

April 24, 2025



COMMITTEE OF ADJUSTMENT

DATE April 24, 2025

MEETING NO. 04-25

TIME 2:00 p.m.

PLACE Council Chamber

* Electronic Participation using MS teams.

Andreas Petersen, Chair
Jodi Corbett, Member
Normand Roy, Member
Brian Phillips, Member
Matthew Pascuzzo, Member

Adam Crago, Planner II
Shannon Labelle, Acting Senior Planner
Arden Irish, Assistant Secretary-Treasurer
Zachary Mezzatesta, Planning Technician
Decio Lopes, Supervisor
* Ryan Furtado, Engineering Department
Penny Turner, Minute Recorder

ABSENT: Tyler Rizutto sent regrets.

Chair Petersen outlined the procedure which the Committee would follow in dealing with applications and then called for a poll of Disclosures of Interest. The Assistant Secretary Treasurer polled the Committee Members.

DISCLOSURE OF INTEREST: None

CONFIRMATION OF AGENDA: Agenda was confirmed as presented.

APPROVAL OF MINUTES: Minutes from February 27, 2025, and March 27, 2025, are deferred to the meeting in May.

APPLICATIONS

1. Application No. **A -04-2025**

Dave Daciw
309 Hartviksen Street

The Assistant Secretary-Treasurer provided an overview of the Minor Variance application. The purpose of the application is to seek permission under section 45(2) a) i) of the Planning Act to expand a legal non-conforming use. The proposed expansion includes increasing the Ground Floor Area of the Detached House from 110.73m² to 125.126m² with a rear setback of 24.08m.

The agent Dave Daciw confirmed the sign was posted.

COMMENTS:

The Assistant Secretary-Treasurer read correspondence,

- Synergy North had no comments or concerns.
- Building Services and Engineering had no comment or concerns.
- Parks and Open Spaces had no comments or concerns.

Planning Technician Mezzatesta presented Planning Comments, the application is consistent with the Provincial Planning Statement and does not conflict with the Growth

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Plan for Northern Ontario, the Official Plan, or the Zoning By-Law. Planning Services supports the application as presented.

Members had no questions.

Chair Petersen called for a vote. All members were in favour. The majority of members have supported the approval of the application, and therefore the application was approved.

2. Application No. **A-09-2025**

Robert Nigro
304 River Street

The Assistant Secretary-Treasurer provided an overview of the Minor Variance application. The Minor Variance application is to gain relief from Zoning By-Law 1-2022, as set forth in the application to decrease the minimum lot area from 300m² to 294.6m².

Robert Nigro confirmed the sign was posted.

COMMENTS:

The Assistant Secretary-Treasurer read the correspondence,

- Engineering and Synergy North had no comments or concerns.
- Building Services commented that a permit would be required, lead water service on private side (would require upgrade to copper service), ensure adequately sized for additional load.
- Parks and Open Spaces had no comments.

Planner Crago presented the Planning Comments confirming the application is consistent with the Provincial Planning Statement, does not conflict with the Growth Plan for Northern Ontario, the Official Plan, and the Zoning By-Law, and confirms the four tests were met. Planning Services supports the application as presented. Planning Services also commented information for the applicant, that the property does not appear to comply with current landscaping requirements and through the Building Permit process, they will have to demonstrate that the landscaping will be reinstated in the paved area between the building's façade and the front property line.

Chair Petersen asked the applicant if they understood and agreed to the green space comment from Planning. The applicant understood and agreed to the comment.

Chair Petersen called for a vote. All members were in favour. The majority of members have supported the approval of the application and therefore the application was approved.

3. Application No. **A-10-2025**

Mike Vecchio
409 Dufferin Street

The Assistant Secretary-Treasurer provided an overview of the Minor Variance. The Minor Variance application is to gain relief from Zoning By-Law 1-2002 as set forth in the application to increase the maximum number of homes per lot from 6 to 7. To increase the maximum driveway width from 6.0m to 12.36m. To Decrease the minimum number of parking spaces from 9 to 7. To allow three adjacent parking spaces in a driveway at the front of the property. To allow a combination of parking lot and driveway spaces. To decrease minimum driveway width for two-way traffic leading to rear parking area from 4.5m to 3.96m.

Mike Vecchio confirmed that the sign was posted.

COMMENTS:

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The Secretary-Treasurer read the correspondence,

- Engineering and Synergy North had no comments or concerns.
- Building Services commented a permit would be required, potential lead service on private side (would require upgrade to copper service), ensure adequately sized for additional load.
- Parks and Open Spaces commented there are two existing parking spaces on the existing boulevard fronting the lands on the east side of the property. There is no reference to these spaces on the Site Plan. We recommend that the removal of these two spaces and restoring the boulevard to topsoil and sod and plant material in compliance with the Boulevard Garden By-Law a condition to compensate for the allowance of 12.36m driveway instead of the standard 6m.
- Realty Services commented the 3 spaces in front if they are not able to fit on the property, they will require a license from the City to park on City owned land.
- Parking Services commented on street parking on this section of Dufferin Street is not permitted. A reduction in off-street parking may cause an inconvenience for the residents, no other concerns.
- Letters from 3 abutting neighbours concerned about lack of street parking and snow removal on Dufferin Street and spilling onto Rollins Street and one letter representing 4 abutting neighbours concerning the use of appropriate street lighting for outdoors for night sky activity viewing for the "Dark Sky Principles", to reduce light pollution, and increase privacy for neighbours.

Planning Technician Mezzatesta presented Planning Comments, confirming the application is consistent with the Provincial Planning Statement and does not conflict with the Growth Plan for Northern Ontario, and meets the general intent and purpose of the Official Plan and Zoning By-Law. Planning Services supports the application as presented with the condition:

- That prior to issuance of the required Building Permit the owner enters into a Licensing Agreement from City Realty for all usage of City owned property for parking or reconstitute the City owned lands not used for parking to the satisfaction of the Parks and Open Spaces Division.

Member Corbett asked for clarification about the "Dark Sky Principles". Planning responded that the outdoor lights be directed downwards, Urban Guidelines and Property Standards are to be followed. Member Corbett clarified that the Dark Sky Principles fall under the responsibility of Property Standards. Planning responded yes. Member Corbett asked for clarification on the number of parking spaces. Planning responded that it is one parking space per unit. Member Corbett expressed concerns for the street parking and calendar parking. Planning responded that residents could voice their concerns to Parking Authority. Member Corbett asked the applicant what his plans are for snow removal on the property. Applicant responded there is 39% surface area along the landscaping side and there is sufficient room for parking and snow. Member Corbett asked about drainage issues due to snow. Engineering responded that concerns be directed to By-Law and Engineering if there is excess water on the property and not draining due to snow blocking drainage. Member Pascuzzo asked how many spaces are being removed on the boulevard and what the impact of this is going to be. Planning responded that there 7 spaces on sites, 4 in the rear, 3 in the front, 2 paved on the boulevard. Applicant wishes to contain all parking on site, discontinue on street parking, replace with soil and sod and /or continue into an agreement with the City for use.

The Assistant Secretary-Treasurer read the condition. Chair Petersen asked the applicant if they understood and agreed the condition. The applicant understood and agreed to the condition and asked for clarification on the option to utilize the parking on the boulevard if entering the agreement. Planning responded yes and the applicant agreed.

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Chair Petersen called for a vote. All members were all in favour. The majority of members have supported the approval of the application and therefore the application was approved.

4. Application No. **B-11-2025**

Colin Robertson
5046 Townline Road

The Assistant Secretary-Treasurer provided an overview of the Consent of Sever application. The purpose of the application is to facilitate a lot addition of a triangular parcel with 288.7m lot depth, 15904.5m² lot area from 5020 Townline Road to be added to 5046 Townline Road.

Colin Robertson confirmed the sign was posted.

COMMENTS:

The Assistant Secretary-Treasurer read the correspondence,

- Building Services, and Engineering had no comments or concerns.
- Synergy North had no comments or concerns.
- Parks and Open Spaces commented that they will not be requesting Parkland Dedication and Street Tree fee as severance does not result in buildable new lot and is outside of urban limit of the city.

Planner Crago presented the Planning Comments, the application is consistent with the Provincial Planning Statement, does not conflict with Growth Plan for Northern Ontario, and conforms to the Official Plan and is bringing the property closer to compliance with Zoning By-Law. Planning Services supports the application with the following conditions:

- The applicant shall submit to the Secretary- Treasurer, a proper legal description of any easements and the lands to be severed including confirmation of the lot frontage, lot depth, and lot area of the surveyed parcel, prepared by an Ontario Land Surveyor.
- That the parcel to be severed is conveyed to the registered owner of Part of Section 46 McIntyre As in Mc:7964; S/T Tbr337453 and registered in the same name and interest, and that section 50(3) of the Planning Act R.S.O. 1990 shall apply to all subsequent conveyances and transactions.

Member Pascuzzo asked about the parcel of land with the railway in it, how land is incorporated in the parcel. Planning responded the land is city owned that has the railway on it and it is landlocked. Pascuzzo commented that the severed piece will be added to the city owned land then tied to the severed parcel. Planning replied that is the intention but would not require consent, but applicant would need to consult a lawyer to see if it is possible. Pascuzzo asked applicant if he has made arrangements to gain access to property due to piece of it being city owned. Applicant responded that city has mentioned creating a multi-use trail for future use and he knows for future development he would require an easement. At this time, there would be no development, the lot would be maintained from debris and tree deadfall. Applicant would be interested in purchasing land in future if it came possible from the City.

The Assistant Secretary-Treasurer read the conditions. Chair asked the applicant if they understood and agreed to the conditions. The applicant understood and agreed to the conditions.

Chair Petersen called for the vote. All members were in favour. The majority of the members have supported the approval of the application and therefore the application was approved.

5. Application No. **A-12-2025**

1000408790 Ontario Inc./John McRae
61 South Court Street

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The Assistant Secretary-Treasurer provided an overview of the Minor Variance application. The Minor Variance application is to increase the maximum front setback from 3.0m to 3.81m and to increase the maximum exterior side setback from 3.0m to 6.38m.

The agent John McRae confirmed the sign was posted.

COMMENTS:

The Assistant Secretary-Treasurer read the correspondence.

- Engineering, and Synergy North, all had no comments.
- Building Services commented that building and demolition permits would be required, need to confirm adequate clearance to overhead conductors, ensure adequate storm sewer, water service and building sewer provided for proposed use.
- Parks and Open Spaces had no comments.

Planning Technician Mezzatesta presented the Planning Comments, the application is consistent with the Provincial Planning Statement, does not conflict with the Growth Plan for Northern Ontario, meets the general intent and purpose of the Official Plan and the Zoning By-Law. Planning Services supports the application as presented.

Opposing Speaker is an abutting neighbour, and her daughter spoke on her behalf. They voiced concerns of property damage to their home from previous construction project with the same contractor and the mistreatment they received in the dealing with them. They wanted to know who to contact for damages, more information, to be treated fairly, with dignity and respect.

Member Pascuzzo commented on their bravery for expressing their issues and asked Planning who they should contact. Planning commented that if a Zoning By-Law has been broken to contact By-Law Enforcement, contact Building Services for Permits and Inspections. Planning also noted that there was a clerical error on some the paperwork, saying their home was closer to the project when it really was not, and they should stay in touch with the city and the Secretary – Treasurer for information. The Opposing Speaker said it was difficult to clarify concerns with the city, and to find information on webpages, and they were concerned with their safety. Chair Petersen expressed that speaker stay in contact with the Secretary -Treasurer and the city for information. Chair Petersen asked the applicant which setback has the powerline. The applicant responded the front yard setback has the powerline and the parking is the side setback exterior. Chair Petersen asked the applicant if he would be in touch with the neighbours to discuss any concerns and the applicant responded yes. All Members and Chair Petersen empathized with speaker and commended them for their bravery for speaking out on their issues and encouraged them to continue to stay in contact with the city for information and with the Secretary-Treasurer. Chair Petersen commented that there is no requirement for parking, yet the applicant is providing space. Applicant responded that they felt the need to accommodate the needs for their tenants.

Chair Petersen called for a vote. All were in favour. The majority of the members have supported the approval of the application and therefore the application was approved.

6. Application No. **A-13-2025**

Laura Latus
161 Bruin Crescent

The Assistant Secretary-Treasurer provided an overview of the Minor Variance. The Minor Variance application is to decrease minimum interior side setback from 3m to 1.5m along all interior side lot lines.

Laura Latus confirmed the sign was posted.

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COMMENTS:

The Secretary-Treasurer read the correspondence.

- Synergy North had no comments.
- Engineering and Parks and Open Spaces had no comments.
- Building Services commented that a permit would be required.

Planner Crago presented the Planning Comments, the application is consistent with Provincial Planning Statement, does not conflict with the Growth Plan for Northern Ontario, and passes the four tests, and meets the requirements for the Zoning By-Law. Planning Services supports the application as presented.

Member Pascuzzo asked about the environmental overlay and how it factors onto this property. Planning responded that if the applicant wants to develop on the property, they will require a permit from Lakehead Regional Conservation Authority. Member Pascuzzo asked applicant if they understood this requirement and applicant agreed.

Chair Petersen called for a vote. All were in favour. The majority of the members have supported the approval of the application and therefore the application was approved.

7. Application No. **B-14-2025**

Mike Vecchio
765 Mercier Street

The Assistant Secretary-Treasurer provided an overview of the Consent to Sever application. The Consent to Sever applicant is to facilitate a lot addition of a parcel with a 20m width, 46.42m length and 928.4m² of area from 765 Mercier Street, to merge with the adjacent vacant southerly lot. No new lots are being created.

Mike Vecchio confirmed the sign was posted.

COMMENTS:

The Assistant Secretary-Treasurer read the correspondence,

- Synergy North all had no comments and or concerns.
- Building Services commented that a permit is required, site servicing required for development.
- Parks and Open Spaces commented no opposition to the application and not asking for Parkland Dedication or Street Tree fee as it is a lot addition and does not result in creation of new buildable lot.

Engineering Comments presented by Engineer Furtado, no opposition from Engineering, with the following condition:

- That the applicant shall submit an updated lot grading and drainage plan for the severed and retained properties and shall construct drainage facilities and dedicate easements as required to the Satisfaction of the Engineering and Operations Division.

Planner Labelle presented the Planning Comments, confirming that the application is consistent with Provincial Planning Statement, does not conflict with Growth Plan for Northern Ontario, and conforms to the Official Plan and Zoning By-Law. Planning Services supports the application as presented with the following conditions:

- The applicant submits to the Secretary-Treasurer, a proper legal description of the lands to be severed or retained, satisfactory to the Land Registry Office including confirmation of the lot frontage, lot depth, and lot area of the surveyed parcel, as may be prepared by an Ontario Land Surveyor.
- That the parcel to be severed is conveyed to "PLAN 624 PT LOT 55R 15143 PART 3" (Lot 55) and registered in the same name and interest, and that Section

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50(3) of the Planning Act R.S.O. 1990 shall apply to all subsequent conveyances and transactions.

- That satisfactory evidence is submitted to the Secretary-Treasurer from a solicitor identifying the form of registration of the said abutting lands to which the severed parcel is to be conveyed and
- That application A-15- 2025 is approved by the Committee of Adjustment.

Member Corbett asked if property from application A-15-2025 is going to be left separate or will it be added to the severed property. Planning responded that it will be added to the severed property.

Member Pascuzzo asked what is holding symbol on the property. Planning responded that it is a development plan for future development as there is a road allowance at the back of the property and it is to ensure that street scape is not impacted in the future of a future subdivision. Member Roy asked what drainage facilities are. Engineering responded it is standard language in a condition in case of future development is needed. Member Roy asked for clarification of what the hold is on the back of the property. Planning responded that the area is city owned property at the back of the property. Chair Petersen commented that the parcel previous severed in front everything related to the Northwest Community Plan has been taken care of in relation to original severance and does not apply to this application and Engineering agreed.

Chair asked applicant how long he has owned the parcel. Applicant responded approximately one year. Chair Petersen commented about the local improvements that occurred in the area and asked if the applicant's legal counsel gave him the information and if it was paid out at some point. Applicant responded that it was paid out and the piece of the property at the back was given to the city for future road development. Chair Petersen asks if the approval of the application impacts the lot enlargement. Planning responded it impacts the future development of the lands as 20m is deficient for the frontage as 22m is needed. Chair asked Planning for their opinion of keeping the condition as is. Planning responded that is up to the Committee to vote for approval or not of an application. Chair Petersen asked the applicant if he would still want the parcel of land if the application was not approved. The applicant responded that he would still want the property if the application was denied. Member Corbett asked the applicant if there would be access to the property and the applicant responded there would be access to the property. Chair Petersen asked each member their thought on keeping the condition approval statement in. Member Phillips commented he would still approve and agreed to remove the condition. Member Pascuzzo responded that the applicant could come back and apply again if the variance is denied, if the condition is removed or do what he wants with the property with the condition removed, suggested to do the variance next and see what happens. Member Roy commented that if it is needed yes, but if it is not quite necessary, supports not having it in. Member Corbett commented that she was not comfortable with removing the condition as Planning has done it's good planning and suggests hearing the variance application.

Chair Petersen suggest hearing the variance application concurrently with the severance application, then vote on the applications afterwards.

The Assistant Secretary-Treasurer read the conditions. Chair Petersen asked the applicant if he understood and agreed to the conditions. The applicant understood and agreed to the conditions.

Chair Petersen called for the vote. All members were in favour. The majority of the members have supported the approval of the application and therefore the application was approved.

8. Application No. **A-15-2025**

Mike Vecchio
Vacant lot (Lot 55) Immediately abutting
The South side of 765 Mercier Street

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The Assistant Secretary-Treasurer provided an overview of the Minor Variance application. The Minor Variance application is to permit minimum lot frontage of 20m for the vacant southerly lot and to permit a minimum landscaped area of 12% for the vacant southerly lot.

Mike Vecchio confirmed the sign was posted.

COMMENTS:

The Secretary-Treasurer read the correspondence.

- Synergy North and Engineering all had no comments.
- Parks and Open Spaces commented no opposition to decreasing the minimum frontage.
- Parks and Open Spaces commented that do not support the reduction of the decrease in the minimum landscape area from 20% lot area to 12% of the lot area with the Site Plan as shown and together with the reduction and the minimum frontage. With two driveways proposed and parking stall #10 in the front yard this is a high amount of hard impervious surface in the front yard visually and for storm water management. Without parking stall #10 in the front yard, we would have no opposition to the minor variance.
- Solid Waste and Recycle commented the garbage shed will not be adequate (not sure if comments are required now or when the building plans submitted for 6plex on Mercier)

Planner Labelle presented the Planning Comments, for the requested variance to reduce the minimum lot frontage is consistent with the Provincial Planning Statement, does not conflict with the Growth Plan for Northern Ontario, meets the general intent and purpose of the Official Plan and Zoning By-Law. The requested variance to reduce the minimum landscaping is consistent with the Provincial Planning Statement, does not conflict with the Growth Plan for Northern Ontario, does meet the general intent and purpose of the Official Plan, does not meet the general intent and purpose of the Zoning By-Law. Planning recommends that the reduction to landscaping be revised to 15%. Planning Services supports a partial approval of the lot frontage reduction for A-15-2025.

Member Corbett asked what happens when there is internal conflict between departments and there is opposition to decisions, who makes the final decision. Planning responded that the decision or recommendation is up to Planning Services. Member Pascuzzo asked about how much space is the 3% difference. Chair Petersen converted the difference to 579² feet of space. Planning commented that they were opposed to the reduction of landscaping but trying to work with applicant trying to accommodate for more than require parking. Applicant responded that trying to be useful in supplying more parking even though knowing it is one space per unit. Planning responded that with the removal of four parking spaces it equals the 15% of the landscaping. The applicant is agreeable to the removal of the four spaces. Chair Petersen asked green space versus parking spaces supported in the Official Plan. Planning responded the Official Plan supports green spaces over parking spaces. The applicant agreed to the removal of four parking spaces and the 15% landscaping. Member Corbett asked if the parking could be added to the other property. Planning responded it is not allowed as per the Site Plan submitted.

The Assistant Secretary-Treasurer read the condition. Chair Petersen asked the applicant if he understood and agreed to the condition. The applicant understood and agreed to the condition.

Chair Petersen called for a vote. All members were in favour. The majority of the members have supported the approval of the application and therefore the application was approved.

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OLD BUSINESS - none

NEW BUSINESS Member Pascuzzo asked about the report to council, how this will effect new changes in Planning. Supervisor Lopes commented that granting simple consents (not pinned with variances), easements, rights of way, leases over 21 years, lot additions, validation of title are examples of some the items that would be going to staff delegation and would have a small impact on Committee of Adjustment. Member Pascuzzo asked what the next steps would be. Supervisor Lopes responded there would be an Official Plan Amendment, public meeting notices, public decision meeting, research, protocols, Planning Acts, and Standard Operating Procedures. Chair Petersen asked which type of consents are being considered. Supervisor Lopes responded side by side semi, consent new lot creation. Chair Petersen asked about how these applications not coming to public hearing, circulation, what does this accomplish. Supervisor Lopes responded that with best practises to see what would go to committee or delegation staff, it would be simpler, save time and better customer service at the front line. Chair Petersen asked what if there is an objection. Supervisor Lopes responded that with researching scenarios, leads to operating standards to when to go to committee or not, plus issues would be identified through services at counter and through pre-consultation process, client would be aware, and issues could be dealt with ahead of time. In research, minor variance is to stay the same in the Planning Act. And some non- conforming sections. Legislation allows minor zoning amendments (such as holding symbols removal, temporary use by-laws at council). In research, some cities have staff delegation to do minor variances. Member Roy asked what impact is of the one-off application. Chair Petersen responded it speeds up the application process.

Member Corbett asked if there could be an information sheet created and presented at the meetings for members of the public containing contact information of City for different areas such as By-Law Enforcement, Parking Authority, to be easily accessible and customer friendly.

Chair Petersen reminded that this is where the four tests come in, is minor or major and to talk to staff such as the Secretary-Treasurer for more information. Member Corbett again commented that for some residents it is difficult to navigate the webpages, or English is not first language so a handout page would be a good idea. Member Roy also supported the hand sheet for better customer service.

Planning Services clarified with members how they would prefer to receive their documents as some the members had difficulties opening the documents for this meeting or did not receive them in emails.

ADJOURNMENT

The meeting was adjourned at 4:08 p.m.



CHAIR



SECRETARY-TREASURER