haven Road (Encl.)
7. Adjournment

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MINUTES

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY, MAY 6, 2025 – 7:00 P.M.

“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.”

1. Call to Order

The meeting was called to order by Chairperson Mayor Gail Degagne at 7:02 p.m., along with Councillors Nunzio Scarfone and Claire Riley, and committee member Don Butterworth. Committee Member Chris Frappier was absent with regrets. Staff present was Admin Ass. Jessica Laberge. There was one applicant in attendance in person.

2. Declaration of pecuniary interest

3. Approval of Agenda

Resolution 2025-06 (COA)

Claire Riley and Nunzio Scarfone: Be it resolved that the Agenda for this meeting be approved as presented. ‘Carried’

4. Approval of Minutes – March 4, 2025 Committee of Adjustment.

Resolution 2025-07 (COA)

Don Butterworth and Nunzio Scarfone: Be it resolved that the Minutes of the March 4th, 2025, Committee of Adjustment Meeting be adopted as printed and circulated.

‘Carried’

5. CONSIDER THE FOLLOWING CONSENT APPLICATION:

(a) File # 2025-03 – Tran – Con. 8 Pt Lot 11 and 12 – 82 Maple Road – Lot Addition

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

Secretary reported that a letter dated May 2, 2025 was received from the Conservation Authority and the following comments were made:

- The NBMCA reviewed the application based on Section 5.2 of the 2024 PPS, Ontario Regulation 41/24 Prohibited Activities, Exemptions, and Permits, as per Section 28.1 of the Conservation Authorities Act and as a Source Protection Authority under the Clean Water Act.

- The NBMCA has no concerns with the application with respect to natural hazards or considerations under O. Reg 41/24.
- The subject are wholly within an area of Highly Vulnerable Aquifers (HVA) Significant Groundwater Recharge Area and the easternmost portion of the subject lands has been identified as an Intake Protection Zone (IPZ-03) and an Issue Contributing Area (ICA). Any sewage system located within an ICA will be subject to the Mandatory Maintenance Inspection (MMI) program.
- The NBMCA has no objections to the application

Resolution 2025-08 (COA)

Claire Riley and Don Butterworth: Be it resolved that the consent application from Brooks and Nicole Tran to sever one rural lot from CON 8 PT LOTS 11 AND 12 AND RP 36R10256 PART 1, to be added to CON 8 PT LOT 11 RP 36R15068 PART 1 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 lot addition to be approximately 216 meters in frontage and 415 meters in depth on the south side and 333meters on the North side, and approximately 18.10 acres 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, and that the Transfer Application Schedule include wording of the newly severed lands and reference the PIN No. that the land is to be added to, 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 subject property be transferred to the Township for road purposes.
4. That the applicant pay any planning consultant fees incurred by the Township in processing the application, if any.
5. That confirmation is provided that all property taxes are paid up to date.

NOTES:

- The NBMCA reviewed the application based on Section 5.2 of the 2024 PPS, Ontario Regulation 41/24 Prohibited Activities, Exemptions, and Permits, as per Section 28.1 of the Conservation Authorities Act and as a Source Protection Authority under the Clean Water Act.
- The NBMCA has no concerns with the application with respect to natural hazards or considerations under O. Reg 41/24.
- The subject are wholly within an area of Highly Vulnerable Aquifers (HVA) Significant Groundwater Recharge Area and the easternmost portion of the subject lands has been identified as an Intake Protection Zone (IPZ-03) and an Issue Contributing Area (ICA). Any sewage system located within an ICA will be subject to the Mandatory Maintenance Inspection (MMI) program.

- The NBMCA has no objections to the application

‘Carried’

(b) File # 2025-04 – Belliveau – Con. 12 Pt Lot 23 – 3095 Memorial – Lot Creation

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

Secretary reported that a letter dated May 2, 2025 was received from the Conservation Authority and the following comments were made:

- The NBMCA reviewed the application based on Section 5.2 of the 2024 PPS, Ontario Regulation 41/24 Prohibited Activities, Exemptions, and Permits, as per Section 28.1 of the Conservation Authorities Act and as a Source Protection Authority under the Clean Water Act.
- There is one area of wetland mapped on the proposed retained lands as shown on the enclosed map. Development within 30m of the wetland may require a permit from the NBMCA.
- The subject lands are fully within an area of Highly Vulnerable Aquifers (HVA) and partially within a Significant Groundwater Recharge Area
- The NBMCA have no objection to the application.

Resolution 2025-09 (COA)

Claire Riley and Nunzio Scarfone: Be it resolved that the consent application from Michelle Belliveau to sever one rural lot from CON 12 LOT 23 PCL 11883, 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, approximately 117.55 meters in frontage and 344.27 meters in depth, approximately 4.047 Hectares in area, and retain lands being approximately 82.5 meters in frontage (irregular shape), and approximately 22.25 Hectares.
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 subject property be transferred to the Township for road purposes.
4. That the applicant pay any planning consultant fees incurred by the Township in processing the application, if any.
5. That confirmation is provided that all property taxes are paid up to date.

NOTES:

- The NBMCA reviewed the application based on Section 5.2 of the 2024 PPS, Ontario Regulation 41/24 Prohibited Activities, Exemptions, and Permits, as per Section 28.1 of the Conservation Authorities Act and as a Source Protection Authority under the Clean Water Act.
- There is one area of wetland mapped on the proposed retained lands as shown on the enclosed map. Development within 30m of the wetland may require a permit from the NBMCA.
- The subject lands are fully within an area of Highly Vulnerable Aquifers (HVA) and partially within a Significant Groundwater Recharge Area
- The NBMCA have no objection to the application.

‘Carried’

6. Adjournment

Resolution 2025-10 (COA)

Don Butterworth and Nunzio Scarfone: Be it resolved that this meeting now adjourn and will meet again on June 3, 2025. **‘Carried’**

Mayor, Gail Degagne

Secretary, Jessica Laberge

TOWNSHIP OF CHISHOLM

PLANNING REPORT

Report Prepared for:	Committee of Adjustment	Application Number:	MVA – 2025-01
Report Prepared by:	Jessica Laberge, Admin. Assistant	Application Name:	Larry Bayliss
Location:	465 Mallard Haven		
Report Date:	May 29, 2025		

A. PROPOSAL/BACKGROUND

An application for a minor variance has been submitted by Larry Bayliss requesting relief from the 25 meter high water setback to 19.01 meters.

The subject property is CON 15 PT LOT 14 PLAN NR-557 PART 2 PCL 20706 NIP, Township of Chisholm, District of Nipissing, 465 Mallard Haven Road

The proposed lot is a legal non-conforming lot. As per section 4.19 a, in the Zoning By-law.

4.19 NON-COMPLYING LOTS

a) Existing Undersized Lots

Where a lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority or correction of title, such smaller lot may be used and a permitted principle building or structure may be erected and/or used on such a smaller lot provided that all other applicable provisions of this By-law are complied with and provided that a sewage system that complies with the regulations under Building Code can be installed on the lands.



Subject Property

B. PURPOSE OF APPLICATION

The applicant is proposing to build a garage adjacent to his house.

The proposed garage meets the maximum 10% lot coverage and the maximum 5% lot coverage for all detached accessory buildings.

F. Conclusion:

Is the application considered minor in nature: The relief applied for is a 23.6% change to the setback.

Is the application desirable for the appropriate development of the lands in question: The proposed garage is accessory to a residential use. Residential use is permitted in the Shoreline designation.

Does the application conform to the Zoning By-law and Official Plan: The application conforms with the Zoning by-law and Official Plan.

The applicant submit comments from the North Bay Mattawa Conservation Authority confirming that the applicant does not require any permits through the North Bay Mattawa Conservation Authority for the proposed garage.

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

May 30, 2025

Corporation of the Township of Chisholm
Committee of Adjustment
2847 Chiswick Line RR# 4
Powassan, ON P0H 1Z0
info@chisholm.ca

Attention: Jessica Laberge, Administrative Assistant

RE: Application for Minor Variance - Bayliss
465 Mallard Haven Rd; Township of Chisholm
Assessment Roll Number: 48310000031320000000
NBMCA File: PMV01-CHI-25

The North Bay-Mattawa Conservation Authority (NBMCA) has received and reviewed the application for minor variance requesting relief from by-law No. 2014-25 (as amended) to construct a garage at 465 Mallard Haven Rd in The Township of Chisholm. The following comments are based on a review of the application with respect to Section 5.2 of the 2024 Provincial Planning Statement and O. Reg. 41/24 Prohibited Activities, Exemptions, and Permits, as per Section 28.1 of the Conservation Authorities Act (CAA).

Based on NBMCA's Approximate Regulated Area (ARA) mapping, the location of the proposed site development (garage construction) is located outside of the CA's jurisdiction and no permit will be required under Section 28.1 of the CAA.

In consideration of the comments above, NBMCA is satisfied that the application is consistent with the policies as set out in Section 5.2 of the PPS and under the CAA.

Respectfully submitted,



Hannah Wolfram
Planning and Regulations Officer

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

The undersigned hereby applies to the Committee of Adjustment for the Township of Chisholm under section 45 of the Planning Act, for relief, as described in this application, from by-law No. 2014-25 (as amended).

1. Name of Owner Larry Bayliss
Telephone Number _____ Email: _____
2. Address 465 Mallard Haven Rd, Chisholm On, P0H1B0 District of Nipissing PCL 20706 Sec NIP
Pt LT 14, Con 15 PT 2 NR-557 T/W Parts 28-30 PTS 1 to 3 NR-854
(Include Lot & Con. Numbers, Civic Address and legal description of subject land.)
3. Name of Agent (if any) _____
Telephone Number _____
4. Address _____
Note: Unless otherwise requested, all communications will be sent to the agent, if any.
5. Names and addresses of any mortgagees, holders of charges or other encumbrances:
None

6. Nature and extent of relief applied for: Setback from lake = 19.01 M, Setback from top of slope
To back of garage = 5 M.

7. Why is it not possible to comply with the provisions of the by-law?
Cannot move garage to road as the well line, electrical lines and propane lines would be underneath
Garage floor so if I ever needed to access, it would be impossible.
8. Dimensions of land affected:

Frontage	<u>30.48 M</u>
Depth	<u>65.84 M2</u>
Area	_____
Width of Street	_____

9. Access to subject property: Municipal road maintained all year _____
Seasonal road _____
Other Private Rd with year round service

If access is by water only, the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road:

None

10. Particulars of all buildings and structures on or proposed for the subject land (Specify ground floor area, gross floor area, number of storeys, width, length, height, etc.):

Existing: See site plan House 60.11 M2 Shop/mini garage 25.36 M2 Shed 5.95 M2 (all one storey)

Proposed: See detailed site plan Add separate garage 35.67 M2

11. Location of all buildings and structures on or proposed for the subject land. (Specify distance from side, rear and front lot lines):

Existing: See detailed site plan

Proposed buildings or structures for subject property: For each proposed building or structure, specify the type of building or structure, the setback from the front lot line, rear lot line, and side lot lines the height in metres of the building or structure and the dimensions of floor area of the building or structure.

See detailed site plan

12. Date of acquisition of subject land: October 2020

13. Date of construction of all buildings and structures on subject land: Old cottage removed 2020,
New house built and completed July 2021

14. Existing uses of the subject property: Full time resident

15. Existing use of abutting properties: Full time resident and part time cottage

16. Length of time the existing uses of the subject property have continued: 4 yrs

17. Present Official Plan provisions applying to the land: Shoreline
18. Present Zoning By-law provisions applying to the land: Limited Service Residential
19. Has the owner previously applied for relief in respect of the subject property? Yes ____ No x
If the answer is yes, describe briefly: _____
20. Is the subject property the subject of a current application for consent under section 45 of the Planning Act, 1983? Yes ____ No x
21. I hereby give permission to members of the Committee of Adjustment to visit my property if they so desire.

(Signature of applicant or authorized agent)

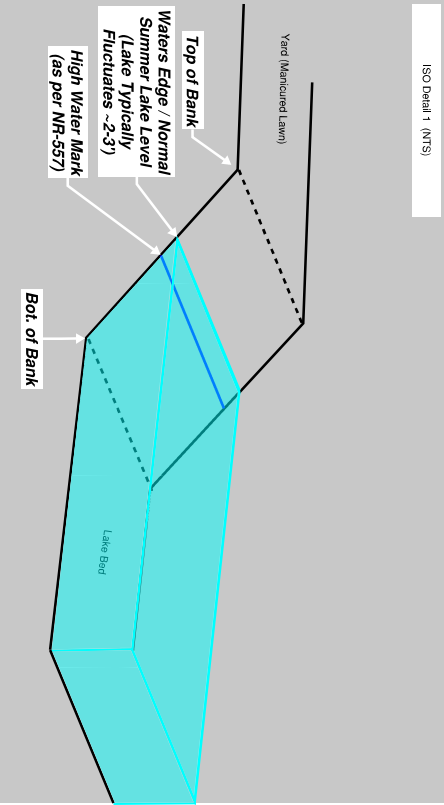
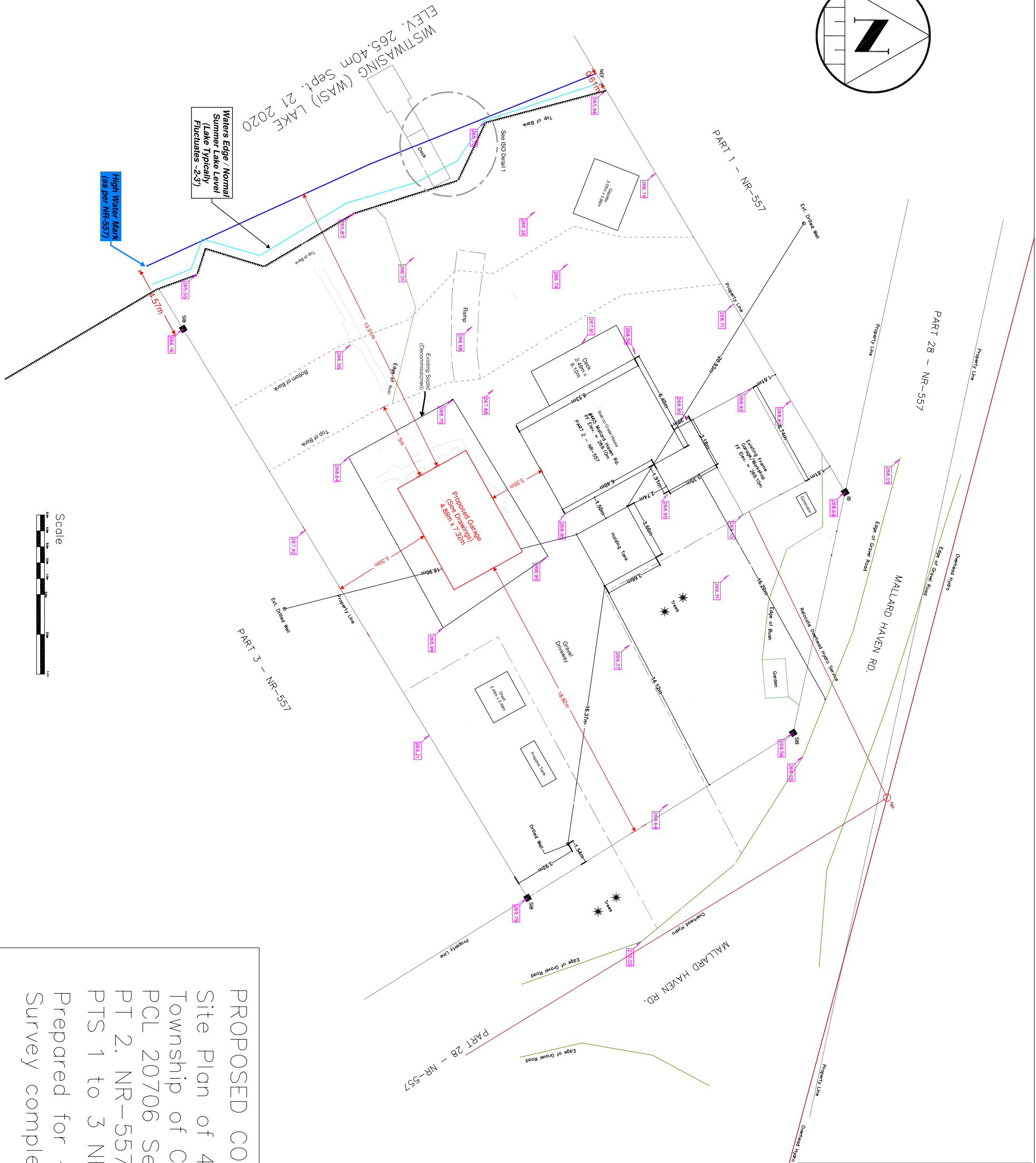
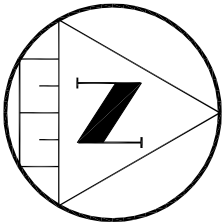
Dated at the _____ of _____
this _____ day of _____, 20_____.

I, _____ of the _____
of _____ in the _____
of _____ solemnly declare that all the statements contained in this
application are true and I make this solemn declaration conscientiously believing it to be true and
knowing that it is of the same force and effect as if made under oath and by virtue of the Canada
Evidence Act.

Declared before me at the _____ of _____
in the _____
this _____ day of _____ 20_____.

A Commissioner, etc.

- NOTES: 1. It is required that **one** copy of this application be filed with the Secretary-Treasurer of the Committee of Adjustment, together with the plan referred to in Note 2, accompanied by a fee of **\$500.00**, plus **\$250** deposit towards the actual costs in processing the application, i.e. planning consulting fees, North Bay Mattawa Conservation Authority for a total of **\$750** online, cash or by cheque made payable to the Township of Chisholm.
2. Each copy of this application must be accompanied by a plan showing the dimensions of the subject land and of all abutting land and also the distance of the buildings or structures from the front yard lot line, rear yard lot line and side yard lot line and showing the location, size and type of all buildings and structures on the subject and abutting land. The Committee of Adjustment may require that the plan be signed by an Ontario Land Surveyor.



Legend

265.25 = Ground Elevation
NEF = No Evidence Found
SIB = 1" Sq Iron Bar
IB = 5/8" Sq Iron Bar

*Note: All elevations were recorded using RTK GPS UTM Zone 17, NAD 83, CSRS 2013

*Note: All Elevations, Distances and Dimensions are in metric, unless otherwise noted

*Note: Conversion from metric to Imperial Divide by 0.3048

**** NOTE: UPDATED SITE PLAN FOR CONSTRUCTING A GARAGE 2025-05-06 ****

PROPOSED CONDITIONS

Site Plan of 465 Mallard Haven Rd.
Township of Chisholm – District of Nipissing
PCL 20706 Sec. NIP – PT LT 14, Con 15
PT 2. NR-557 T/W Parts 28-30
PTS 1 to 3 NR-854

Prepared for – Larry Bayliss
Survey completed Sept. 21, 2020