

MINUTES OF THE BUSINESS MEETING OF THE NORTH BAY COMMITTEE OF
ADJUSTMENT HELD IN THE 7TH FLOOR EXECUTIVE BOARDROOM, CITY HALL, 200
MCINTYRE STREET EAST, ON TUESDAY, NOVEMBER 26, 2019. **FILE NO. A-17-19**
& CONCURRENT B-16-19

PRESENT: J. Rogerson M. Buchanan
P. Geden D. Young
P. Walker

SUMMARY OF THE APPLICATION:

A Consent to sever application has been submitted by Miller & Urso Surveying Inc. on behalf of Gordon Edwards requesting a severance of three properties located at 332 Gore Street, 825 & 833 McIntyre Street East that have merged together under the Planning Act. In order to re-establish the property lines, a concurrent Minor Variance application has been submitted to recognize existing deficiencies such as lot frontage, lot area, side front and rear yard setbacks and lot coverage.

OTHERS IN ATTENDANCE:

Rick Miller

The Chairman called the Hearing to Order at 9:30 a.m. and outlined the procedure to be followed and read the Notice of Hearing. A Planning Report was distributed prior to the Hearing which outlined the four tests applied under the Planning Act in order to determine if the application was minor in nature. Staff concurred the requested variances were contrary to the Official Plan Policies and Zoning By-law regulations for the current zone and agreed that if approved, a zoning by-law amendment should be applied for a successfully obtained in order to recognize the existing legal non-complying single detached dwellings on each property.

The Chairman invited Mr. Miller to discuss the application on behalf of his client. Mr. Miller informed that contrary to the Report, the properties have merged under the Planning Act and not under Title. Mr. Miller further advised as follows:

- 3 separate properties developed with single detached dwellings;
- 1 property in Mr. Edwards' name, second was in both his and his wife's name and the third property was in his spouse's name only preventing the properties from merging
- His client's spouse passed away in 2015 – no family to transfer the properties other than his sole ownership – joint ownership automatically transferred to Mr. Edwards
- Properties merged under the Planning Act
- Each property currently has its own separate Parcel Identification Number at the Land Registry Office
- Each property is currently assessed separately
- Each property has its own separate services and utilities and operate as separate entities
- Consent to sever to re-establish property boundaries
- Required a concurrent Minor Variance to recognize pre-existing situation such as setbacks, frontage and area
- Understands City's perspective – R6 zone does not permit single detached dwellings
- Under existing policies, staff recommends rezoning – his opinion that a rezoning will not change the situation
- Feels property related hardship – his client has paid fee for consent and minor variance
- Additional fees for rezoning, in addition to site plan control for each lot would result in fees paid in excess of \$10,000.00
- Requesting Committee not condition approval to a rezoning

Further discussion ensued with respect to solicitor instructing clients about the ramifications, incorporating as a numbered company, hardship situation, whether the City would appeal the Committee's decision if approved, rebuilding on same footprint, no suffering neighbours, and different scenarios were discussed if properties were sold prior to spouse's death.

Adam was asked about the comments in the Report with respect to requesting a rezoning. Mr. Curran explained that staff is obligated to enforce policies and regulations. Technically, the property boundaries are non-existent. Staff is obligated to defend the City's policies to the Local Planning Appeal Tribunal (LPAT) in the event the decision is appealed. On the same note, staff is also sympathetic to Mr. Edwards' situation.

Being no further questions or comments, the following resolution was then passed:

RESOLUTION NO. 1
MOVED BY: Don Young

SECONDED BY: Paul Walker

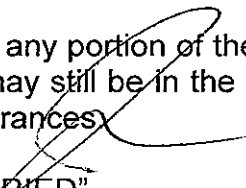
“THAT the Consent application submitted by Miller & Urso Surveying Inc. on behalf of Gordon Edwards requesting a severance of three properties located at 332 Gore Street, 825 & 833 McIntyre Street East that have merged together under the Planning Act, **BE APPROVED.**”

REASONS:

- 1) Hardship

CONDITIONS:

- 1) Confirmation that all taxes are paid up to date.
- 2) Pending on the approval of the concurrent Minor Variance A-17-19
- 3) That all conditions must be met on or before November 26, 2020, being one year from the giving of notice or the consent will be deemed not to have been given as per Section 53(20) of the Planning Act, R.S.O. 1990, as amended.
- 4) That a Transfer/Deed of Land be submitted to the Secretary-Treasurer for the issuance of a Certificate of Consent.
- 5) Subject to the transfer to the City of North Bay of any portion of the abutting road allowance to either the retained or the severed parcel which may still be in the paper title of the applicants. This transfer shall be free and clear of all encumbrances


"CARRIED"
J. Rogerson, Chairman

RESOLUTION NO. 2

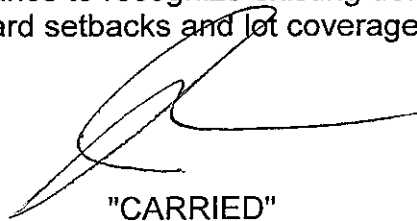
MOVED BY: Marc Buchanan

SECONDED BY: Phil Geden

“THAT the Minor Variance Application submitted by Miller & Urso Surveying Inc. on behalf of Gordon Edwards requesting Minor Variance to recognize existing deficiencies such as lot frontage, lot area, side, front and rear yard setbacks and lot coverage, **BE APPROVED.**”

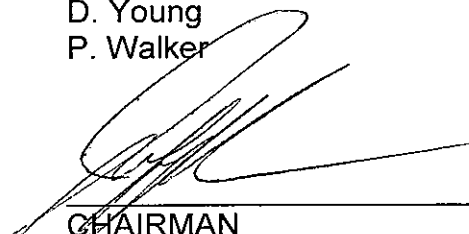
REASONS:

- 1) Hardship


"CARRIED"
J. Rogerson, Chairman

CONCURRING MEMBERS

J. Rogerson, Chair
P. Geden
M. Buchanan
D. Young
P. Walker



CHAIRMAN

NON-CONCURRING MEMBERS



SECRETARY-TREASURER