



ITEM: Consent to Sever and Minor Variance Recommendation Report
DATE: March 19th, 2025
TO: Committee of Adjustment
FROM: Planning & Development Department
FILE NO: B-2025-03 & A-2025-02
LOCATION: 688 Quae Quae Road

1. Introduction

An application has been submitted to the Municipality of East Ferris for consent to sever with an associated minor variance for the purposes of creating one new lot from the subject property at 688 Quae Quae Road. The property has a split zoning with both Estate Residential (RE) and Conservation Special Zone 1461 (O2 1461) under Zoning By-Law 2021-60. The Municipality of East Ferris Official plan designates the property as Estate Residential.

The applicant's property is a through lot that currently has frontage on both Quae Quae and Waukegan. The applicant's proposal would sever the property in the middle and create one new lot with frontage on Waukegan only, with the retained lands maintaining only the frontage along Quae Quae.

The applicant is proposing a minor variance to permit a reduction in lot area to 1.8 acres for the severed lands; whereas, 2.0 acres is the minimum required by Zoning By-law 2021-60. The applicant has indicated that the retained lands would comply with the requirements of the zoning by-law; however, based on our internal mapping and old engineering plans, it appears that the total lot area is somewhere between 3.6 and 3.7 acres in size, which would not leave adequate lot area for the retained lands if a 1.8 acre lot was severed off. An additional minor variance application may be required to accommodate the applicant's proposal and this should be verified before proceeding.

2. Description of Property

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

This lot is part of the original plan of subdivision for the development of Waukegan Road. The subdivision was designed in a way that much of the drainage for the northern part of the subdivision comes through this lot. This drainage pattern is delineated by the O2 zoning through

the central portion of the property and is intended to be kept clear of any building and preserved for drainage. If this application is approved, staff would recommend imposing an additional condition beyond our standard list of conditions, as follows:

- 1) That a drainage easement be established in favour of the municipality in accordance with the comments provided by the Director of Public Works.

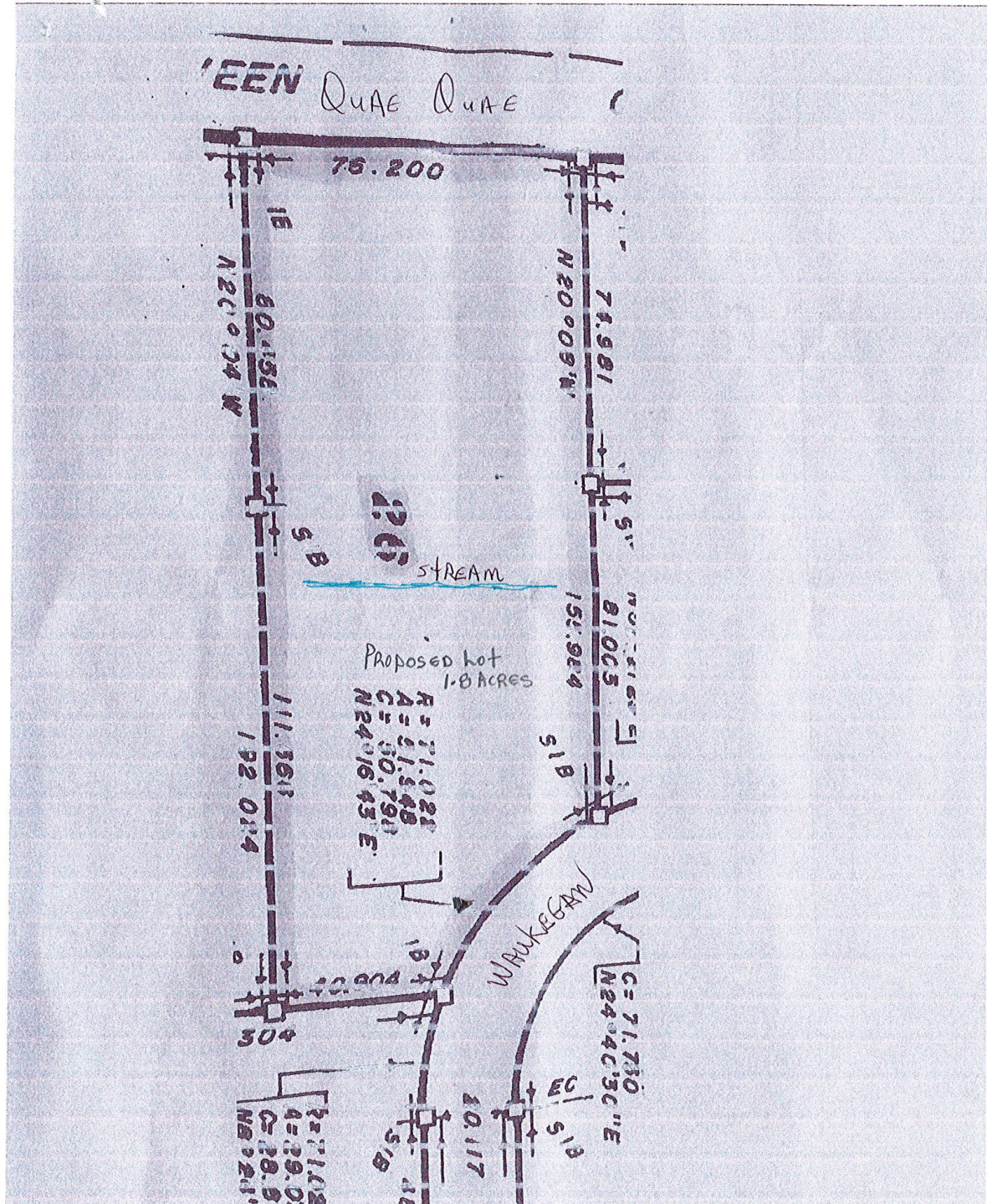
A condition requiring an easement would ensure that the municipality has the ability to appropriately deal with any drainage issues, should they arise in the future. East Ferris has drainage easements established on this watercourse on adjacent properties but not on the subject property.

The applicant is proposing to sever the lot with the lot line located centrally on the property in the middle of the O2 area. Both the severed and retained land would also have Estate Residential zoning along the road frontage that would accommodate suitable building locations.

Figure 1: Property Location



Figure 2: Area to be severed (not to scale)



3. Planning Review

A. Provincial Planning Statement

The Provincial Planning Statement, (PPS 2024) was issued under Section 3 of the Planning Act, and came into effect October 20th, 2024. 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 2024.

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 minimum lot standards in the East Ferris Zoning By-law and Official Plan require 60m (200 ft) of frontage and 0.8ha (2 acres) of lot area. The applicant’s proposal is requesting a reduction in lot area to 1.8 acres for the severed lands, which would front onto Waukegan. It appears that an additional variance would be required for the lot area of the retained lands, or a further reduction in lot area of the severed lands, would be required to make this proposal work.

Although the application should be deferred to verify this information, should the committee and the applicant choose to move forward with their application as submitted, there are criteria in the *Planning Act* and municipal planning documents that should be considered when reviewing the application.

Section 9.15.2 of the East Ferris Official Plan contains criteria that should be considered for evaluating consent applications. 9.15.2 6. speaks to only creating lots where adequate drainage conditions exist. Comments on this application from East Ferris Director of Public Works highlight the requirement to formalize the drainage protections on this lot through the registration of an easement. Staff would recommend that this condition be added, if the application is approved.

New lot proposals should also be considered in the context of the existing neighbourhood. This lot is part of the Waukegan subdivision plan and is generally consistent with the regular shape and size of the existing lots on the plan of subdivision. Specific care needs to be taken when considering further division within an existing plan of subdivision as the lot layout and character of the area tends to be very uniform. In this specific instance, with the lot being a through lot and having frontage along two separate streets, it creates a very unique situation where the lot is a reasonable candidate for further division. Frontage is generally a more defining factor for neighbourhood character than lot area is because the impact of reduced frontage can be more easily seen and felt at the street than any changes in the depth of the lot and how much area is present behind a home.

The applicant’s proposal would create an additional lot that exceeds the zoning by-law requirements for frontage and fill in a natural gap in the street between houses along the corner

on this section of Waukegan.

Because of these extenuating circumstances related to the proposal, staff is of the opinion that the general intent of our planning policies are met and the applicants proposal would maintain the consistent character of the area. This would satisfy the 'four tests' as outlined in section 45(1) of the *Planning Act*.

4. Recommendation

It is recommended that Consent Application B-2025-13 and Minor Variance Application A-2025-02 be deferred in order to confirm the lot area and which applications are required, as well as to re-circulate the application to the neighbourhood.

If the committee chooses to approve the application, staff recommend that it be 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 \$1,500.00 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 a drainage easement be established in favour of the municipality in accordance with the comments provided by the Director of Public Works.
- 9) 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,

A handwritten signature in black ink, appearing to read 'Greg Kirton', written in a cursive style.

Greg Kirton, RPP, MCIP

Director of Community Services
Municipality of East Ferris