MINUTES OF THE BUSINESS MEETING OF THE NORTH BAY COMMITTEE OF ADJUSTMENT HELD IN THE 7<sup>th</sup> FLOOR EXECUTIVE BOARDROOM, CITY HALL, 200 MCINTYRE STREET EAST ON TUESDAY, MARCH 5, 2019 FILE NO. A-02-19

**PRESENT:** J. Rogerson

D. Young

P. Geden

M. Buchanan

P. Walker

# **SUMMARY OF THE APPLICATION:**

A Minor Variance Application has been submitted by Joey Church, seeking relief from Section 4.8.1 of Zoning By-law 2015-30 to increase the Maximum Front Yard area permitted for parking from 62% to 100% to create a parking space on the property located at 786 McIntyre Street East.

### **OTHERS IN ATTENDANCE:**

Joey Church, Brandon Martin

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 prepared and distributed prior to the Hearing. The Report referenced the Zoning By-law, the Official Plan, the Provincial Policy Statements and the Growth Plan for Northern Ontario and concluded the application was the only option available for this property and agreed that is represented the best planning for the area. Comments received from Engineering expressing some concerns with respect to the width of the parking area represented on the site plan.

Mr. Church was invited to speak on behalf of his application. Mr. Church explained he purchased the dwelling in April 2013. He was made aware of the unofficial agreement for the shared driveway with no known conflicts. There has since been issues with his tenants and the current owner of the property at 796 McIntyre. Mr. Church has decided to sell the property as it is currently sitting vacant and he would like to request the variance to permit the parking entirely on the front yard since only 5' of the driveway belongs to the property and to avoid any future issues between the new owner if he sells and the next door neighbor.

Brandon Martin, 740 Fisher Street voiced his objection to the proposed variance on behalf of his father who is the owner of 796 McIntyre E. Mr. Martin explained there is insufficient area for a parking space which would cause the vehicle door to encroach when opening the door.

Discussion ensued with respect to similar properties on the street, current use of the property as a single detached dwelling, width of space between the dwelling and the sidewalk, no other objections from area, public safety and visibility issue, shared driveway with no legal easement, new fence erected, City Engineering comments, and meaning of "well defined parking area".

Mr. Curran, Planner for the City explained that although it was not the ideal situation, the property has no parking on site at all and felt this proposal was better than none.

Various photographs provided by Mr. Martin and Mr. Church was distributed and reviewed by the Committee Members.

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

#### **RESOLUTION NO. 2**

**MOVED BY: Marc Buchanan** 

**SECONDED BY: Paul Walker** 

"THAT the Minor Variance Application submitted by Joey Church, seeking relief from Section 4.8.1 of Zoning By-law to increase the Maximum Front Yard area permitted for parking from 62% to 100% to create a parking space on the property located at 786 McIntyre Street East, BE APPROVED."

#### **REASONS:**

- The variance in minor.
- 2) It is desirable for the appropriate development or use of the land, building or structure.
- 3) The general intent and purpose of the By-law and of the Official Plan are maintained.
- 4) Public comment has been received and considered and had no effect on the Committee's Decision as the application is consistent with all relevant planning legislation and represents good planning.

**CONDITIONS:** 

1) That the owner/applicant establishes a "well defined" parking space along the front of the property line to clearly identify the parking boundary to prevent encroaching on the City's road allowance.

"CARRIED" J. Rogerson, Chairman

## **CONCURRING MEMBERS**

**NON-CONCURRING MEMBERS** 

J. Rogerson, Chair

P. Geddes

M. Buchanan

D. Young

P. Walker

CHAIRMAN

SECRETARY-TREASURER

C06 / COA #A-02-19 / MINUTES - MARCH 5 2019 / 786 MCINTYRE STREET EAST / JOEY CHURCH