

August 29, 2024



COMMITTEE OF ADJUSTMENT

DATE: August 29, 2024

MEETING NO. 08-24

TIME: 2:00 p.m.

PLACE: Council Chambers * Electronic Participation using MS teams.

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

Adam Crago, Planner II
Shannon Labelle, Acting Senior Planner
Fiona Buchan, Secretary-Treasurer
Decio Lopes, Supervisor
*Ryan Furtado, Engineering Department
Penny Turner, Minute Recorder

ABSENT: none

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 Secretary Treasurer polled the Committee Members.

DISCLOSURE OF INTEREST: Chair Petersen A-50-2023 and B-49-2024 for business dealings, Member Rizzuto B-49-2024 for business dealings.

CONFIRMATION OF AGENDA: Moved by Member Roy, Seconded by Member Corbett. The majority of the members voted in favour of the Approval of the Agenda and therefore it was approved.

APPLICATIONS

1. Application No.: **A-50-2024** Amanda Trevisanutto
1466 Goods Road

Chair Petersen left the room due to a conflict, Member Pascuzzo took over as Chair.

The Secretary-Treasurer provided an overview of the Minor Variance Application. The Minor Variance application is to increase the maximum Gross Floor Area (GFA) of all accessory buildings and roofed structures from 100m² to 171m², to increase the

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maximum wall height from 3.2m to 4.2m and to increase the maximum height from 4.6m to 6.5m.

Applicant Amanda Trevisanutto confirmed the sign was posted. The applicant summarized there was lots of property and no objections to the views.

COMMENTS:

The Secretary-Treasurer read correspondence noting that Tbaytel, Realty Services, Building Services, Parks and Open Spaces, Engineering, MTO, and LRCA had no comments or concerns. One abutting neighbour had no concerns.

Planner Crago presented Planning Comments, confirming that the four tests were met, the application is consistent with the Provincial Policy Statement and does not conflict with Growth Plan for Northern Ontario, the Official Plan or Zoning By-Law. Planning Services supports the application as presented.

Members had no questions.

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

Chair Petersen returned to Chair the hearing.

2. Application No. **A-54-2024**

Michael Harrow
624 Andrew Street

The Secretary-Treasurer provided an overview of the Minor Variance.

The Minor Variance application to decrease the lot frontage from 10m to 9.15m for the severed lot and reduce the interior side set back on the east side from 3m to 1.57m for the retained lot.

The applicant Michael Harrow confirmed that the sign was posted. The applicant did not have any additional comments.

COMMENTS:

The Secretary-Treasurer read the correspondence, Tbaytel, Building Services, Synergy North, Realty Services, MTO, and Parks and Open Spaces and Engineering all had no comments or concerns.

Planner Labelle presented the Planning Comments, confirming that the four tests were met, the application is consistent with the Provincial Policy Statement and does not conflict with the Growth Plan for Northern Ontario, the Official Plan or the Zoning By-Law. Planning Services supports the application as presented with the following condition: the application B-53-2024 be approved by the Committee Members.

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Members had no questions.

Chair Petersen called for a vote on the approval of the application. 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. **B-53-2024**

Michael Harrow
624 Andrew Street

The Secretary-Treasurer provided an overview of the Consent application.

The application is to create one new parcel of land. The Severed Lot has lot frontage of 9.15m, lot depth of 32.92m, lot area of 301.2m². The Retained Lot has lot frontage 10.97m, lot depth of 32.92m, and lot area 361.1m².

The applicant Michael Harrow confirmed the signs were posted.

COMMENTS:

The Secretary-Treasurer read the correspondence, Tbaytel, Realty Services, Building Services, Parks and Open Spaces, and MTO all had no comments or concerns. Synergy North requires a 3m easements along the street fronts, only one service per property and they dictate the site of the transformer. Enbridge has lines in the area that maybe relocated due to the severance at the cost to the applicant. Services are to be arranged when there is development on the severed lot.

Engineering Comments presented by Engineer Furtado, Engineering supported the application as presented with the following conditions: the applicant submit an updated lot grading and drainage plan, create drainage facilities and dedicate easements to the satisfaction of the Engineering and Operations Division.

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

- The Committee Members approve application A-54-2024.
- The applicant submit to the Secretary-Treasurer a proper legal description of land to be severed, including lot frontage, lot depth, lot area prepared by an Ontario Land Surveyor.
- Parcel to be severed is conveyed to Part Lot 228 Lot 255 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.
- Satisfactory evidence from a solicitor identifying the form of registration to which the severed parcel is to be conveyed.

Members had no questions.

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The Secretary-Treasurer read the conditions. The applicant understood and agreed to the conditions.

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-51-2024**

Terttu Rizzu, Angelo Rizzu
1372 John Street Road

The Secretary-Treasurer provided an overview of the Consent application

The application is to create three new parcels of land. Severed Lot 1 has lot frontage of 18.5m, lot depth of 37m and lot area of 684.5m². Severed Lot 2 has lot frontage 15.5m, lot depth 37m, lot area 573.5m². Severed Lot 3 has lot frontage of 16m, lot depth 37m, and lot area of 592m². The retained lot has lot frontage of 20m, lot depth of 186m and lot area of 11170m².

The applicants Terttu Rizzo and Angelo Rizzo confirmed that the signs had been posted.

COMMENTS:

The Secretary-Treasurer read the correspondence,

- TbayTel, Realty Services, Building Services, and MTO all had no comments or concerns.
- Parks and Open Spaces require the Parkland fee in the form of 5% cash and lieu Parkland dedication for three new buildable lots.
- Synergy North requires 3m easements along the street fronts, only one service per property and they dictate the site of the transformer.
- Enbridge has lines in the area that may need to be relocated due to the severance at the cost to the applicant, and services are to be set up by the applicant.

Engineering comments were presented by Engineer Furtado, Engineering supports the application as presented with the following conditions:

- the applicant submit an updated lot grading and drainage plan, create drainage facilities and dedicate easements for the severed and retained lands to the satisfaction of the Engineering and Operations Division.
- the applicant shall deed an approximate 2m strip, at no charge, to the Municipality, exact depth to be determined by legal survey along the John Street Road frontage for future road widening
- the solicitor for the applicant is to certify prior to the transfer registration that the title to these lands is free and clear of all encumbrances and the municipality has good and marketable title to the satisfaction of the Realty Services Division.

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- The applicant will enter into a Development Agreement with the City for the provision of deferred services payment of approximate \$33,500 for the subject lands. The applicant shall apply for an entrance permit and construct a new driveway for the retained lot at the satisfaction of the Engineering and Operation Division.

Planner Crago presented Planning Comments, confirming that the four tests were met, the application is consistent with the Provincial Policy Statement, does not conflict with the Growth Plan for Northern Ontario, the Official Plan and Zoning By-Law. Planning Services supports the application as presented with the following conditions:

- that application A-52-2024 was approved by the Committee Members.
- 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 parcels and easements prepared by an Ontario Land Surveyor.
- the Parkland fee required payment is made pursuant to subsections 51.1 (1) and 51.1 (3) of the Planning Act (Section 51) R.S.O. 1990 for the lot to be severed.
- a 3m easement along east lot line of severed lot 2 and west lot line of Severed Lot 3 is dedicated to the City at no charge to the satisfaction of the Planning Services Division.
- the applicant obtain approval from the Thunder Bay District Health Unit that the minimum distance requirements are maintained from the current septic system to the proposed lot lines.

Chair Petersen asked Planning about the need for the 3m easements on the east and west lot lines. Planner Crago responded the requested easements were to ensure proper setback for homes built in the future when and if future roads are developed in the area.

The Secretary-Treasurer read the conditions. The applicant understood and agreed to the conditions.

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.

5. Application No.: **A-52-2024**

Terttu Rizzo, Angelo Rizzo
1372 John Street Road

The Secretary-Treasurer provided an overview of the Minor Variance application as follows: To reduce the lot frontage from 70m to 20m and to reduce the area from 12,921.9m to 10,383.8m.

The applicants Terttu Rizzo and Angelo Rizzo confirmed the signs had been posted.

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COMMENTS:

The Secretary-Treasurer read the correspondence, TbayTel, Building Services, Realty Services, Parks and Open Spaces, Engineering, MTO, and Synergy North, all had no comments or concerns.

Planner Crago presented the Planning Comments, confirming that the four tests were met, the application is consistent with the Provincial Policy Statement and does not conflict with the Growth Plan for Northern Ontario, the Official Plan or the Zoning By-Law. Planning Services supports approval of the application as presented with the following condition that application B-51-2024 be approved.

No questions from Members.

The Secretary-Treasurer read the conditions. The applicant understood and agreed to the conditions.

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

Chair Petersen and Member Rizzuto left the room due to conflicts with application B-49-2024. Member Pascuzzo took over as Chair.

6. Application No.: **B- 49-2024** BK4 Developments Ltd. (Bradley McKinnon)
1655 Mountain Road

The Secretary-Treasurer provided an overview of the application to consent to sever as follows: To create one new parcel of land. The Severed Lot has lot frontage of 120.4m, lot depth of 180.5m and lot area of 3.3 ha (hectares). The Retained Lot has lot frontage of 197.4m, irregular lot depth and lot area of 31.2 ha.

The applicant Bradley McKinnon, President of BK4 Developments Ltd. confirmed the signs were posted.

COMMENTS:

The Secretary-Treasurer read the correspondence,

- Tbaytel, Building Services, Realty Services, and MTO had no comments.
- Synergy North requires a 3m easements along the street fronts, one service per property, and dictate the location of the transformer.
- Parks and Open Spaces commented the Parkland fee would be in the form of 5% cash-in-lieu.
- Enbridge commented there are no lines in the area.
- LRCA commented they did a site visit in May 2024 and issued a driveway permit in June 2024 and have reviewed the application and have no further objections.

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The Secretary-Treasurer summarized thirteen emails and four phone calls from abutting neighbours with the following concerns:

- zoning amendments,
- scheduling of Committee of Adjustment Hearings times
- traffic flow
- flooding
- septic systems
- high run off tables
- clay soil
- water shed, environmental protection
- road conditions,
- trees being cut, wild life
- drainage run off
- future severances on property
- public health
- hazard land due to flooding.

City Engineer Furtado supports the application as presented with the following conditions:

- the applicant submit an updated lot grading and drainage plan for the severed and retained properties, construct drainage facilities and dedicate easements as required to the satisfaction of the Engineering and Operations Division.
- the applicant shall comply with the Engineering Division development requirements for the onsite subsurface sewage treatment facilities and enter into the necessary Notification Agreement with the City.

Planner Labelle presented the Planning Comments, confirming that the four tests were met, the application is consistent with the Provincial Policy Statement, does not conflict with the Growth Plan for Northern Ontario, the Official Plan or the Zoning By-Law.

Planning Services recommends approval of this application with the following conditions:

- the applicant submit to the Secretary-Treasurer a proper legal description of the land to be severed including confirmation of lot frontage, lot depth and lot area of the surveyed parcel by an Ontario Land Surveyor. P
- payment for parkland fees to Realty Services or land dedicated to the satisfaction of Parks and Open Spaces Section pursuant to subsection 51.1 (1) and 51.1 (3) of Section 51 of the Planning Act R.S.O. 1990 for the Severed Lot.
- The applicant establishes an additional 25-30m buffer zone as Environmental Protection (EP) to the existing boundary of the “EP” Zone in the Southeast corner on the Severed and Retained Lot through a Zoning By-law Amendment application to Council.
- The applicant completes a Stage 2 Archaeological Assessment by a licensed Archaeologist under the Ontario Heritage Act and any further stages as required until it has been determined that no further stages are warranted, and/or

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appropriate measures have been implemented to protect identified resources to the satisfaction of Planning and in accordance with Provincial guidelines.

There were three opposing speakers with the summarized following concerns:

- a street not being referred to on map
- posted sign was difficult to read from roadway
- Committee of Adjustment Hearing was held at inconvenient time
- what types of homes/ buildings are going to be built
- property line disputes, types of service issues
- gravel driveway
- rezoning issue
- results of studies made available to public
- flooding potential of driveway near stream
- community needing more time to respond to information received from Hearing to appeal
- is there a survey on file
- road conditions
- who is the developer.

Member Corbett asks why the need for the second septic field. Engineering responded that septic fields are governed by the Thunder Bay District Health Unit. Lot size exceeds provincial guidelines as it is over one hectare, no additional studies are required. Health Unit will confirm no other concerns. Member Corbett asks was there a hydro geological assessment done. Planning responded no hydro geological study was done as the property is over one hectare. Member Corbett asks how a property gets deemed hazardous lands. Planning responded the condition of the extra 25-30m EP lands was added and called Environmental Protection is the same function. Member Corbett asked what types of building would be allowed to be built in the future and would they need another hearing. Planning responded a single detached dwelling could take place currently and up to three homes is supported on the land, but no apartments are permitted.

Member Roy asked how far from the road were the signs posted. The applicant responded the signs were posted approximately 20 to 25 feet from the lot line on his property from the road and the no trespass signs were behind them. Member Roy asked Planning when a sign is far from the public eye what can be done. Planner Labelle responded she conducted a site visit; the sign was visible and it was in best possible placement due to topography for the area and sign placement did follow the Planning Act. Member Roy asked if the sign can be placed on city property or on the road. Planner Labelle responded it must be placed on the applicant's property. Applicant responded when he posted the sign, he took photos and sent them in as he was asked to do and assumed that if there were issues, he would have been notified. Member Corbett commented she also did a site visit and had no issues in reading the sign from her vehicle.

Member Roy asked for clarification if this application was part of a rezoning application. Planner Labelle responded there is a rezoning amendment for a subdivision and notices

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have been sent to the community. Member Roy asked the applicant what his plans are for the property. The applicant responded he plans to build a single detached dwelling, has a permit for a driveway and received a permit for the septic system and has done a test hole with permission from the Thunder Bay District Health Unit.

Acting Chair Pascuzzo confirmed with the Secretary-Treasurer that a survey was sent out with the notices for the community in May 2024 along with contact information. Acting Chair Pascuzzo asks Planning what studies have been completed. Planner Labelle responded an Environmental Impact study and stage one Archaeological assessment. Acting Chair Pascuzzo asked Planning what is allowed in the EP zone. Planner Labelle responded a permit is required to build any accessory buildings from Lakehead Region Conservation Authority, water related usage, and no human habitation.

Acting Chair Pascuzzo asked Planning where someone might find access to information on previous severances on this property. Planning responded that the information is available online. Acting Chair Pascuzzo asked after this severance is approved, how many more could be allowed. Planning responded the applicant may possibly do one more, they are not unlimited.

Applicant makes a clarification about the survey; it was completed in 2022. It needs to be included as part of the conditions and the sketch is the for the severed parcel.

Member Corbett asks if there is a process for complaints. Acting Chair Pascuzzo suggests that communication with Planning, but the applicant and speaker have some civil issues to discuss. Member Corbett asked if there are timelines to which to complete construction. Planning responded to refer to different Acts such as Fishery Act, Migratory Bird Convention Act, Fish and Wildlife Conservation Act, and Conservation Authority, and tree cutting cannot be done between April and September which may help with these concerns.

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

Chair Petersen returned to Chair the hearing.

OLD BUSINESS - none

NEW BUSINESS

Member Roy would like when the applicant is a corporation the name of the signing officers added to agenda for members to see if they have conflicts. The Secretary-Treasurer noted she would add this to the agenda going forward.

ADJOURNMENT

The meeting was adjourned at 3:43pm.

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CHAIR

SECRETARY-TREASURER