

THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE

MUNICIPAL COUNCIL

PUBLIC MEETING

A G E N D A

DATE: May 9, 2011

TIME: 6:30 p.m.

PLACE: Council Chambers  
Oliver Paipoonge Municipal Complex

PRESIDING: Mayor L. Kloosterhuis

MEMBERS OF COUNCIL: Councillor J. Byers  
Councillor E. Collingwood (*late with notice*)  
Councillor B. Kamphof  
Councillor A. Vis

MUNICIPAL OFFICERS: Jamie Cressman, CAO/Clerk  
Judy Jacobson, Deputy Clerk  
Sharron Martyn, Planner

ORDERS OF THE DAY: OPENING THE MEETING  
DISCLOSURES OF INTEREST  
ADOPTION OF THE AGENDA  
PUBLIC MEETING  
REPORTS OF MUNICIPAL OFFICERS  
ADJOURNMENT

CALL TO ORDER

DISCLOSURES OF INTEREST

ADOPTION OF THE AGENDA

RES THAT with respect to the May 9, 2011, Public Meeting Agenda,  
 1 we recommend that the agenda as printed including any additional  
 information and new business be confirmed.

PUBLIC MEETING

Darryl Ahola/Jerry Martyn  
Zoning By-law Amendment

4 – 15

An application on behalf of Darryl Ahola/Jerry Martyn for a zoning by-law amendment to rezone a portion of the subject property located in the south west corner of applicant/s property to allow for the creation of a building lot. An application for consent will be applied for through the Oliver Paipoonge Committee of Adjustment simultaneously with this zoning application. The proposed lot will be rezoned from Oliver Agriculture (OAG) to Oliver Rural Residential (ORR). The proposed lot of approximately 120m frontage, 169m depth with a total of 2.02343 ha. (5 acres) in size meets the zoning requirements for the ORR zone.

The draft by-law is contained in the agenda and a copy will be available for the public at the meeting.

16 – 17

- a) Mayor introduces the amendment.
- b) Clerk to read the Notice.
- c) Mayor reviews process and purpose and effect.
- d) Clerk reads comments received from agencies or individuals.
- e) Planning Department reads the Planning Report.
- f) Mayor asks for comments in support of the proposed amendment.
- g) Mayor asks for comments in opposition to the proposed amendment.
- h) Mayor asks for questions from the floor or Council Members.
- i) Mayor’s concluding remarks and advises the By-law will be considered at the Regular Meeting of Council to held later this evening being May 9, 2011.

18 – 19

Lawrence Gernat  
Zoning By-law Amendment

20 – 32

An application on behalf of Lawrence Gernat to amend By-law 185-01 for a site specific rezoning to allow for a reduced frontage under the Oliver Limited Agricultural Zone, noting that the subject lot does not have the required frontage on a municipally maintained road (Simko Road) but does historically have access to said property. Legal description of subject land is Parcel 800 Section DFWF, S1/2 Lot 2, Conc 6 – 79 Simko Drive, in the former Geographic Township of Oliver, now the Municipality of Oliver Paipoonge.

The draft by-law is contained in the agenda and a copy will be available for the public at the meeting.

33 – 34

- a) Mayor introduces the amendment.
- b) Clerk to read the Notice.
- c) Mayor reviews process and purpose and effect.
- d) Clerk reads comments received from agencies or individuals.
- e) Planning Department reads the Planning Report.
- f) Mayor asks for comments in support of the proposed amendment.
- g) Mayor asks for comments in opposition to the proposed amendment.
- h) Mayor asks for questions from the floor or Council Members.
- i) Mayor’s concluding remarks and advises the By-law will be considered at the Regular Meeting of Council to be held later this evening being May 9, 2011.

35 – 40

ADJOURNMENT

RES 2 THAT the Public Meeting to consider a Zoning By-law Amendment under Section 34 of the Ontario Planning Act, R.S.O. 1990, c.P.13, 1996 Edition, be closed, the hour being \_\_\_\_\_ p.m.



## **NOTICE OF PUBLIC MEETING BEFORE OLIVER PAIPOONGE MUNICIPAL COUNCIL**

Pursuant to Section 34 of the Planning Act, a public meeting will be held on

**MONDAY, MAY 9TH, 6:30 P.M.**

Council Chambers, 4569 Oliver Road  
Murillo, Ontario.

to consider a proposed amendment to the Oliver Paipoonge Zoning By-law 185-01 under Section 34 of the Ontario Planning Act, R.S.O. 1990, c.P.13. Details in the following pages.

### **Purpose of the Meeting:**

- For the applicant to present the proposal;
- For interested parties to express their opinion about the proposal; and
- For community input to be used to evaluate the proposal.

### **Submission of comments and notice of decision:**

Written comments may be filed at the meeting or mailed to the Clerk or Planner. Please include your name, mailing address and telephone number, and quote the file number of the application in any correspondence.

If you wish to be notified of Council's decision regarding this application, please make a written request to Jamie Cressman, CAO/Clerk, P.O. Box 10, Murillo, ON P0T 2G0.

File: ZBLA-04, 2011

- 2 -

Applicant: Darryl Ahola/Jerry Martyn

Legal Description: Pt. N1/2 Lot 16, Conc. 1, PCL 4749 – Oliver Road, Geographic Township of Oliver, now in the Municipality of Oliver Paipoonge.

The purpose and effect of this proposed Zoning By-law Amendment would be to rezone a portion of the subject property located in the south west corner of applicant's property to allow for the creation of a building lot. An application for consent will be applied for through the Oliver Paipoonge Committee of Adjustment simultaneously with this zoning application. The proposed lot will be rezoned from Oliver Agriculture (OAG) to Oliver Rural Residential (ORR). The proposed lot of approximately 120m frontage, 169m depth with a total of 2.02343 ha. (5 acres) in size meets the zoning requirements for the ORR zone.

Key map attached showing the location of the property to which this application applies.

Any person may attend the Public Meeting and/or give written or verbal representation either in support of or in opposition to the proposed Zoning by-law.

If a person or public body does not make oral submissions at a public meeting or make written submission at a public meeting to the Municipality of Oliver Paipoonge before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

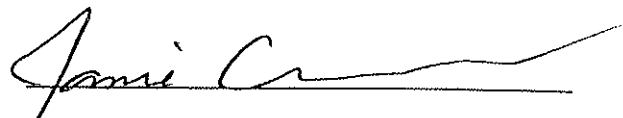
For more information:

For additional information or questions regarding this proposed amendment that will be considered at the public meeting, please call the Planner, Sharron Martyn between 8:30 am and 4:30 pm Tuesday, Wednesday or Thursdays (807)935-2613x6 or emailing [sharron.martyn@oliverpaipoonge.on.ca](mailto:sharron.martyn@oliverpaipoonge.on.ca) or visit the Municipal Office on those days.

Dated at the Municipality of Oliver Paipoonge this 18<sup>th</sup> day of April, 2011.

SEE MAP ON ATTACHED SHEET

FOR LOCATION OF SUBJECT LANDS.



Jamie Cressman, CAO/Clerk  
Municipality of Oliver Paipoonge.



P.O. Box 10, 4569 Oliver Road  
Murillo, ON P0T 2G0  
Phone: (807) 935-2613  
Fax: (807) 935-2161  
www.oliverpaipoonge.on.ca

**APPLICATION TYPE:**

Check (✓)

- Zoning By-law Amendment - \$1000
- Temporary Use By-law - \$1000
- Removal of the Holding Zone ("H" Symbol)
- Official Plan Amendment - \$1000

**OWNER/APPLICANT INFORMATION:**

Owner DARRYL ABOLA/JERRY MARTYN Tel. 473-9455

Fax \_\_\_\_\_

Address 5242 OLIVER RD.

Email \_\_\_\_\_

**AGENT, SOLICITOR, OR PLANNING CONSULTANT (if applicable):**

Name \_\_\_\_\_ Tel. \_\_\_\_\_

Fax \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

**PROPERTY INFORMATION**

PT N1/2 = PARCEL 4749

Legal Description LOT 16, CONC. 1 (OLIVER PAIPOONGE)

Address OLIVER RD. MURILLO ON.

Current Zoning AG Official Plan Designation RURAL

Existing use of the property AGRICULTURAL

How long has this use continued? FOREVER

In what year did the owner acquire the property? 2003

List all types of existing buildings/structures, the dates constructed and the setbacks, height and dimensions of each building/structure

N/A

How is the property serviced? Check ( ) N/A.

( ) City water ( ) Private well ( ) Communal well ( ) Lake/other water body

( ) Private septic ( ) Communal septic system ( ) Other

How will storm drainage be provided?

( ) Storm sewer (X) Ditches ( ) Swales ( ) Other

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed, a servicing options report and a hydrogeological report must be provided.

How is the property accessed?

( ) Provincial highway

(X) Municipal road, maintained all year

( ) Other public road

( ) Right of way

Describe the parking facilities to be used and the approximate distance of these facilities between the subject land and the nearest public road:

DRIVEWAY - 60 METRES.



P.O. Box 10, 4569 Oliver Road  
Murillo, ON P0T 2G0  
Phone: (807) 935-2613  
Fax: (807) 935-2161  
www.oliverpaipoonge.on.ca

Does any party have an interest in the property (i.e. easement, mortgage)?  
Provide the names and addresses for these parties N/A

List any previous or current *Planning Act* applications that apply to this property  
N/A

Are you aware of any *Planning Act* applications currently being processed for any  
properties within 120m? ( )Yes (X)No

If Yes, include the File No. and Approval Authority if known \_\_\_\_\_

Does the Owner own Adjoining Properties? ( )Yes (X)No

If Yes, please describe in detail \_\_\_\_\_

Is there any reason to believe that the site may be environmentally  
contaminated? ( )Yes (X)No

If Yes, please describe in detail \_\_\_\_\_

Has an industrial or commercial use been on or adjacent to the property?  
( )Yes (X)No

If Yes, please describe in detail \_\_\_\_\_

Has lot grading been changed by adding or removing earth or other material?  
( )Yes (X)No

Has the Ministry of the Environment or any other agency formally or informally  
advised the owners that the property is or may be contaminated?  
( )Yes (X)No

If Yes, please describe in detail \_\_\_\_\_

(If you answered Yes to any of the questions related to possible contamination of the site, a previous use inventory, showing all former uses of the subject property, or if appropriate, the adjacent property, is required and must be submitted with this application)

**PROPOSAL INFORMATION**

What is the proposed use of the subject land? BUILDING LOT

Are buildings or structures proposed for the subject land?  Yes  No

If Yes, indicate the types of buildings or structures and the setbacks, height and dimensions of each building/structure HOUSE / GARAGE  
HOUSE 185 SQUARE METERS

Describe in detail what NEW DEVELOPMENT IS PROPOSED on the property  
CLEARING FOR BUILDING LOT.

List any buildings or structures that will be REMOVED as part of this proposal  
N/A.

If no new development is proposed, describe the reasons for this application  
N/A.

How, in your view, will the proposal fit in the existing land uses in the area?

OTHER BUILDING LOTS IN AREA.

Describe in detail how the application conforms with the intent of the Official Plan

IN THE NEW OFFICIAL PLAN THE PROPERTY IS DESIGNATED RURAL.

Is the proposed amendment consistent with the Provincial Policy Statements issued under subsection 3(1) of the *Planning Act*?  Yes ( ) No

Describe

If the application is to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement, please list the details of the official plan or official plan amendment that deals with the matter.

N/A



P.O. Box 10, 4569 Oliver Road  
Murillo, ON P0T 2G0  
Phone: (807) 935-2613  
Fax: (807) 935-2161  
www.oliverpaipoonge.on.ca

If the application is to remove land from an area of employment, please list the details of the official plan or official plan amendment that deals with the matter.

N/A

If the subject land is within an area where zoning with conditions may apply, please provide an explanation of how the application conforms to the Official Plan policies relations to zoning with conditions.

N/A

Does this application seek to REZONE the property? (X)Yes ( )No

If Yes, what zone is requested? OLIVER RURAL RESIDENTIAL.

Why is this application being made to amend the Zoning By-law?

TO ALLOW FOR A RESIDENTIAL LOT.

If changes to the REGULATIONS of the By-law are requested, indicate so below:

A) General Regulations or Definitions (changes to Section 2 or 3 of By-law 185-01):

Section	Existing Requirement	Requested Requirement

B) Regulations (changes requested to the regulation in a particular zone of Section 4):



P.O. Box 10, 4569 Oliver Road  
Murillo, ON P0T 2G0  
Phone: (807) 935-2613  
Fax: (807) 935-2161  
www.oliverpaipoonge.on.ca

---

Section	Existing Requirement	Requested Requirement
_____	_____	_____
_____	_____	_____
_____	_____	_____

Does this application seek to REDESIGNATE the property? ( ) Yes (X) No

If YES, what designation is requested? \_\_\_\_\_

Does this application seek to add or change a POLICY in the Official Plan?  
( ) Yes (X) No Policy No. \_\_\_\_\_

Proposed Wording: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

## SKETCH

---

Site plan must show the following in metric dimensions on a page not exceeding 11x17":

North arrow, scale and legend;

The boundaries of the owner's property including the area of the property and all dimensions;

The boundaries of the property subject to the application including area and dimensions, if different from above;

All existing and proposed buildings located on the property including building dimensions (incl. height), separation distances between buildings and the distances to property lines;

The location of all natural and artificial features (e.g. easements, railways, pipelines, high voltage transmission lines, highways, watercourses, drainage ditches, banks, slopes, wetlands, wooded areas, wells, and septic fields) that are located on the subject land and on land that is adjacent to it and in the applicant's opinion, may affect the application;

The nature of the existing use of the adjacent properties (e.g. residential, agriculture, automotive);

The proposed development, including the area and dimensions of any new lots to be created, the size and location of buildings, parking areas (including the dimensions of all parking spaces and aisles), landscaping, amenity areas, etc.;

As applicable – fire access route, outdoor equipment and storage, walkways, curbing, fencing;

Existing municipal infrastructure immediately adjacent to the site (roads, lanes, sidewalks, existing entrances, boulevard trees, fire hydrants, hydro poles, easements, etc);

The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or right of way;



P.O. Box 10, 4569 Oliver Road  
Murillo, ON P0T 2G0  
Phone: (807) 935-2613  
Fax: (807) 935-2161  
www.oliverpaipoonge.on.ca

**CERTIFICATION BY THE APPLICANT**

I/we (insert name) DARRYL AHOLA / JERRY MARTYN of the Municipality of Oliver Paipoonge in the Province of Ontario, solemnly declare that the statements contained in this application are true, and I/we 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*.

Sworn (or declared) before me at the Municipality of Oliver Paipoonge in the Province of Ontario, this 14th day of April, 2011.

[Signature]  
Commissioner of Oaths

D. Ahola / Jerry Martyn  
Applicant/Authorized Agent

If the applicant is a Corporation, the application shall be signed by an Officer of the Corporation and the Corporation Seal shall be affixed.

**THE INFORMATION IN THIS APPLICATION AND ALL OTHER INFORMATION, STUDIES, REPORTS AND COMMENTS RECEIVED RELATIVE TO THE PROCESSING OF THIS APPLICATION IS COLLECTED FOR THE PURPOSE OF CREATING A RECORD THAT IS AVAILABLE TO THE GENERAL PUBLIC.**

**AUTHORIZATION OF THE OWNER FOR AN AGENT TO MAKE APPLICATION**

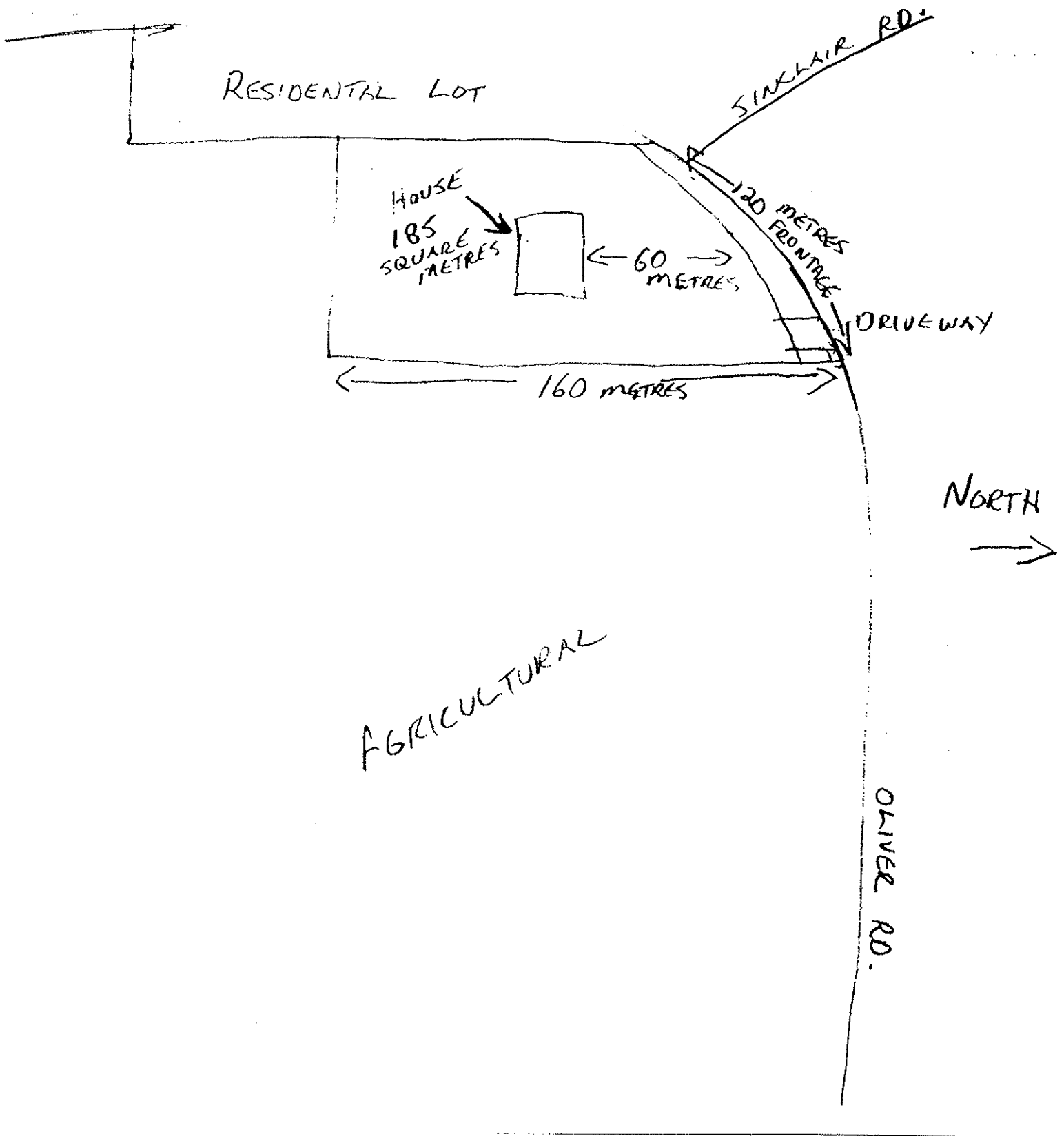
I/we authorize \_\_\_\_\_ (name of agent) to act on my/our behalf in submitting this application. This application has been submitted with my/our full knowledge and endorsement.

Owner(s) \_\_\_\_\_

Date \_\_\_\_\_

<p><i>For office use only</i></p> <p>Date <b>complete</b> application is received: _____</p> <p>Application number: _____</p>
---

Sketch



DRAFT

THE CORPORATION OF THE MUNICIPALITY  
OF OLIVER PAIPOONGE

BY-LAW NO. 633 - 2011

*A By-law to amend By-law No. 185-01, a Zoning By-law.*

WHEREAS the Council for the Corporation of the Municipality of Oliver Paipooonge has been petitioned by the owners of certain lands situate in the former Township of Paipooonge now in the Municipality of Oliver Paipooonge to amend By-law No. 185-01, as it applies to said lands.

AND WHEREAS the Council is desirous of amending said By-law No. 185-01 in the manner hereinafter set forth.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE HEREBY ENACTS AS FOLLOWS:

- 1) Notwithstanding the provisions of Schedule "A" to By-law Number 185-01 as it applies to Part North Half Lot 16, Parcel 4749, Concession 1 in the former Township of Oliver, Geographic Municipality of Oliver Paipooonge, the zoning amendment will provide an amendment to change a portion of applicants property presently zoned Oliver Agricultural (OAG) zone to Oliver Rural Residential (ORR); in accordance with Schedule "A" attached hereto and forming part of this by-law.
- 2) This By-law shall come into force and take effect on the date of passing and in accordance with Section 34 of the *Ontario Planning Act*, R.S.O. 1990, c.P. 13, 1996 Edition, as amended.

Enacted and passed this 9<sup>th</sup> day of May, A.D. 2011 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

THE CORPORATION OF THE  
MUNICIPALITY OF OLIVER PAIPOONGE

---

Mayor Lucy Kloosterhuis

---

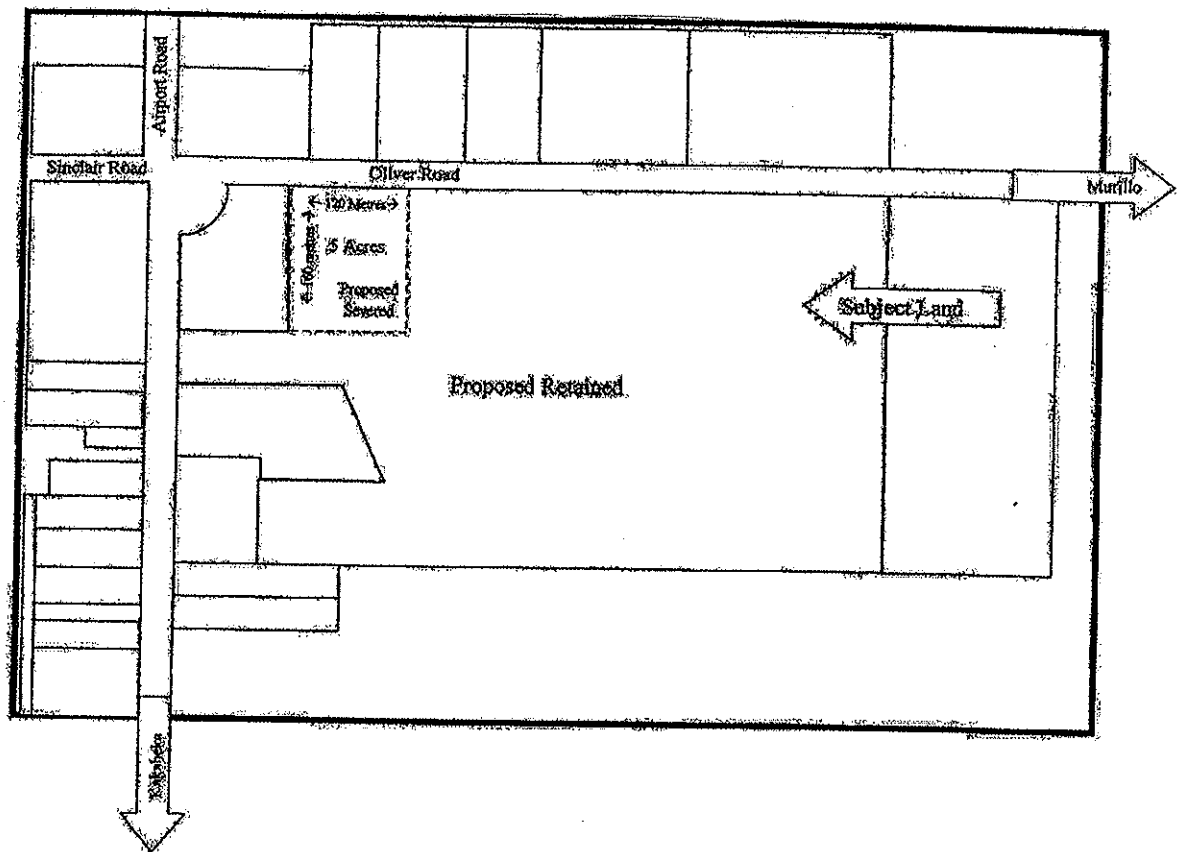
Jamie Cressman  
Chief Administrative Officer/Clerk

# DRAFT

THE CORPORATION OF THE MUNICIPALITY  
OF OLIVER PAIPOONGE  
BY-LAW NO. 633 - 2011  
SCHEDULE 'A'

The purpose and effect of By-law No. 633-2011 is to change the zoning from the Oliver Agricultural (OAG) zone to the Oliver Rural Residential (ORR) zone as it applies to Part North Half Lot 16, Parcel 4749, Concession 1, in the former Township of Oliver and now in the Municipality of Oliver Paipoonge. The subject property is owned by Darryl Ahola and Jerry Martyn and the purpose of the change of zoning is to allow for one single family building lot.

Location and Map



# PLANNING REPORT

**To Be Completed Prior to Hearing**

File Number	ZBLA04/11	Municipality:	OLIVER PAIPOONGE
Lot & Conc.	Pt. N1/2 Lot 16 PCL4749 Con. 1	Owner	Darryl Ahola/Jerry Martyn
Hearing Date	2011 May 9 <sup>th</sup>	Date of Receipt of Completed Application	2011 April 15
	Year Month Day		Year Month Day
Checked By	S. Martyn	Zoning By-Law Number:	185-01
Present Zone:	Oliver Agricultural (OAG)	Proposed Zoning:	Oliver Rural Residential (ORR)
Official Plan Designation:	RURAL	Designation in Canada Land Inventory:	Class 3
Site Visit Carried Out By Staff/Committee :	staff	Authorization of Owner Received(if Required):	n/a

Conformity with the Agricultural Code of Practice (If Applicable) Yes  No  N/A  X

Date of Notice of Decision sent to Applicant :

	<i>Year</i>	<i>Month</i>	<i>Day</i>
--	-------------	--------------	------------

**Planning Comments:**

The purpose of this application is to rezone a portion of the subject land from Oliver Agriculture (OAG) to Oliver Rural Residential (ORR) zone. This zoning change would allow for a 2 ha building lot, 90m frontage. The retained lot will remain Agricultural and will continue to be used for agricultural purposes. The Official Plan designation is Rural. The Designation in the Canada Land Inventory Soil Capability for Agriculture is Class 3 – “Soils in this class have moderately severe limitations that restrict the range of crops or require special conservation practices”.

The ORR zoning requirements allow for a single family dwelling, home industry, home occupation and animal units. This lot will meet all the zoning requirements as to size and use.

This subject property is situated on the south side of Oliver Road and near the bend leading to Sinclair Road and the private airport. The owner of the subject property also owns large parcels of land on the north side of Oliver Road west of Spence Road and also parcels of land on Sinclair Road to the river and abutting the private airport.

Discussion has taken place with the owner and prospective purchaser with regard to the proposed routes of the new highway proposals. The owner believes the two preferred routes will not affect this proposed lot. If the choices are BCD3 or BCD4 it appears that he is correct.

This particular lot that the owner is requesting a zoning change is completely treed and will be buffered by trees from the retained lot. The lot immediately beside the proposed lot is residential use and on the north side of Oliver Road that property is also zoned ORR and consents granted for three residential lots were approved.

Discussion took place with owner and Planner regarding the possibility of zoning the proposed lot to OAL zone which would require the larger lot but the owner wished to keep as much land in Agricultural as possible at this time.

"The proposed lot would not be subject to the Ontario Ministry of Agriculture and Food's Minimum Distance Separation Criteria.

Based on the information on the application, knowledge of the subject property and information noted above, the Planner would not have an objection to the proposed zoning to allow for a single family residential lot being approved.

Sharron Martyn, Planner  
Oliver Paipoonge Planning Department



## NOTICE OF PUBLIC MEETING BEFORE OLIVER PAIPOONGE MUNICIPAL COUNCIL

Pursuant to Section 34 of the Planning Act, a public meeting will be held on

**MONDAY, MAY 9TH, 6:30 P.M.**

Council Chambers, 4569 Oliver Road, Murillo, Ontario

to consider a proposed amendment to the Oliver Paipoonge Zoning By-law 185-01 under Section 34 of the Ontario Planning Act, R.S.O. 1990, c.P.13. Details in the following pages.

### **Purpose of the Meeting:**

- For the applicant to present the proposal;
- For interested parties to express their opinion about the proposal; and
- For community input to be used to evaluate the proposal.

### **Submission of comments and notice of decision:**

Written comments may be filed at the meeting or mailed to the Clerk or Planner.

Please include your name, mailing address and telephone number, and quote the file number of the application in any correspondence.

If you wish to be notified of Council's decision regarding this application, please make a written request to Jamie Cressman, CAO/Clerk, P.O. Box 10, Murillo, ON P0T 2G0.

**Legal Description of subject land:** Parcel 800 Section DFWF, S1/2 Lot 2, Conc. 6 – 79 Simko Drive, former Geographic of Township of Oliver, now the Municipality of Oliver Paipoonge.

**Applicant:** Lawrence Gernat

The purpose and effect of this proposed Zoning By-law Amendment would be to amend By-law 185-01 noting that the subject lot does not have the required frontage on a municipally maintained road (Simko Road) but does historically have access to said property.

Applicant: Lawrence Gernat

This lot was created as a lot over 100 years and property has always had a resident occupying this land as a farm and later on in years as a hobby farm. When the applicant purchased the property in 1969 they were informed by the Clerk of the former Township of Oliver that this property could be continued to be used as a single family residence and/or farm related use. The applicant purchased the adjoining property in his name later in order to build a new home and when the applicant's son wished to move onto the subject land, the applicant was unable to transfer the land at the registry office because of the joint ownership regulation in the Planning Act. The applicant applied to the Committee of Adjustment to sever the subject land from the abutting lands and this application was granted subject to a site specific rezoning to allow for a reduced frontage under the Oliver Limited Agricultural Zone.

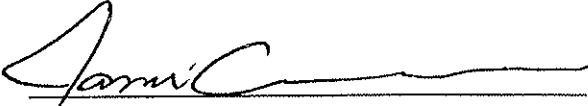
The applicant was also asked to survey the turn-a-round that is used by the Municipality and which is the access to subject property. The Municipality will be asked to accept this turn-around for Simko Drive. This zoning will indicate that this property has access to the subject property and subject lands will be considered legally non-conformity.

Any person may attend the Public Meeting and/or give written or verbal representation either in support of or in opposition to the proposed Zoning By-law.

If a person or public body does not make oral submissions at a public meeting or make written submission at a public meeting to the Municipality of Oliver Paipoonge before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so. For more information or questions: regarding this proposed amendment that will be considered at the public meeting, please call the Planner, Sharron Martyn between 8:30 am and 4:30 pm Tuesday, Wednesday or Thursday (807)935-2613x6 or emailing [sharron.martyn@oliverpaipoonge.on.ca](mailto:sharron.martyn@oliverpaipoonge.on.ca) or visit the Municipal Office on those days.

Dated at the Municipality of Oliver Paipoonge this 18<sup>th</sup> day of April, 2011.

SEE MAP ON ATTACHED SHEET  
FOR LOCATION OF SUBJECT LANDS.

  
\_\_\_\_\_  
Jamie Cressman, CAO/Clerk





P.O. Box 10, 4569 Oliver Road  
Murillo, ON P0T 2G0  
Phone: (807) 935-2613  
Fax: (807) 935-2161  
www.oliverpaipoonge.on.ca

**APPLICATION TYPE:**

Check (✓)

- Zoning By-law Amendment - \$1000
- Temporary Use By-law - \$1000
- Removal of the Holding Zone ("H" Symbol)
- Official Plan Amendment - \$1000

**OWNER/APPLICANT INFORMATION:**

Owner Lawrence Gernat Tel. 767-7988

Fax \_\_\_\_\_

Address R.R. # 12, Yurick Dr., Thunder Bay, ON P7B 5E3

Email lgernat@tbaytel.net

**AGENT, SOLICITOR, OR PLANNING CONSULTANT (if applicable):**

Name \_\_\_\_\_ Tel. \_\_\_\_\_

Fax \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

**PROPERTY INFORMATION**

Legal Description Parcel 800 Section DFWF, S½ Lot 2, Conc 6-79 Simko Dr.

Address 79 Simko Dr. Thunder Bay ON

Current Zoning Limited Agricultural Official Plan Designation Rural

Existing use of the property Vacant w/buildings

How long has this use continued? 12 yrs.

In what year did the owner acquire the property? 1969.

List all types of existing buildings/structures, the dates constructed and the setbacks, height and dimensions of each building/structure

- \* House - \_\_\_\_\_
- \* Barn - \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

How is the property serviced? Check ( )

- ( ) City water    (✓) Private well    ( ) Communal well    ( ) Lake/other water body
- (✓) Private septic    ( ) Communal septic system    ( ) Other

How will storm drainage be provided?

- ( ) Storm sewer    ( ) Ditches    ( ) Swales    (✓) Other

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed, a servicing options report and a hydrogeological report must be provided.

How is the property accessed?

- ( ) Provincial highway    (✓) Municipal road, maintained all year
- ( ) Other public road    ( ) Right of way

Describe the parking facilities to be used and the approximate distance of these facilities between the subject land and the nearest public road:

150 yards.

Does any party have an interest in the property (i.e. easement, mortgage)?  
Provide the names and addresses for these parties N/A

List any previous or current *Planning Act* applications that apply to this property

N/A: Consent to Sever

Are you aware of any *Planning Act* applications currently being processed for any properties within 120m? ( ) Yes (  ) No

If Yes, include the File No. and Approval Authority if known \_\_\_\_\_

Does the Owner own Adjoining Properties? (  ) Yes ( ) No

If Yes, please describe in detail abutting property w/ house

Is there any reason to believe that the site may be environmentally contaminated? ( ) Yes (  ) No

If Yes, please describe in detail \_\_\_\_\_

Has an industrial or commercial use been on or adjacent to the property?  
( ) Yes (  ) No

If Yes, please describe in detail \_\_\_\_\_

Has lot grading been changed by adding or removing earth or other material?  
( ) Yes (  ) No

Has the Ministry of the Environment or any other agency formally or informally advised the owners that the property is or may be contaminated?  
( ) Yes (  ) No

If Yes, please describe in detail \_\_\_\_\_



P.O. Box 10, 4569 Oliver Road  
Murillo, ON P0T 2G0  
Phone: (807) 935-2613  
Fax: (807) 935-2161  
www.oliverpaipoonge.on.ca

(If you answered Yes to any of the questions related to possible contamination of the site, a previous use inventory, showing all former uses of the subject property, or if appropriate, the adjacent property, is required and must be submitted with this application)

**PROPOSAL INFORMATION**

What is the proposed use of the subject land? Build house + hobby farm

Are buildings or structures proposed for the subject land?  Yes  No

If Yes, indicate the types of buildings or structures and the setbacks, height and dimensions of each building/structure

House - Residential - 30 x 50 - two story 26' H  
w/ Attached garage 24 x 30.

Describe in detail what NEW DEVELOPMENT IS PROPOSED on the property

N/A

List any buildings or structures that will be REMOVED as part of this proposal

Existing house either renovated or torn down.

If no new development is proposed, describe the reasons for this application

N/A

How, in your view, will the proposal fit in the existing land uses in the area?

I am compatible w/all adjoining lands - I want to build a house to live in + have a small scale farming operation.

Describe in detail how the application conforms with the intent of the Official Plan

The property is in a rural designation which allows for residential use w/large lots + also allows for small scale agricultural use.

Is the proposed amendment consistent with the Provincial Policy Statements issued under subsection 3(1) of the *Planning Act*? ( )Yes ( )No

Describe N/A

If the application is to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement, please list the details of the official plan or official plan amendment that deals with the matter.

N/A

If the application is to remove land from an area of employment, please list the details of the official plan or official plan amendment that deals with the matter.

N/A

If the subject land is within an area where zoning with conditions may apply, please provide an explanation of how the application conforms to the Official Plan policies relations to zoning with conditions.

N/A

Does this application seek to REZONE the property?  Yes ( ) No

If Yes, what zone is requested? Change in minimal Frontage - Section 4.3.2(B)

Why is this application being made to amend the Zoning By-law?

This lot was originally created as buildable single lot. It has been occupied for almost 100 yrs w/no concerns to limitations or classifications of use. The main issue at hand is the proposed severance of the adjoining + abutting lot which is in joint ownership. Both properties have separate tax rolls + assessments. The purchaser is a family member who understands the future limitations of the property and will not be requesting or applying for any further adjustments.

If changes to the REGULATIONS of the By-law are requested, indicate so below:

A) General Regulations or Definitions (changes to Section 2 or 3 of By-law 185-01):

Section	Existing Requirement	Requested Requirement
<u>4.3.2(B)</u>	<u>50m 120m</u>	<u>25m</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

B) Regulations (changes requested to the regulation in a particular zone of Section 4):



P.O. Box 10, 4569 Oliver Road  
Murillo, ON P0T 2G0  
Phone: (807) 935-2613  
Fax: (807) 935-2161  
www.oliverpaipooenge.on.ca

Section	Existing Requirement	Requested Requirement
_____	_____	_____
_____	_____	_____
_____	_____	_____

Does this application seek to REDESIGNATE the property? ( ) Yes (✓) No

If YES, what designation is requested? \_\_\_\_\_

Does this application seek to add or change a POLICY in the Official Plan?  
( ) Yes (✓) No Policy No. \_\_\_\_\_

Proposed Wording: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* In addition to the non-conforming frontage, it must be understood that access has always been in place since the lot was created. 248 sq meters will be transferred to the Municipality as legal road allowance.

This application is in response to a condition required by the committee of adjustment from my approved application to them on July 8/2010.

**CERTIFICATION BY THE APPLICANT**

I/we (insert name)  
Lawrence Gernat of the  
Municipality of Oliver Paipoonge in the Province of Ontario, solemnly declare that  
the statements contained in this application are true, and I/we 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*.

Sworn (or declared) before me at the Municipality of Oliver Paipoonge in the  
Province of Ontario, this 13<sup>th</sup> day of April, 2011.

[Signature]  
Commissioner of Oaths

[Signature]  
Applicant/Authorized Agent

If the applicant is a Corporation, the application shall be signed by an Officer of  
the Corporation and the Corporation Seal shall be affixed.

**THE INFORMATION IN THIS APPLICATION AND ALL OTHER  
INFORMATION, STUDIES, REPORTS AND COMMENTS RECEIVED  
RELATIVE TO THE PROCESSING OF THIS APPLICATION IS COLLECTED  
FOR THE PURPOSE OF CREATING A RECORD THAT IS AVAILABLE TO  
THE GENERAL PUBLIC.**

**AUTHORIZATION OF THE OWNER FOR AN AGENT TO MAKE  
APPLICATION**

I/we authorize Lorne J. Gernat (name of  
agent) to act on my/our behalf in submitting this application. This application has  
been submitted with my/our full knowledge and endorsement.

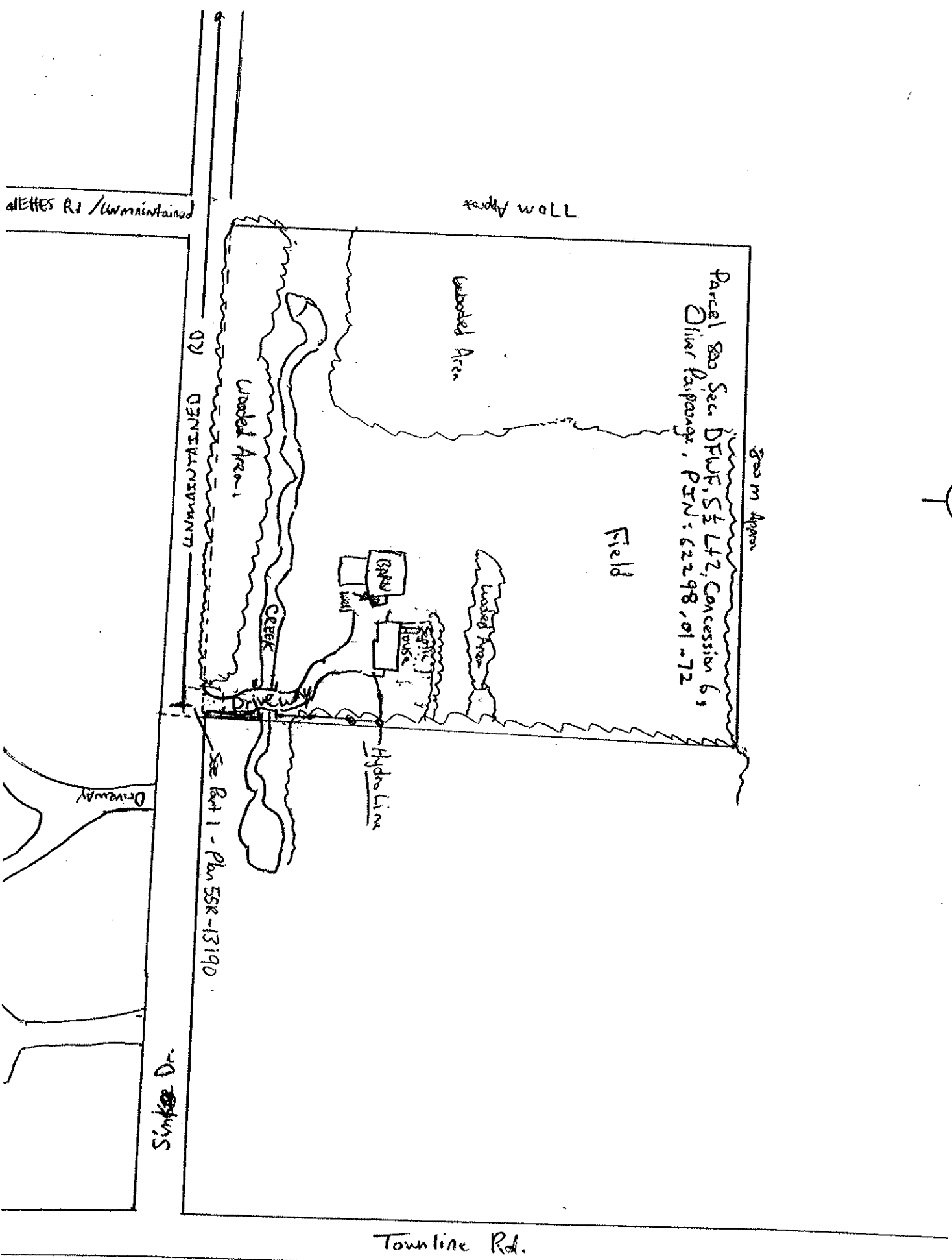
[Signature]  
Owner(s)

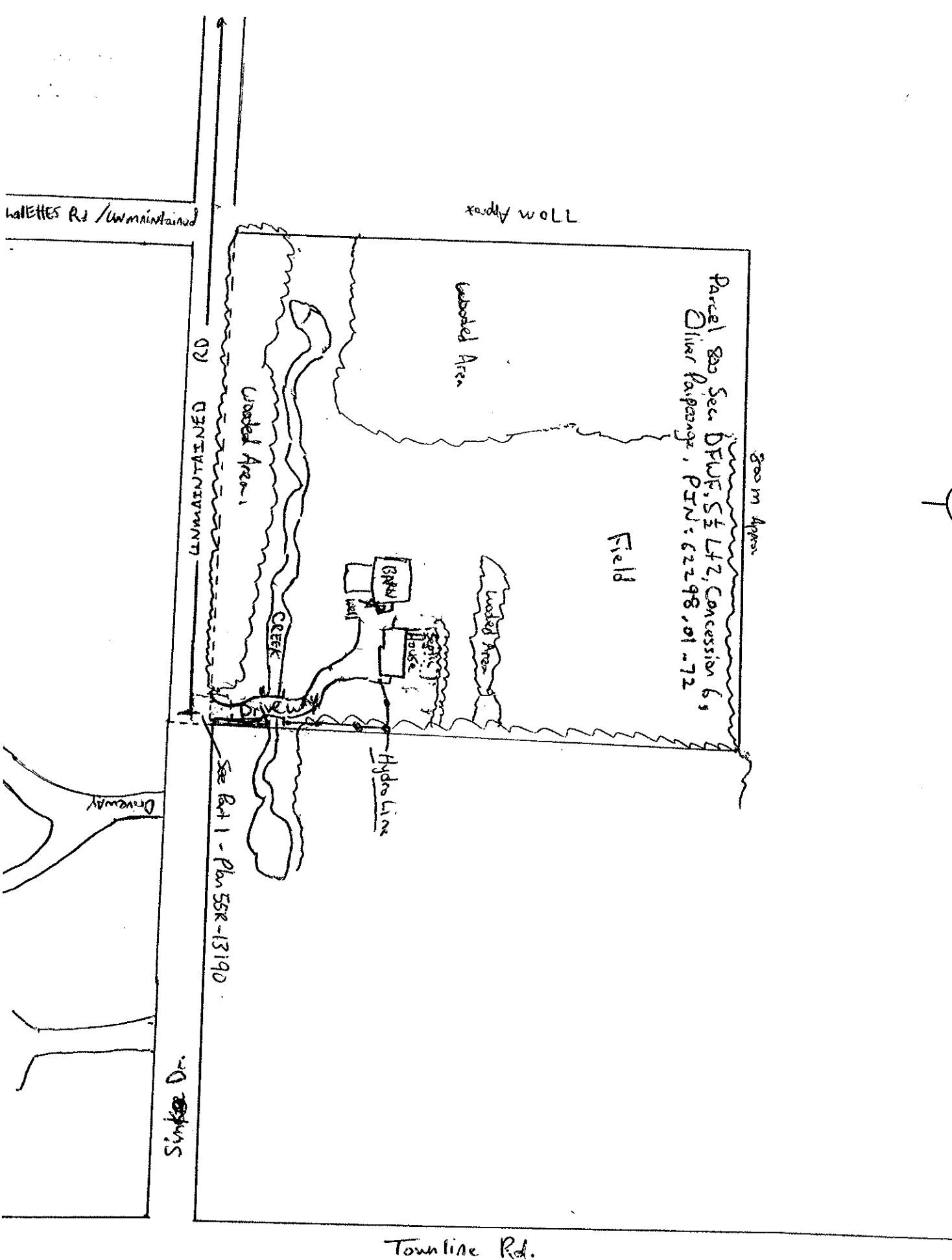
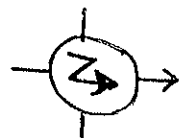
April 12/2011  
Date

*For office use only*

Date **complete** application is received: \_\_\_\_\_

Application number: \_\_\_\_\_





70m Approx

Parcel 800 Sec DFWF, S 1/4 L 2, Concession 6,  
Oliver Paipange, PIN: 62298, 01-72

300m Approx

Subsided Area

Field

Wooded Area

Wooded Area

CREEK

Hydro Line

Spring House

GRW Well

DENSELY WOODED

See Bat 1 - Plan 55K-13190

Sinker Dr.

Driveway

Townline Rd.

# DRAFT

THE CORPORATION OF THE MUNICIPALITY  
OF OLIVER PAIPOONGE

BY-LAW NO. 634 - 2011

*A By-law to amend By-law No. 185-01, a Zoning By-law.*

WHEREAS the Council for the Corporation of the Municipality of Oliver Paipoonge has been petitioned by the owners of certain lands situate in the former Township of Paipoonge now in the Municipality of Oliver Paipoonge to amend By-law No. 185-01, as it applies to said lands;

AND WHEREAS the Council is desirous of amending said By-law No. 185-01 in the manner hereinafter set forth;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE HEREBY ENACTS AS FOLLOWS:

- 1) Notwithstanding the provisions of Schedule "A" to By-law Number 185-01 as it applies to South Half of Lot 2, Concession 6, Parcel 800 Sec. DFWF in the former Township of Oliver, Geographic Municipality of Oliver Paipoonge, the zoning amendment will provide an amendment to allow for lesser frontage using the access only to the above applicant's property; in accordance with Schedule "A" attached hereto and forming part of this by-law.
- 2) This By-law shall come into force and take effect on the date of passing and in accordance with Section 34 of the *Ontario Planning Act*, R.S.O. 1990, c.P. 13, 1996 Edition, as amended.

Enacted and passed this 9<sup>th</sup> day of May, A.D. 2011 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

THE CORPORATION OF THE  
MUNICIPALITY OF OLIVER PAIPOONGE

---

Mayor Lucy Kloosterhuis

---

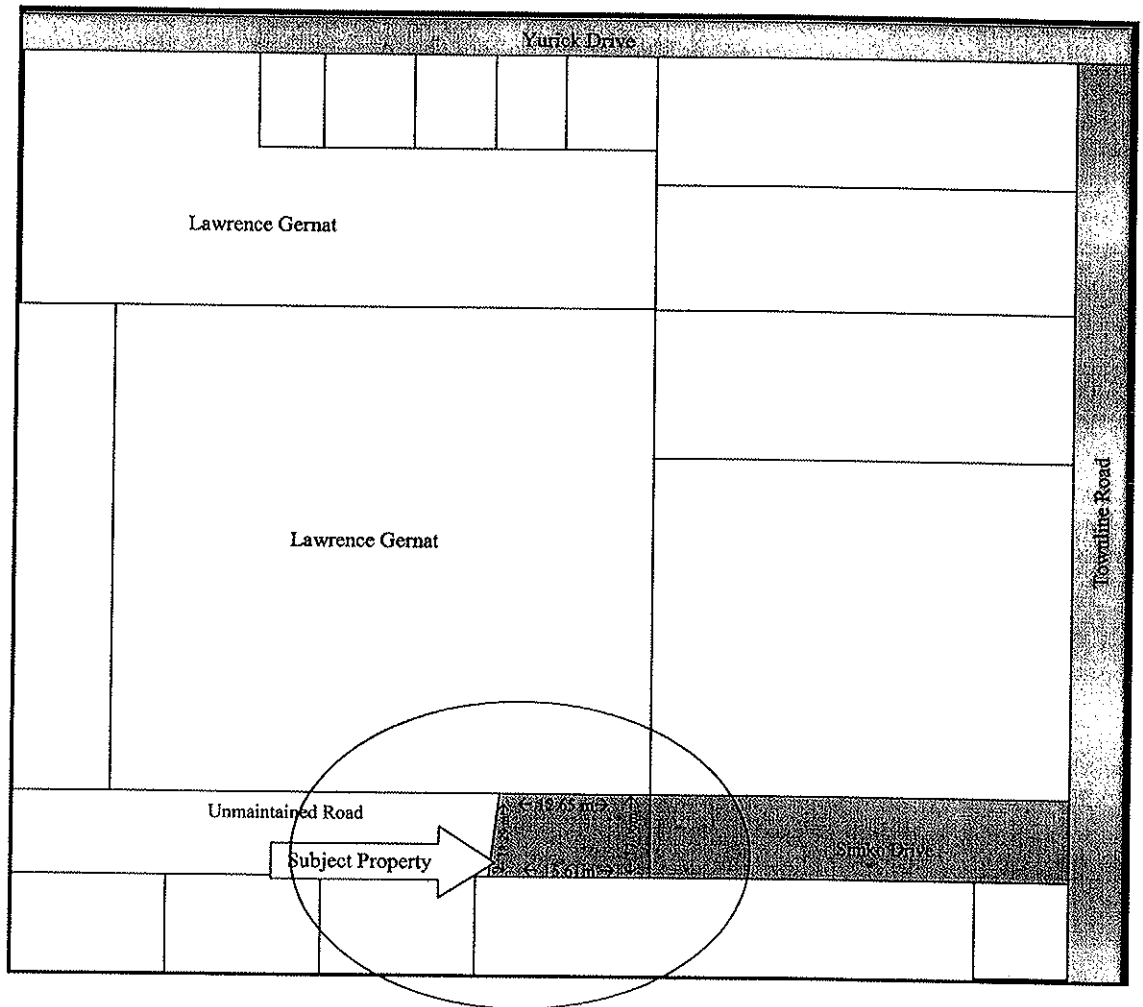
Jamie Cressman, CAO/Clerk

# DRAFT

THE CORPORATION OF THE MUNICIPALITY  
OF OLIVER PAIPOONGE  
BY-LAW NO. 634 – 2011  
SCHEDULE 'A'

The purpose and effect of By-law No. 634-3011 is a site specific amendment allowing for the access shown on the map below to be used as frontage/access as it applies to South Half Lot 2, Concession 6, PCL800 Sec. DFWF, 79 Simko Drive, in the former Township of Oliver and now in the Municipality of Oliver Paipoonge. The subject property is presently owned by Lawrence Gernat and the purpose is to allow for lesser frontage on subject property.

Location and Map



# PLANNING REPORT

**To Be Completed Prior to Hearing**

File Number	ZBLA-05-11	Municipality:	OLIVER PAIPOONGE
Lot & Conc.	PCL 800 Sec. DFWF, S1/2 LOT 2, CONC. 6 – 79 Simko Drive		Owner Lawrence GERNAT
Hearing Date	2011 May 9	Date of Receipt of Completed Application	2011 April 13
	Year Month Day		Year Month Day
Checked By	S. Martyn	Zoning By-Law Number:	
Present Zone:	OLIVER LIMITED AGRICULTURAL (OAL)	Proposed Zoning:	OLIVER LIMITED AGRICULTURAL (OAL)
Official Plan Designation:	RURAL	Designation in Canada Land Inventory:	n/a
Site Visit Carried Out By Staff/Committee :		Authorization of Owner Received (If Required):	n/a
Conformity with the Agricultural Code of Practice (If Applicable) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> x <input checked="" type="checkbox"/>			
Date of Notice of Decision sent to Applicant :			
	Year	Month	Day
Planning Comments:			
<p>History of the proposal – Mr. Gernat purchased this property with the house from previous owners in 1969 and lived in the residence which is still on the property. Sometime in the 1980's the Gernat's purchased the abutting lot off Yurick Drive and subdivided the property and built a new home for themselves. The residence off Simko Drive was rented out for a few years and then just remained vacant but maintained by the owner. The son would like to either remodel the home or rebuild a home on the subject property. When the owner went to transfer the land to the son, they could not register the property because of the Joining and Abutting Rule in the Planning Act. The owner was advised to apply for a consent to sever the whole lot off so it could be transferred to the son. Had this property not become joining and abutting because of the Planning Act, it is likely that this property could have and would have been transferred to the new purchaser.</p> <p>The problem is that this 157 ac. lot only has access to the property (access abuts the Gernat property) and does not have the required frontage under the OAL zoning requirements. This subject property has only had the turn-a-round as frontage/access since the day the Gernat's purchased the property and was given a letter from the Clerk of the Township that he would be allowed to continue the use of the property which was a residential use along with a farming use.</p> <p>The Gernat's applied for a consent and after listening to the concerns of the residents and agencies, a decision to allow the consent with one of the following conditions: "that the Oliver Paipoonge Council grant a specific zoning amendment to Zoning by-law No. 185-01 to allow for a reduced frontage under the Oliver Limited Agricultural Zone".</p> <p>A legal opinion was obtained by the Planning Department and was advised that "there is access via the turnaround and it is maintained, then there is frontage on a maintained road and the question becomes; how much frontage. Perhaps a surveyor should measure it. If not, the committee could consider a minor variance. A site specific zoning is also an option, keep in mind that future severances beyond the access point could be refused on the lack of frontage issue. A final option would be to extend the maintained section, perhaps with a contribution by the applicant."</p> <p>The applicant has had a surveyor complete the survey and a copy of that portion of the turn-a-round is attached for Council's perusal.</p> <p>Also attached is excerpt from zoning by-law 185-01 regarding <del>lot</del> lot area or frontage less than required.</p>			

The applicant has had the turn-a-round surveyed and the Public Works Superintendent has been asked to check out the stakes and advise if this is in fact what the Municipality has been using as the turn-a-round for years. He will report back to the Planner prior to May 9<sup>th</sup> Public Meeting.

The concerns noted at the meeting regarding setting precedent; the Committee was advised that Committee of Adjustment does not set precedent, each application is considered on their own merits. This property's use has been in effect for over a 100 years and therefore should be considered a legally non-conforming lot or grandfathered.

On the perspective of the Planning Department, since this entire lot has been non-conforming for at least all the time the present owners have owned this property and for all intents and purpose, would have continued to be allowed to be used for the next 100 years with only having access and the only reason the application came before Committee was because of the Planning Act Section

Comments from LRCA were received by Committee of Adjustment, as at typing, have not received further comments with regard to the zoning but would assume the comments would be the same – see attached letter.

If the Council wishes to recognize this property as grandfathered (legally non-conforming) it is recommended that a zoning by-law for this property be adopted indicating that this property will have access only.

*Sharron Martyn, Planning  
Oliver Paipoonge Planning Department.*

## LOT AREA OR FRONTAGE LESS THAN REQUIRED

Where any lot on the date of passing of this By-Law including:

- i) a lot created by a consent given pursuant to Section 53 of the Planning Act R.S.O. 1990, c.P. 13 as amended and subsequently conveyed and registered,
- ii) a lot within a plan of subdivision given draft approval by the Ministry of Municipal Affairs and subsequently registered,

has a lesser lot area or frontage than that required, then the said lot shall be deemed to conform to the requirements of this By-Law with respect to the lot area or lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent the use of such lot, or the erection, alteration or use of a permitted building or structure there upon, was provided that the use of the said lots remains unchanged from that which existed or was clearly intended on the date of passing hereof and in accordance with all other provisions hereof except that any side yard requirement may be reduced to 30% of lot width

# LAKEHEAD REGION CONSERVATION AUTHORITY

130 CONSERVATION ROAD, P.O. BOX 10427, THUNDER BAY, ON P7B 6T8  
Telephone (807) 344-5857 Fax (807)345-9156

July 7, 2010 E-mail: info@lakeheadca.com

Website: www.lakeheadca.com



Sharron Martyn  
Secretary-Treasurer  
Municipality of Oliver Paipoonge  
P.O. Box 10, 4569 Oliver Road  
Murillo, Ontario  
P0T 2G0

Dear Ms. Martyn:

Re: **Application: 1B/15/10**  
**Parcel 800 Section DFWF, S 1/4 Lot 2, Concession 6**  
**79 Simko Drive**  
**Geographic Township of Oliver, Municipality of Oliver Paipoonge**  
**Applicant: Lawrence and Olga Gernat**


The staff have reviewed the above-noted application as it relates to flooding and erosion issues and have the following comments.

The applicant should be advised that portions of the proposed retained and severed lots, as indicated on the enclosed sketch appear to be affected by the Lakehead Region Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations. The construction of any buildings or structures, the placing or dumping of fill, or any alteration to the existing channel of the watercourse may require a permit from the Conservation Authority. Also, as detailed in our Level II Fish Habitat Agreement with the Department of Fisheries and Oceans (DFO) the Lakehead Region Conservation Authority evaluates proposed works as to their impact on fish habitat within our area of jurisdiction.

As the proposed severed lot appears to be developable without encroaching into the regulated area and the retained lot appears to already be developed, staff would not object to the consent. It is noted however, that further development on the severed parcel (i.e. reconstruction, additions to existing structure, etc.) may require a permit from the Authority. Prior to approval of any such application the applicant would need to demonstrate that safe access and egress is achievable during the Regional Storm.

Please forward a copy of the decision to the Conservation Authority.

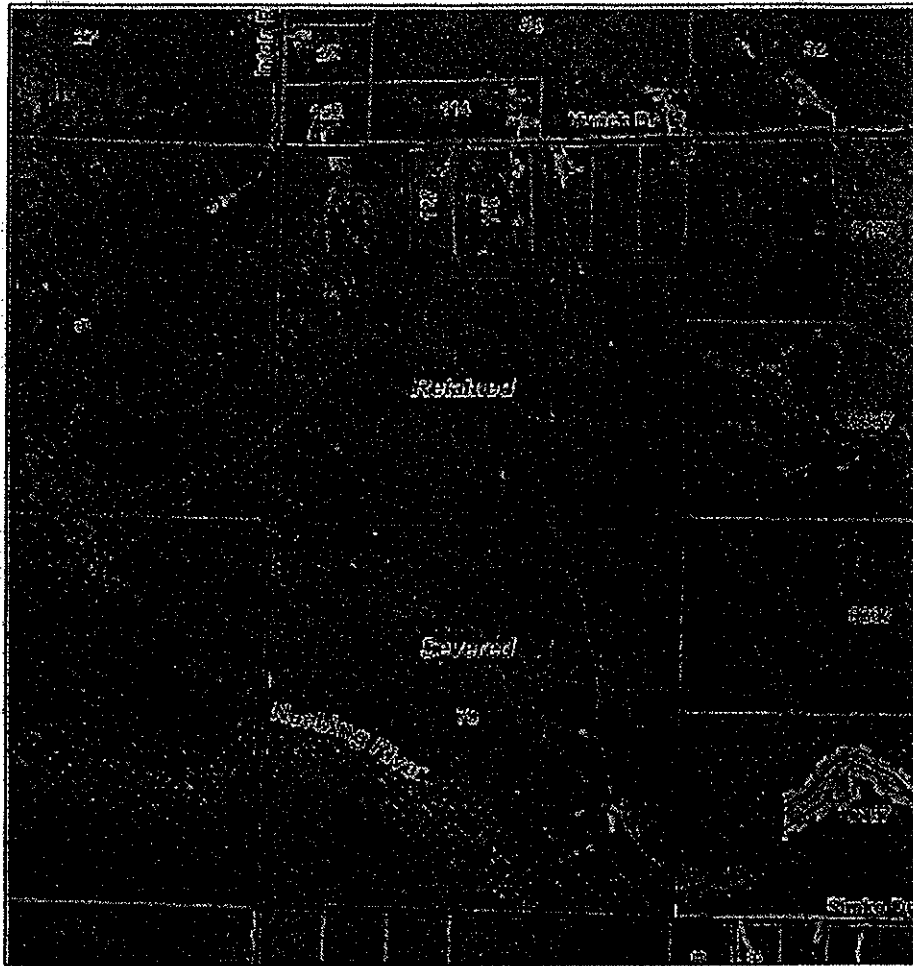
If you should have any questions, please contact Michelle Sixsmith, Water Resources Technologist at the Authority Office.



Yours truly,  
  
Mervi Henttonen  
General Manager/Secretary-Treasurer  
/mds  
Enclosure

CITY OF THUNDER BAY  
MUNICIPALITY OF OLIVER PAIPOONGE  
TOWNSHIP OF O'CONNOR

MUNICIPALITY OF NEEBING  
MUNICIPALITY OF SHUNIAH  
TOWNSHIP OF CONMEE

TOWNSHIP OF GILLIES  
TOWNSHIP OF DORION  
PROVINCE OF ONTARIO



-  Subject Property (Approximate)
-  LRCA Approximate Regulated Area

Application No: 1B/15/10  
 Applicant: Lawrence and Olga Gemat  
 Location: Parcel 800 Section DFWF, S1/2 Lot 2, Conc. 6  
 79 Simko Drive  
 Municipality of Oliver Paipoonge



2010.07.07  
 L.R.C.A  
 Not to Scale

