

May 29, 2025



COMMITTEE OF ADJUSTMENT

DATE May 29, 2025

MEETING NO. 05-25

TIME 2:00 p.m.

PLACE Council Chamber

* Electronic Participation using MS teams.

Tyler Rizutto, Acting Chair
Jodi Corbett, Member
Normand Roy, Member
Brian Phillips, Member

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

ABSENT: Andreas Petersen and Matthew Pascuzzo sent regrets.

Acting Chair Rizutto 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: Member Corbett disclosed conflicts with Applications B-16-2025 and A-17-2025.

CONFIRMATION OF AGENDA: Moved by Member Phillips, Seconded by Member Corbett.

The majority of the members voted in favour of the Approval the Agenda and, therefore, it was approved with modifications and as presented.

APPROVAL OF MINUTES: Minutes from February 27,2025, and March 27, 2025, were circulated to the members prior to the meeting. Moved by Member Phillips to approve the minutes as presented and seconded by Member Corbett. The majority voted in favour of the Minutes and therefore it was approved.

APPLICATIONS

1. Application No. **B-19-2025**
- Riita Savioja-Butschler
310 Fisher Road

The Assistant Secretary-Treasurer provided an overview of the Consent to Sever application. The application is to create two new parcels of land. Severed lot 1 has lot frontage of 91.44m, lot depth 204.78m and lot area 18,725.08m². Severed lot 2 has lot frontage of 692.2m, lot depth of 204.78m, and lot area of 141,748m². The Retained lot as lot frontage of 128.02m, lot depth 204.78m and lot area of 26,215.94m².

Applicant Riita Savioia-Butschler confirmed the sign was posted.

COMMENTS:

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COMMENTS:

The Assistant Secretary-Treasurer read the correspondence,

- Realty Services and Synergy North had no comments or concerns.
- Building Services commented to ensure adequate water, sewer, and storm services are extended to property.
- Parks and Open Spaces are requesting the 5% Parkland Dedication in the form of cash in lieu as the severance results in the creation of a new buildable lot. Also requests the street tree fee for one tree. For information, there may not be space for the tree in the boulevard adjacent to the applicant's lands as such the Forestry Section has the ability to place the tree in a location at their discretion with the most need.

Engineering comments were read by the Assistant Secretary - Treasurer, no objection from Engineering subject to the following conditions:

- 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.
- The applicant shall construct a new driveway for the retained lot to meet the Zoning By-Law requirements for on-site parking and apply for and obtain an Entrance permit to the satisfaction of the Engineering and Operations Division.

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

- That the applicant submit to the Secretary-Treasurer, a proper legal description of 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 an Entrance Permit application for the retained parcel be submitted and a new driveway constructed for the retained parcel to the satisfaction of the Engineering and Operations Division.

Acting Chair Rizutto asked applicant if he understood and agreed to the conditions. The applicant understood and agreed to the conditions.

Members had no questions.

The Assistant Secretary-Treasurer read the conditions.

Acting Chair Rizutto 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-17-2025**

Marco Cupelli
554 Strand Avenue

The Assistant Secretary-Treasurer provided an overview of the Minor Variance application. The application is to reduce the minimum rear setback of the retained parcel from 6.0m to 4.7m. To reduce the minimum front setback of the severed parcel from 4.5m to 3.0m. To reduce the minimum rear setback of the severed parcel from 6.0m to 3.0m.

Applicant Marco Cupelli confirmed that the sign was posted.

COMMENTS:

The Assistant Secretary-Treasurer read the correspondence,

- Engineering and Synergy North had no comments or concerns.

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- The applicant shall construct a new driveway for the severed lot to meet Zoning By-Law requirements for on-site parking and apply for and obtain an Entrance Permit, to the satisfaction of the Engineering and Operation Division.

Supervisor Lopes 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 the 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 the lands to be severed including confirmation of the lot frontage, lot depth, and lot area of the surveyed parcel, as well as the western interior side setback of the retained parcel, prepared by an Ontario Land Surveyor.
- That confirmation is received from Planning Services Division, based on the surveyor's measurement, that the interior side setbacks of the detached garage conform to the regulations in the Zoning By-Law.

Acting Chair Rizutto asked the applicant if they understood and agreed to the conditions. The applicant understood and agreed to the conditions. The applicant also commented that they had spoken with a representative from Enbridge Gas and had a better sketch of the severed lot and determined that the gas line would not be located on the severed lot.

Members had no questions.

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

Acting Chair Rizutto 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-18-2025**

Zoltan Kovacs
3220 Wilroy Avenue

The Assistant Secretary-Treasurer provided an overview of the Minor Variance application. The Minor Variance application is to reduce the minimum exterior side setback from 3.6m to 0.762m. To reduce the minimum separation distance between an eave and a lot line from 0.3m to 0.1524m. To increase the maximum wall height from 3.2m to 4.1m.

Applicant Zoltan Kovacs confirmed the sign was posted.

COMMENTS:

The Assistant Secretary-Treasurer read the correspondence.

Engineering and Synergy North both had no comments.

- Realty Services commented the proposed new driveway is located on the Terminal Street Road allowance (boulevard) allowing direct access into the new the garage leaving no room on the applicant's property to allow for any outdoor vehicle parking. Realty Services would like to inform the applicant that the use of city boulevard for off street perpendicular parking is prohibited. Should the applicant need to use the city boulevard for the parking or storing of vehicles in this manner, the applicant is required to enter into a license agreement with the City.
- Parks and Open Spaces had no comments.
- Public comment from a concerned neighbour number 1, commented opposed to the application due to the by-law as others have been denied so believes this application should be denied as well for the by- law.

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The Assistant Secretary-Treasurer provided an overview of the Minor Variance. The application is to reduce the minimum lot area for four homes from 540m² to 470.92m². To reduce the minimum rear setback from 6m to 4.2m.

Applicant Jacob Donatis confirmed the sign was posted.

COMMENTS:

The Assistant Secretary-Treasurer read the correspondence.

- Realty Services and Engineering had no comments.
- Parks and Open Spaces and Synergy North had no comments.
- Building Services commented to ensure adequate water, sewer and storm services are extended to the property. Ensure minimum clearances to overhead electrical conductors are met.
- Public comment from abutting neighbour concerned for lack of privacy, safety and loss of enjoyment in own yard, reduction to natural light, air, quiet, low density of area, property values, parking, drainage, neighbourhood infrastructure and services and quality of life. Also believes that the application does not pass the four tests and does not comply with the Official Plan.

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

Acting Chair Rizutto asked the applicant if he understood and agreed to the comments as presented. The applicant understood and agreed to the comments as presented.

Member Corbett asked how close to property line can parking be, is there any regulations for this. Planning responded that parking could go right to the edge of the property line as there are no minimum setbacks for parking spaces or driveway space.

Acting Chair Rizutto 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. **A-23-2025**

Syl Menic
369 Dufferin Street

The Assistant Secretary-Treasurer provided an overview of the Minor Variance application. The application is to increase the maximum lot coverage from 40% to 45.3%. To reduce the minimum front setback from 4.5m to 4.1m. To reduce the minimum interior side setback from 1.5m to 1.43m. To reduce the minimum rear setback from 6m to 2.7m. To increase the maximum number of driveways from 1 per additional 50m of street line in excess of 31.0m to 1 per additional 18.52 in excess of 31.0m.

Agent Syl Menic for the applicant confirmed the sign was posted. The agent commented that if the application is approved it would facilitate a three story four-unit apartment building, the variances required are due to balconies intruding into neighbouring yards.

COMMENTS:

The Assistant Secretary-Treasurer read the correspondence,

- Realty Services and Engineering had no comments and or concerns.
- Synergy North and Parks and Open Spaces had no concerns.
- Building Services commented to ensure adequate sewer, water, and storm services are extended to the property. A record of Site Condition may be required based on previous use as commercial parking lot.

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Planner Crago presented the Planning Comments, the application is consistent with the Provincial Planning Statement, does not conflict with the Growth Plan for Northern Ontario, conforms to the Official Plan and passes the four tests for a minor variance. Planning Services supports the application as presented.

Acting Chair Rizutto asked the applicant if he understood and agreed to the comments as presented. The applicant understood and agreed to the comments as presented.

Member Phillips asked if it was possible to place the driveway at the rear of the property to potentially reduce any traffic incidents. The applicant responded that it is a possibility, as they have access through laneway at the rear of the property and decision is up to the owner.

Acting Chair Rizutto 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.

9. Application No. **A-25-2025**

Dale Dubinsky
81 Elizabeth Street

The Assistant Secretary-Treasurer provided an overview of the Minor Variance application. The application is to reduce the minimum interior side setback from 1.5m to 0.0m. To increase the maximum driveway width from 6.0m to 9.8m. To reduce the minimum distance of an architectural feature from a lot line (east) from 0.3m to 0.0m.

Applicant Dale Dubinsky confirmed the sign was posted. The applicant commented that he is buying the lane way, and this process is faster than the purchase process, and by purchasing the laneway will alleviate the problems and help him build faster.

COMMENTS:

The Assistant Secretary-Treasurer read the correspondence.

- Realty Services commented if there is any overhang of the building such as eaves onto City owned land, then applicant will be required to contact Realty Services for a License of Occupation for the encroachment onto City owned land.
- Building Services commented to ensure adequate water, sewer, and storm services are extended to the property.
- Parks and Open Spaces does not support the proposed minor variance without the purchase of the laneway being confirmed. In addition, for the driveway, if the driveway was 6000mm wide from the curb cut to the lot line and then flared to the 9800mm wide driveway it would comply with the Zoning By-Law without requiring a minor variance.
- Engineering and Synergy North had no comments.
- Abutting neighbour commented supports the application as it gets vehicles off street parking and into widened driveway, improves traffic flow on narrow street.

Planning Technician Mezzatesta presented the Planning Comments, Planning Services is recommending approval of variance number 2 (increasing the maximum driveway width from 6.0m to 9.8m), but is recommending refusal for variances 1 and 3 the following conditions should be imposed:

- That the applicant enters into an Agreement of Purchase and Sale with City for the portion of the land the building will encroach into, to the satisfaction of Realty Services.

Acting Chair Rizutto asked if the applicant if he understood and agreed to the conditions as presented. The applicant understood and agreed to the conditions. The applicant commented that driveway curb cut will not change, just going to widen it out once it's on their property.

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Committee takes a break to discuss how to move forward with the application. Planning returned to Hearing after a comfort break. Planning spoke with Realty Services and is open to amending their recommendation. Planning Services recommended the approval of the application as applied for, subject to the condition the applicant enter into an agreement of Occupation of the needed land in the laneway for the portion of land to the satisfaction of Realty Services. Rather than having it tied to the sale of the land, it's tied to their ability to enter the License of Occupation with Realty Services. Acting Chair Rizutto asked the applicant if he agreed to the new condition. The applicant asked if he had to go to Realty Services and apply for this new License. Planning Services responded yes. Member Corbett asked if Realty Services was going to join in the Hearing. Supervisor Lopes responded that a staff member was not available to comment. Member Corbett commented that still confused over the sale of property and encroachment of property and wished someone from Realty Services was here to help ease with explanations. Planning Services commented that they feel comfortable as Realty Services is looking into the application of the License of Occupation. Member Corbett felt there are lots of moving parts to this application and would like to keep the conditions the same. Member Phillips agreed to the updated condition. Member Roy would be satisfied supporting the application with the three tables being maintained and the addition of the new condition. Acting Chair Rizutto would be comfortable voting on the updated recommendation. Planning reads the condition for the Assistant Secretary-Treasurer as follows:

- That prior to the issuance of the Building Permit the owner enter into the appropriate License of Occupation to the satisfaction of Realty Services Section.

The Assistant Secretary-Treasurer read the conditions.

Acting Chair Rizutto called for a vote. All except member Corbett were in favour. The majority of the members have supported the approval of the application and therefore the application was approved.

10. Application No. **A-27-2025**

Randy Welburn
1620 John Street Road

The Assistant Secretary-Treasurer provided an overview of the Minor Variance application. The application is to increase the maximum GFA of accessory buildings from 100m² to 325m². To increase the maximum wall height from 3.2m to 3.7m. To increase the maximum height from 4.6m to 6.8m.

Applicant Randy Welburn confirmed the sign was posted.

COMMENTS:

The Assistant Secretary- Treasurer read the correspondence.

- Realty Services and Engineering had no comments.
- Synergy North and Parks and Open Spaces had no concerns.

Planner Crago presented the Planning Comments, the application is consistent with the Provincial Planning Statement, does not conflict with the Growth Plan for Northern Ontario, and passes the four tests for a minor variance. Planning Services supports the application as presented.

Acting Chair Rizutto asked the applicant if he understood and agreed to the comments. The applicant understood and agreed to the comments.

Members had no questions.

Acting Chair Rizutto 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.

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the refusal of the variance of table 4.3, because if the applicant can show they can provide the required long-term space, then table 4.3 is not required. Member Corbett commented that after hearing the explanations, she recommended not having the condition and refuse 4.3, and approve 4.2 and to approach it that way based on the comments from Parks and Open Spaces. Member Roy commented on the information presented by Planning and Parks and Open Spaces to confirm refusal of 4.3 and recommending 4.2. Acting Chair Rizutto commented that table 4.3 should stay as the applicant would need to prove there is no common space for the bikes indoors, be it a letter from the architect or site plan drawing to the satisfaction of Planning or Parks that there is no space. Member Corbett commented that possibly approve it with the condition as mentioned previously but with the possibility to change the number of required spaces from 2 to one or Parks and Opens Space to say yes or no to the requires indoor bike spaces. Planning commented it gives the applicant an opportunity to prove whether the spaces can be achieved or not, it leaves table 4.3 as an option with the condition.

The Assistant Secretary-Treasurer read the condition:

- That prior to issuance of a Building Permit, the owner confirm long term bike storage can be incorporated inside the building to the satisfaction of Parks and Open Spaces Division in addition to the temporary outdoor bike storage.

Acting Chair Rizutto 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.

OLD BUSINESS - none

NEW BUSINESS - None

ADJOURNMENT

The meeting was adjourned at 5:00 p.m. Motioned by Member Phillips seconded by Member Corbett.

CHAIR



SECRETARY-TREASURER

Corbett

Mover

Phillips

Second

Carried

Chair Anders Rtn