



**ITEM:** Consent to Sever Recommendation Report  
**DATE:** August 16, 2023  
**TO:** Committee of Adjustment  
**FROM:** Planning & Development Department  
**FILE NO:** B-2023-19  
**LOCATION:** 362 Derland Road

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## **1. Introduction**

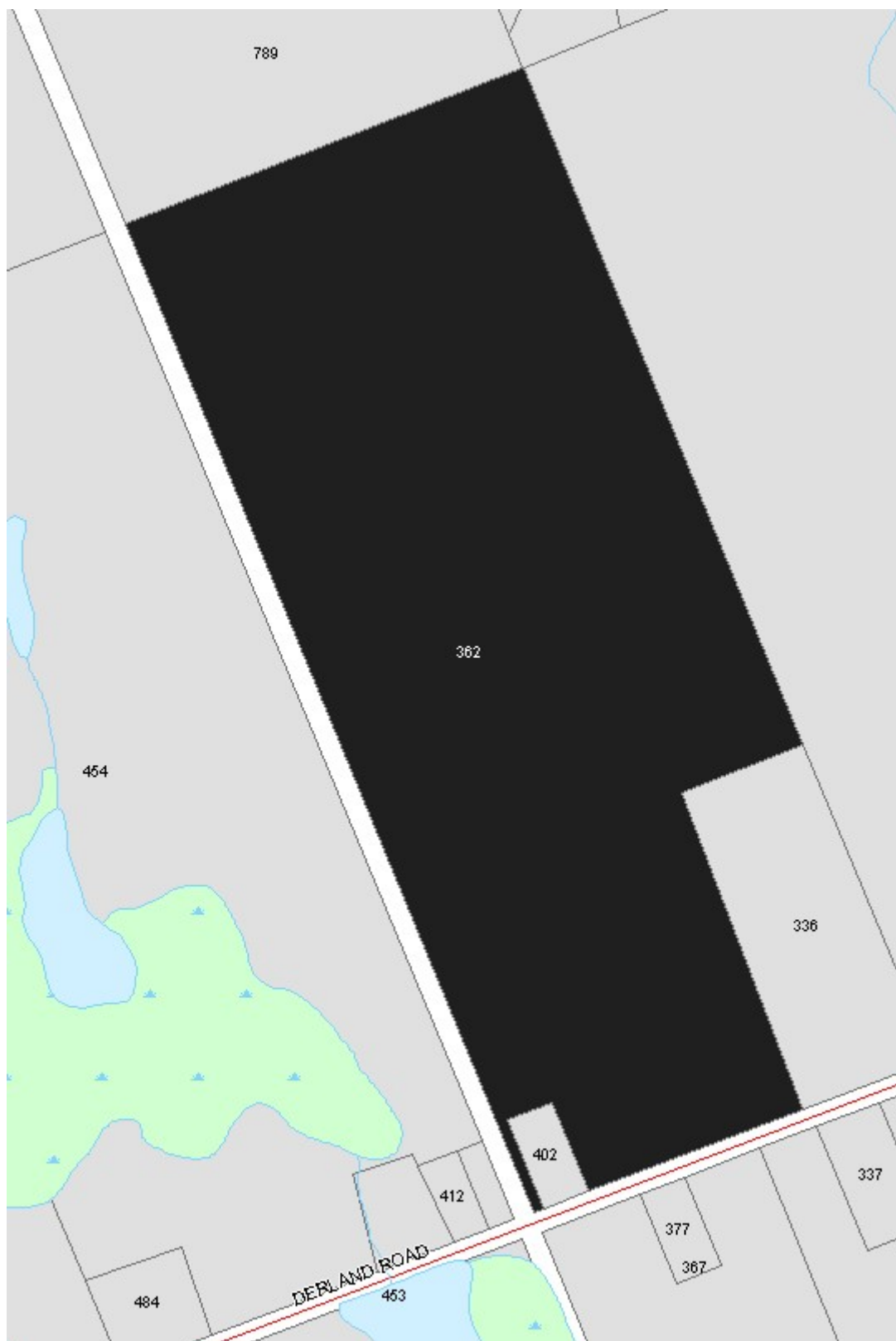
An application has been submitted to the Municipality of East Ferris for consent to sever for the purposes of creating one new lot from the subject property at 362 Derland Road. The property is zoned Rural (R) under Zoning By-Law 2021-60, and under the Municipality of East Ferris Official plan, the subject property is designated Rural.

The layout of the property is unique in that there is a very narrow finger of the property, approximately 10m in width, which wraps around the property at 402 Derland and has frontage along the road. This narrow section is adjacent to a municipal road allowance, which is used as a major OFSC snowmobile trail in the winter months.

## **2. Description of Property**

A location map is contained in **Figure 1** and the plan of the area to be severed in **Figure 2**.

**Figure 1: Property Location**



SKETCH TO ACCOMPANY  
**SEVERANCE CONSENT APPLICATION**  
PART OF LOT 19, CONCESSION 9  
TOWNSHIP OF EAST FERRIS

TREADLIGHTLY  
ESTATES

407.5±  
BUSH COVERED

687.8±

724.9±  
FIELD

19

RETAINED  
(33.94 ha/83.9 Ac)

BUSH COVERED

1,005.8±

20

CONCESSION

ROAD ALLOWANCE

NOT TRAVELLED

18

LOT

127.22

106.8

SEVERED  
(2.58 ha/6.4 Ac)

45.72  
38.4672  
91.44  
55.0

280.9

113.4

100 ACC. BLDG.

FUTURE DWELLING SEVERANCE 5.0 Ac

GARAGE

173.4

60.0

178.4

PART 1  
PLAN NR-2188

318.06

FIELD

6.10

FOREST

ROAD ALLOWANCE

DERLAND ROAD

### **3. Planning Review**

#### **A. Provincial Policy Statement**

The Provincial Policy Statement, (PPS 2020) was issued under Section 3 of the Planning Act, and came into effect May 1<sup>st</sup>, 2020. The Policy requires that decisions affecting planning matters “shall be consistent with” policy statements issued under said Act. The applicant’s proposal for a lot addition for one new rural lot is consistent with the PPS 2020.

#### **B. Growth Plan for Northern Ontario**

The Growth Plan for Northern Ontario 2011 was issued under the Places to Grow Act, which ensures a long term vision for strong communities while implementing policies directed at economic prosperity. The proposal is in conformity with the Growth Plan for Northern Ontario 2011.

#### **C. Official Plan and Zoning By-law**

The subject property is designated Rural in the Municipality of East Ferris Official Plan and zoned Rural by Zoning By-law 2021-60. Each of these planning documents requires a minimum lot frontage of 60m and a minimum lot area of 0.8ha. The applicant is proposing a lot frontage of 61.1m for the severed lands and 173.4m for the retained lands. The proposed lot area would be 2.58ha for the severed lands and 33.94ha for the retained lands. Each of the lots exceeds the minimum requirements and is appropriate based on the location and the policies for the rural areas of the municipality.

Although in principle the lot creation is appropriate and the proposed lot sizes exceed the minimum requirements, the municipality is aware of concerns about the location of a potential future driveway. The owner of 402 Derland Road has brought forward concerns related to the intentions of the future owner of the severed lands and their intention to locate their driveway on the narrow 10m strip of land between 402 Derland Road and the municipal road allowance. This would result in the majority of that strip of land being cleared of trees. Given the amount of frontage available on the easterly side of 402 Derland Road, it would likely be more appropriate to locate the driveway in that location in order to not significantly impact the neighbouring property. Although no specific policies of the East Ferris Official Plan would apply, general land use planning principles should be considered as far as development being appropriate in the context of the neighbourhood and existing lot fabric.

For this reason, if the committee deems it appropriate to approve the application, they may wish to include an additional condition related to the location of any future driveway that is constructed on the severed lands. The most appropriate way to accomplish this would be to require a development agreement to be entered into between the applicant and the municipality that would limit the possible locations of a driveway when development takes place.

### **5. Recommendation**

It is recommended that Consent Application B-2023-19 be approved, conditional upon the following;

- 1) That confirmation is provided that all taxes are paid up to date;

- 2) That a plan of survey is prepared and filed with the Municipality;
- 3) That a plan of survey be sent electronically to the Municipality of East Ferris' Director of Community Services;
- 4) That the applicant is required to pay \$250.00 per consent application to the Municipality of East Ferris for the Finalization  
Fee prior to the transfer of the severed land;
- 5) That the applicant is required to pay \$1250.00 per consent application to the Municipality of East Ferris for the Parkland Dedication Fee prior to the transfer of the severed land;
- 6) That the transfer(s)/Deed(s) of Land is submitted to the Secretary-Treasurer for the Issuance of the Certificate of Consent under subsection 53 (42) of the Planning Act, R.S.O. 1990, c.P.13, as amended;
- 7) That prior to the endorsement of the transfer(s) the owner grants simply unto the Municipality of East Ferris free of any charges, all lands measured 10.0 metres (33 feet) from the centerline of any existing publicly maintained road along the full length of the owner's total holdings being the subject of this consent; and
- 8) That all conditions must be filled within two years from the date the notice of decision has been given otherwise this provisional consent will lapse and the application for consent shall be deemed to be refused as per Section 53 (41) of the Planning Act, R.S.O. 1990, c.P.13, as amended.

Respectfully Submitted,



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Greg Kirton, RPP, MCIP

Director of Community Services  
Municipality of East Ferris