

Bylaws 68-92

DB #	88	FOLIO #	207
ORDER ISSUE DATE			
JUL 23 1991			
OB #	289-1	FOLIO #	141



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

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CITY OF NORTH BAY
<b>RECEIVED</b>
JUL 26 1991

IN THE MATTER OF Section 34(11) of the Planning Act, 1983

AND IN THE MATTER OF an appeal to this Board by Mario Perrotta for an order amending Zoning By-law 28-80 of the Corporation of the City of North Bay to rezone Lot 18, Registered Plan M-234 from "Residential Second Density" (R.2) to "Residential Multiple Fourth Density Special" (RM.4Sp) to permit the construction of a 16-unit apartment building on the subject property

**C O U N S E L :**

- R. S. Sleightholm - for Mario Perrotta
- M. Burke - for The City of North Bay

**DECISION delivered by S. W. LEE AND ORDER OF THE BOARD**

This hearing is an appeal pursuant to Section 34(11) of the Planning Act from the decision of the City of North Bay whereby the latter had refused to enact an amendment to zoning By-law No. 28-88 to permit the construction of a 16 unit apartment building on the premises at 2469 Trout Lake Road. The appellant owner was represented by counsel who subpoenaed two planners from the City's Planning and Development Department as witnesses to the hearing, both of whom were in support of the proposal. The appeal was opposed by the City and a number of neighbours. Counsel for the City called a planning consultant who testified against the proposed rezoning. Four neighbours testified, two of whom spoke on behalf of their ratepayer groups which they represented.

The subject site fronts on Trout Lake Road, a major arterial in the City running east and west. Trout Lake Road is a route to Quebec if one were to proceed easterly along Highway 63. The site has a frontage of approximately 90.24 feet and a depth of 245.12 feet, typical of the size of some of the subdivision lots to the west and south. These lots were created by registered plans as part of the

Having considered the conflicting evidence, including the neighbour's concerns, the Board finds the proposal to be a reasonable use of the land and no planning purpose would be served if this rezoning were to be denied. The Board's reasons are fourfold.

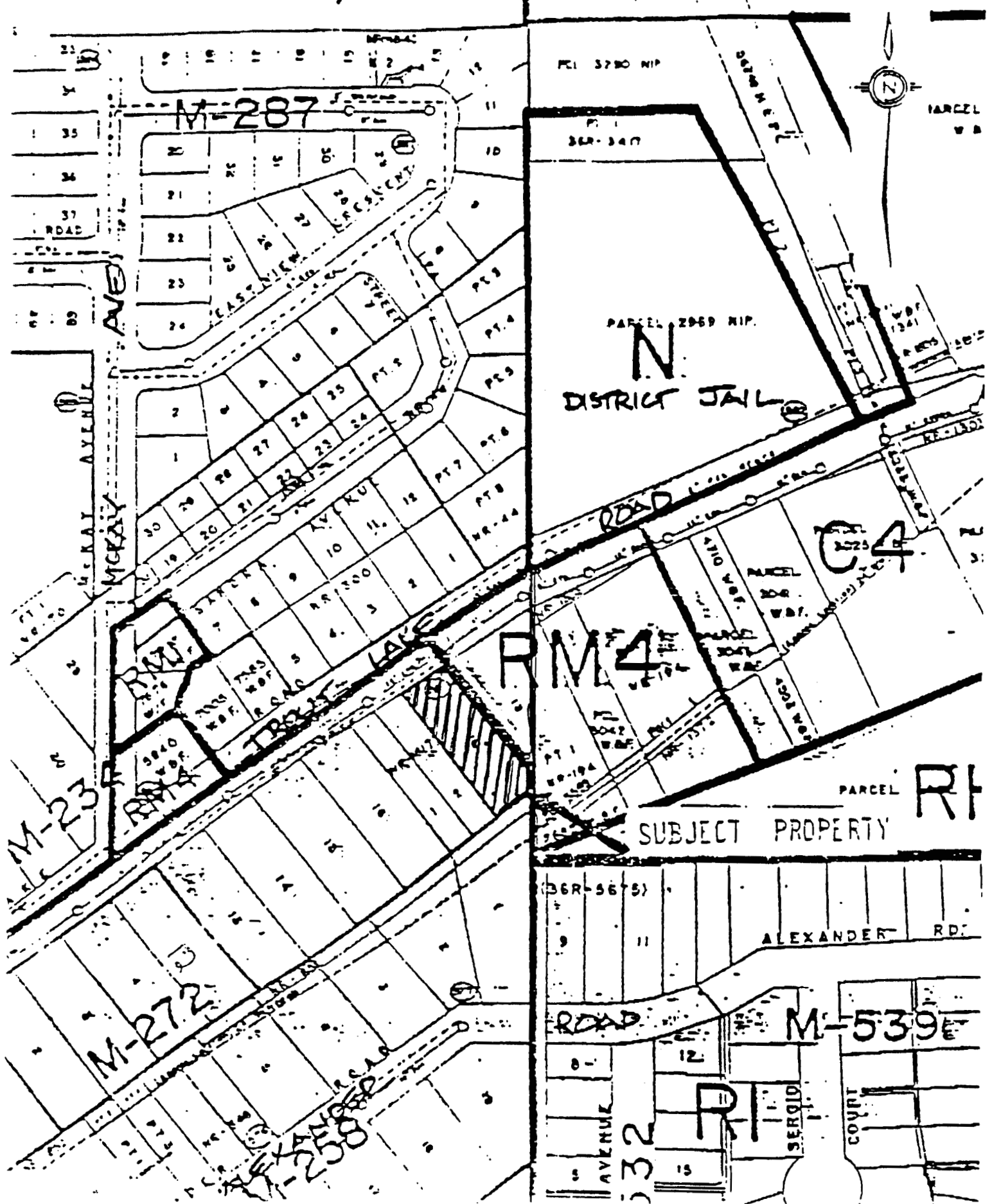
Firstly, the evidence is clear that the proposed 3 storey apartment building with 16 units is modest in scale, height, massing and magnitude. With the proper landscaping, buffering and other similar measures, the impact on the area, if any, can be mitigated.

Secondly, the Board finds that the development is well placed. Fronting on an arterial road, adjacent to two apartment buildings to the east and a duplex building to the west and with close proximity to the shopping facilities, the Board accepts the views of the two City planners that the proposal is strategically located.

Thirdly, the Board finds the proposal an appropriate use of the lands. The rezoning application should not be a surprise as the continued use of the subject site for a single residential home in this vicinity is an under-utilization of land. Mr. Bourne pointed out that the division of the more intensive and commercial use east of the subject site and the less intensive and single family residential use west of it is a legacy of the boundary division between the former municipalities of North Bay and Widdefield Township. He seems to imply that such a watertight division be maintained, a proposition the Board finds somewhat dubious. Furthermore, the Board is not convinced that the proposal would automatically set in motion similar rezoning applications west of the subject site. But assuming that it does, the Board is comforted by the fact that there is an array of planning tools at the City's disposal to arrest any trend that may pose a threat to the vibrancy of the VLA subdivisions. More importantly, the evidence is clear that the area within the immediate range of the subject area has undergone a profound change since the post war era. The widening of the road allowance, the utilization of the Trout Lake Road as a corridor, the division of the larger VLA lots into smaller ones and the development of apartment buildings and commercial complexes are but symptoms of such a change. Any planning measure that glosses over these trends is unwise and unrealistic.

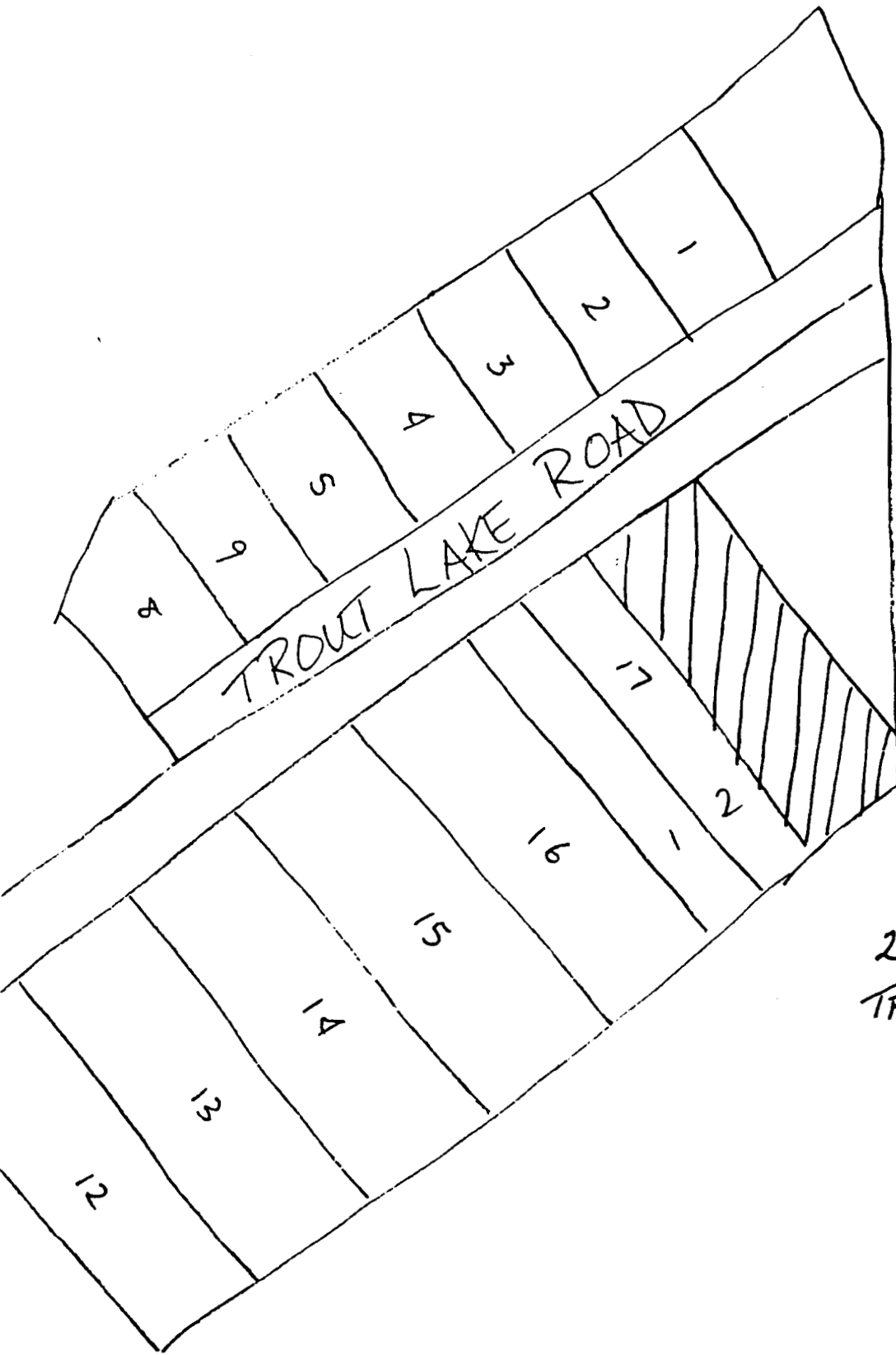


# Schedule A



SCHEDULE C

SCHEDULE TO "RESIDENTIAL SPECIAL ZONE NO. 32 (RM.4 SP.32)"



2469  
TROUT LAKE ROAD