

# Corporation of the Township of Chisholm

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## **AGENDA**

### **PUBLIC MEETING RE: ZONING BY-LAW AMENDMENT PLAN M185 Lot 9-11 and 15-21 – Hochstetler ZBA 2025-01**

**TUESDAY, APRIL 22<sup>nd</sup> 2025 – 7:00 P.M.**

1. Chairperson (Mayor) calls meeting to order.
2. Chairperson explains reason for meeting to those in attendance.  
(a) Planning Report, and Draft By-law (Encl.)
3. Chairperson confirms with CAO that 20 days' notice has been given with respect to the meeting, and if any comments were received.
4. Chairperson asks the Applicant to speak on their application and comments.
5. Chairperson asks if there are any other members of the public in support or opposed of the application, and asks if they wish to speak to it.
6. After everyone has had a chance to speak, Chairperson gives the applicant an opportunity to respond to the comments made in opposition, if any.
7. After Council has heard from the Applicant, those in favour, those in opposition, Chairperson advises that careful consideration to the arguments for and against the project will be given.
8. Chairperson thanks the public for attending.
9. Chairperson declares the meeting closed. Informs public that the by-law will go to the May 13, 2025, Council meeting, for a decision.

# TOWNSHIP OF CHISHOLM

## PLANNING REPORT

<b>Report Prepared for:</b>	Committee of Adjustment	<b>Applications:</b>	Sev #: 2024-11/12 ZBA#: 2025-01
<b>Report Prepared by:</b>	Jessica Laberge Admin. Assistant	<b>Application Name:</b>	Martin Hochstetler (Owner/(Applicant))
<b>Location:</b>	Lots 9-11 & 15-21 Plan M185	1483 Alderdale Road	
<b>Report Date:</b>	April 14, 2025		

### A. PROPOSAL

As a condition of consent files 2024-11 and 12, an application for a Zoning Amendment has been submitted by Martin Hochstetler, to permit the creation of 3 undersized lots with frontage less than the minimum requirement.

The subject land is located at 1483 Alderdale Road and the total area of the subject lands is approximately 2 acres according to MPAC.

The applicant received provisional consent at the December 3, 2024 Committee of Adjustment meeting. The consent application was to create 2 lots and retain one lot, as shown in Figure 3. In conjunction with this application, the applicant must also undertake the following:

- A Zoning Amendment to establish the consent lots as buildings lots with exceptions to the lot size and minimum frontage.
- A deeming by-law to be passed by Council to legally consolidate the subdivision lots to go to a meeting of Council for a decision (May 27, 2025)
- A By-law to purchase the unopened road allowance to go to a meeting of Council for a decision (May 27, 2025)

The proposed consent was to create two severed lots with 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 (0.75Acres). 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.

# TOWNSHIP OF CHISHOLM

## PLANNING REPORT

### B. BACKGROUND

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. According to legal M185 was passed in 1912 and was registered in 1975. The plan of the subdivision was never carried out as intended and lots were eventually sold off as shown in figure 2. Many of the lots were sold off together (2 or more) and consolidated. The frontage and lot size of some of these developed lots do still remain as below the minimum requirement of 60m.

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. Each lot is approximately 20 meters by 40 meters. 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 on the subject land. This means the lots are still registered as individual lots and can be conveyed and sold separately.

### C. 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.

#### **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.

#### **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. A 6.09m wide driveway is a small access for a residential driveway.

# PLANNING REPORT

## Subject Property

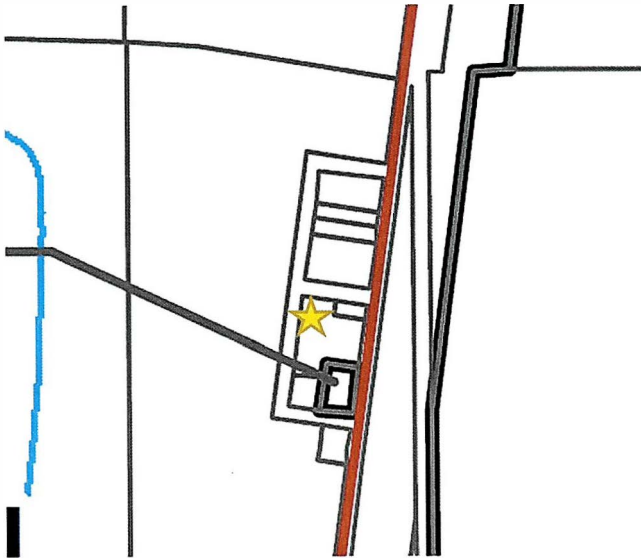


Figure 1: Zoning by-law Schedule 'B

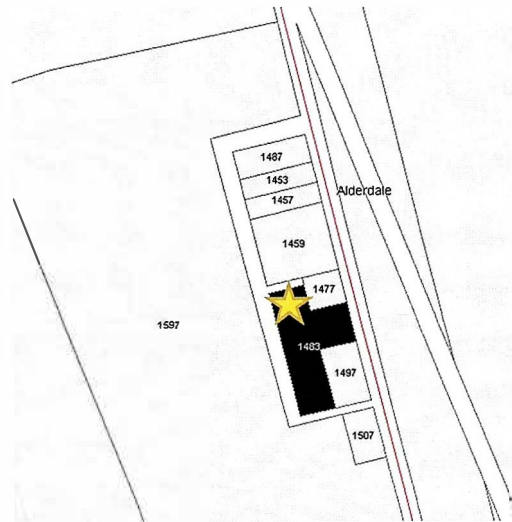


Figure 2: CGIS

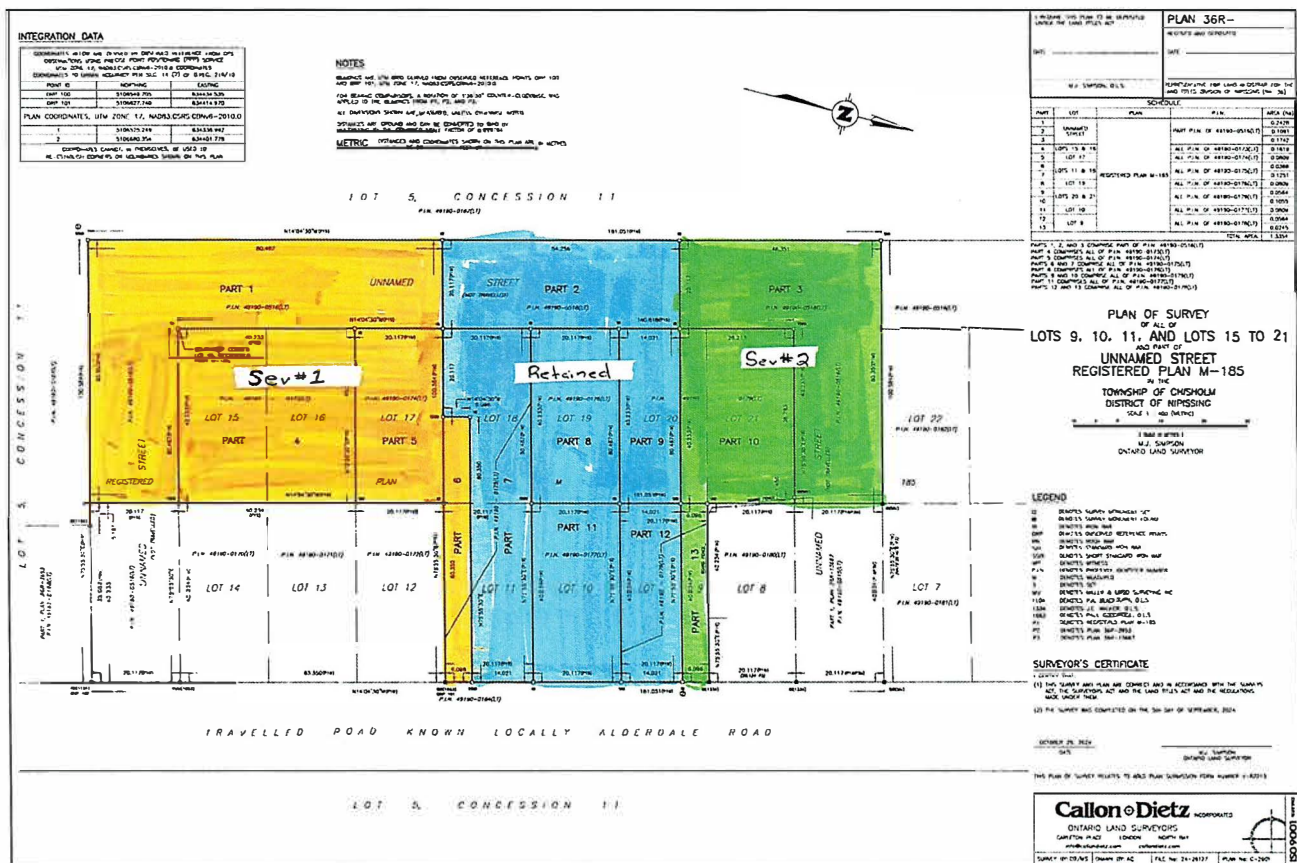


Figure 3: Proposal

# TOWNSHIP OF CHISHOLM

## PLANNING REPORT

### D. 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.

When reviewing the application the proposed severance did not meet the Development Policies for Rural Lands section B1.4.1. being that the lands are from a plan of subdivision.

Section D4.2.1 New Lots by Consent, General Criteria, gives the criteria that can be used to evaluate the proposal.

#### 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.

# **TOWNSHIP OF CHISHOLM**

## **PLANNING REPORT**

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.

### **E. Summary**

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 to sell part of the road allowance to the applicant. A portion of the road allowance was awarded to the adjacent property owners, which resulted in the applicant having to adjust their application.
- (d) The neighboring 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 and to ensure the lots have large enough area to accommodate a dwelling and servicing.

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### **PLANNING REPORT**

- (f) There are no other subdivisions in the Township of Chisholm, as such any decisions made will not create a precedent for any future planning decisions.
- (g) Provisional consent was given at the Committee of Adjustment meeting, Dec 3, 2024, with a condition to complete a Zoning By-law Amendment to permit the undersized lots and frontage.

Attached is the Draft By-law by the Planner Chris Jones.

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, Alderdale Rd  
Township of Chisholm  
Roll No.: 4831-000-001-18140-00000  
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 in the Wistiwasung 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.

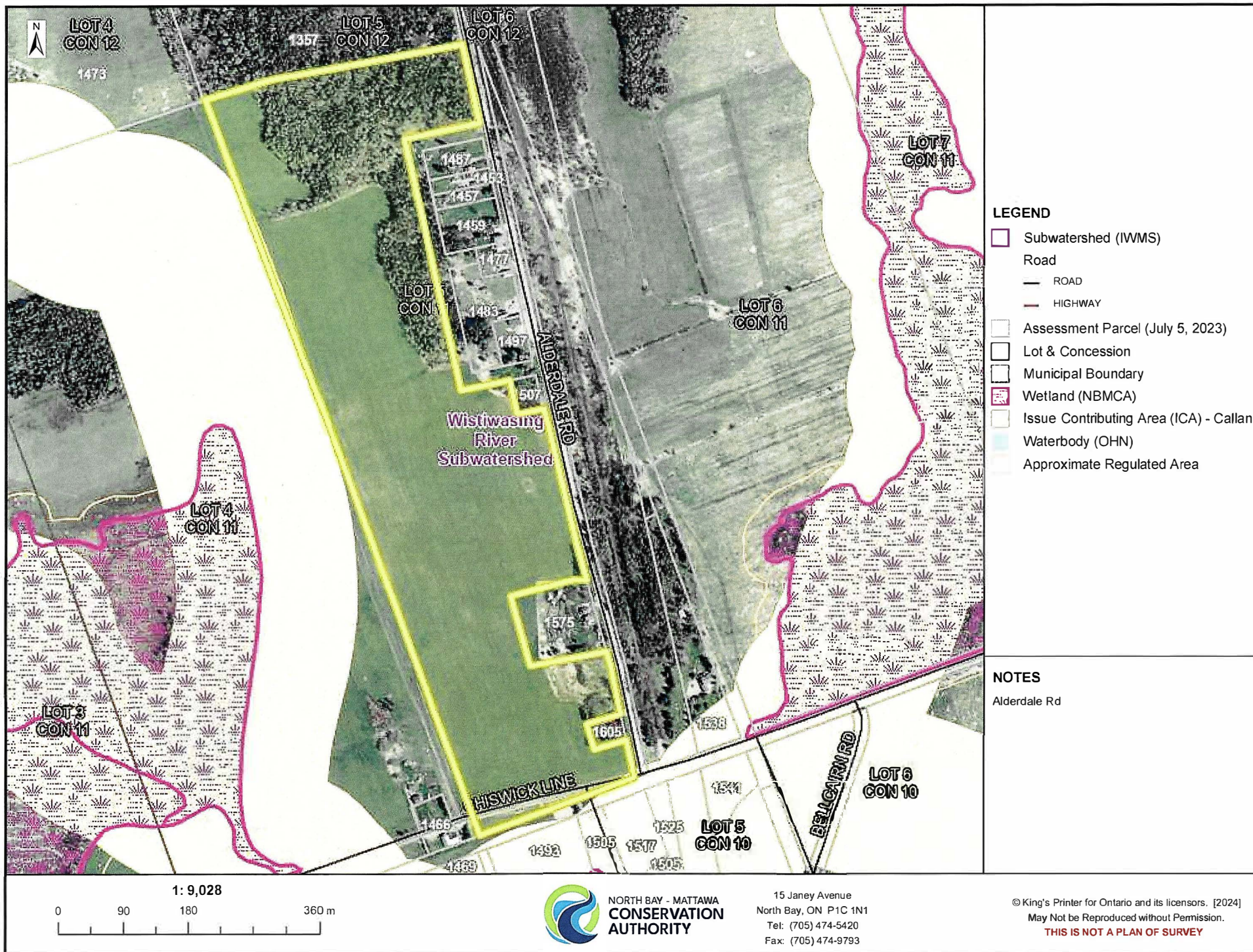
Yours truly,



Kevin Taylor: Senior Manager Planning & Water Resources

Encl [1]







**THE CORPORATION OF THE TOWNSHIP OF CHISHOLM**  
**BY-LAW NO. 2025-xx**

Being a By-law to amend By-law No. 2014-25, as amended, the Zoning By-law for the Township of Chisholm with respect to lands described legally as Parts 1 to 13, Plan 36R-15361 located in PLAN M185 LOTS 9 TO 11 LOT 15 TO 21 PCL 11986 12710 13251 13382 27313 PCL 16824 and including part of the unnamed street, now closed by By-law xx-xx, in the Township of Chisholm, District of Nipissing.

WHEREAS the Council of the Corporation of the Township of Chisholm is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, 1990;

AND WHEREAS the owners of the subject lands have filed an application with the Township of Chisholm to amend By-law No. 2014-25, as amended;

AND WHEREAS the Council of the Corporation of the Township of Chisholm deems it appropriate to amend By-Law 2014-25, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Chisholm enacts as follows:

1. Schedule 'B', to Zoning By-law No. 2014-25 as amended, is further amended by zoning lands described legally as Parts 1 to 13, Plan 36R-15361 located in Plan M185 Lots 9 to 11, Lots 15 to 21 Pcl. 11986 including part of the unnamed street, in the Township of Chisholm from the Rural (RU) Zone to the Rural Exception (RU-14) Zone, the Rural Exception (RU-15) Zone, and the Rural Exception (RU-16) Zone all of which is shown on Schedule 'A-1' attached hereto and forming part of this By-law.
2. And Further, Section 8.1 to Zoning By-law 2014-25 as amended, is further amended by adding the following new-subsections after section 8.1.13:

**8.1.14**

*Notwithstanding any other provisions of this by-law, the lands legally described Parts 1, 4, 5 and 6, Plan 36R-15361 comprised of Part Lots 11 and 18 and Lots 15, 16 and 17 together with part of the unnamed street of Plan M-185 and located in the RU-14 Zone, the only permitted use shall be a single detached dwelling unit and the following provisions shall apply:*

- a) *Minimum lot area*      0.5 ha
- b) *Minimum frontage*      6.09 m

**8.1.15**

*Notwithstanding any other provisions of this by-law, the lands legally described Parts 2, 7, 8, 9, 11 and 12, Plan 36R-15361 comprised of Part Lots 9, 11, 18 and 20 and Lots 10 and 17 together with part of the unnamed street of Plan M-185 and located in the RU-15 Zone, the only permitted use shall be a single detached dwelling unit and the following provisions shall apply:*

- c) *Minimum lot area*      0.5 ha
- d) *Minimum frontage*      48 m

**8.1.16**

*Notwithstanding any other provisions of this by-law, the lands legally described Parts 3, 10 and 13, Plan 36R-15361 comprised of Part Lots 9 and 20 and Lots 8 and 21 together with part of the unnamed street Plan M-185 and located in the RU-16 Zone, the only permitted use shall be a single detached dwelling unit and the following provisions shall apply:*

- e) *Minimum lot area*      0.3 ha
- f) *Minimum frontage*      6.09 m

3. In all other respects, the provisions of By-law 2014-25, as amended, shall apply.

This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario).

READ A FIRST AND SECOND TIME on the 13th day of May 2025.

READ A THIRD TIME and finally passed this 13th day of May 2025.

\_\_\_\_\_  
Mayor, Gail Degagne

\_\_\_\_\_  
Clerk, Lesley Marshall

DRAFT