



## City of North Bay Report to Council

Report No: CSBU-2024-057

Date: November 28, 2024

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Zoning By-law Amendment Application – 41 Gertrude Street East

Closed Session: yes  no

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### **Recommendation**

That the proposed Zoning By-law Amendment by Goodridge Goulet Planning & Surveying Ltd. on behalf of the property owners, Azitav Mondal and Shualy Sen, to rezone the property known locally as 41 Gertrude Street East and legally described in Appendix A to Report to Council No. CSBU 2024-057 from a “Residential Second Density (R2)” zone to a “Residential Sixth Density Special (R6 Sp.)” zone be approved.

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### **Background**

#### **Site Information**

**Legal Description:** See Appendix A

**Site Description:** The subject property is an existing lot of record on Gertrude Street East, as shown on Figure 1 below and on the attached Schedule A. The property is located east of the intersection Lakeshore Drive and Gertrude Street East.

The property is designated “Residential” by the Official Plan. Gertrude Street East is identified as a “Collector Road” by Schedule 5 of the Official Plan. The property is zoned “Residential Second Density (R2)” under the City’s Zoning By-law No. 2015-30.

**Figure 1: Satellite Imagery of Property and Surrounding Area**



The property has an existing lot area of 0.179 hectares and lot frontage of 22.1 metres on Gertrude Street East, as shown on attached Schedule B. The property is currently developed with an illegal four-unit building.

**Surrounding Land Uses:** The area is a mixed-use neighbourhood.

The majority of the uses throughout the area is comprised of low-density residential units.

There are a number of public uses found nearby. This includes schools (including affiliated daycares), a church, parks and an arena/community centre.

Lakeshore Drive is developed largely with commercial developments. Specific uses in the area include car dealerships, restaurants, medical practitioners

## **Proposal**

Goodridge Goulet Planning & Surveying has submitted a Zoning By-law amendment application on behalf of the property owners, Azitav Mondal and Shualy Sen, to rezone the property located at 41 Gertrude Street East from a "Residential Second Density (R2)" zone to a "Residential Sixth Density Special (R6 Sp.) zone". The purpose of this request is to permit the property to be utilized as a fourplex.

The Special Zone request would reduce the minimum frontage requirement for a fourplex from 22.8 metres to 22.0 metres.

## **Summary**

The subject property is an existing lot of record within the City's Settlement Area. The lot has more frontage and is much deeper than typical low density urban lots. As detailed throughout this report, it has access to the full range of public services.

Since the mid 1990's, the property was known to be a triplex. As per the statements in the application form, a fourth unit was added in the fall of 2021 without the benefit of permits being issued by the City.

The property owners have submitted a rezoning request to recognize and legalize the existing fourplex. If approved, the property owners will be required to obtain a building permit to legalize the existing units. This permit has been applied for and is under review.

Provincial Policy and the City's Official Plan each encourage more intensive use of available serviced lands within a community's Settlement Area where the proposed development is appropriate. Specific policies related to this general objective are outlined in the Provincial Planning Statement and Official Plan sections of this report.

Given the overall size of the property, the level of development proposed is an appropriate use of the lands. The depth of the property allows the owner to meet their parking requirements entirely on their own lot while providing amenity area for residents.

The property is located on Gertrude Street East, which is considered a Collector Road by the City's Official Plan. Collector roads are intended to accommodate higher volumes of traffic, while directing these vehicular movements towards arterial roads. The property is also a short distance from Lakeshore Drive, which is designated as an Arterial Road by the City's Official Plan.

The property is slightly deficient from the minimum frontage standards required by the Zoning By-law. However, considering the other site characteristics, staff are of the opinion that this shortfall is minor in nature and will not negatively affect the overall function of the property.

Staff received one letter of correspondence expressing objection to the proposed development. A copy of the correspondence is attached as an appendix to this report.

The objections to the proposed development centred largely on matters that are outside the scope of review for a rezoning application. This included the level of maintenance of the property, the number of residents on the property and their belief that the property owner has previously not complied with bylaws.

This resident also identified traffic as a potential concern. The Engineering Department has considered this concern and has indicated that the increase in traffic resulting by the adding one additional dwelling unit on this site will have a negligible traffic impact on the surrounding road network.

Apart from traffic, each of the matters raised are not considerations in the processing of a Zoning By-law. Applications made under the Planning Act are considered from the perspective of the applicable policy documents.

In addition, there are more appropriate processes in place to address the concerns raised, if they are verified. For example, property standards concerns can be investigated and enforced if a formal complaint is submitted, and violations are found.

The Engineering Department was consulted in the review of this application. They did not identify any concerns regarding traffic in the area.

It is my professional opinion that the proposed Zoning By-law Amendment is in conformity with the Official Plan and the Growth Plan for Northern Ontario (GPNO 2011) and the end use is consistent with the Provincial Planning Statement (PPS 2024).

## **Provincial Policy**

### **Growth Plan for Northern Ontario (GPNO 2011)**

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process. Section 3(5)(b) of the Planning Act requires that decisions made under the Planning Act need to conform to the Provincial Plan or shall not conflict with it, as the case may be.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and Aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

Section 4 of the GPNO (Communities) deals with land use planning matters. This Section speaks to creating a vision for a community's future. The City of North Bay achieves this through the implementation of the Official Plan. As discussed in greater detail later in the report, it is my opinion the proposed development conforms with the City's Official Plan.

In my professional opinion, the proposed Zoning By-law Amendment

conforms with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

## **Provincial Planning Statement (PPS 2024)**

A new Provincial Planning Statement (PPS 2024) was recently issued by the Provincial Government. The new PPS 2024 is applicable to all decisions made on planning matters on or after October 20, 2024. This proposal has been reviewed in the context of the Provincial Planning Statement (PPS 2024).

The new PPS 2024 has placed a significant emphasis on the development of new housing, particularly within a community's Settlement Area.

Sections of the PPS 2024 relevant to this application are cited below:

- i. Planning authorities should support the achievement of *complete communities* by:
  - a) accommodating an appropriate range and mix of land uses, *housing options*, transportation options with *multimodal* access, employment, *public service facilities* and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
- 2.2.1 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected needs of current and future residents of the *regional market area* by:
  - ...
  - b) permitting and facilitating:
    1. all *housing options* required to meet the social, health, economic and wellbeing requirements of current and future residents, including *additional needs housing* and needs arising from demographic changes and employment opportunities; and
    2. all types of residential *intensification*, including the *development* and *redevelopment* of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new *housing options* within previously developed areas, and *redevelopment*, which results in a net increase in residential units in accordance with policy 2.3.1.3;
- c) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*,

and support the use of *active transportation*;

The central or overarching objective of these policies is to direct municipalities to provide a broad range of housing types. In doing so, communities will be in a position to meet the housing needs of the largest number of residents as possible.

The proposed rezoning would permit the use of the subject property as a fourplex. A fourplex is generally occupied by tenants. Considering the most recent Canadian Housing and Mortgage Corporation (CMHC) rental data indicated that North Bay's vacancy rate is 2.3%, there is a community need for rental stock. The proposed application supports this objective and will result in a legalized permitted housing units.

It is my professional opinion that the end use of the proposed Zoning By-law Amendment is consistent with the Provincial Planning Statement (PPS 2024).

### **Official Plan**

The property is currently designated "Residential" in the City of North Bay's Official Plan.

The subject property is within North Bay's Settlement Area. The Official Plan contains policies that encourages higher levels of density to take place within the City's Settlement Area. This goal is found in several sections of the Official Plan, as referenced below:

#### 1.4.2 Guiding Principles

*North Bay endorses the principles of "smart growth" by concentrating growth within the Settlement Area in a manner that new development has easy access to employment lands, commercial lands, residential lands, parks, trails and public transit. North Bay continue the practice of concentrating growth within the Settlement Area in a manner that allows new development to have easy and efficient access to employment, residential, commercial and park areas.*

...

*Environmental sustainability will be achieved by concentrating urban built form within the Settlement Area and through infilling, intensification, and reclamation of brownfields.*

#### 2.1 Settlement Area Policies

*It is the objective of this Plan to concentrate new growth and redevelopment within the Settlement Area and to develop new land for residential, employment area, commercial, park & open space and institutional uses.*

*2.1.1 Infill and intensification developments will be primarily encouraged in the Central Business District (CBD) and surrounding neighbourhoods, where appropriate, and where adequate municipal services, facilities,*

*and transit routes exist. Infilling and intensification will also be promoted in other areas of the City where there is appropriate infrastructure and new development or redevelopment is compatible with surrounding land uses.*

The general intention of these policies is to make better use of available public services, reducing the size of a community's footprint and minimizing the amount of land utilized to house the municipality's residents.

The purpose of concentrating development within the Settlement Area is to make use of available public services while reducing the amount of land consumed to house the local population.

The fourplex is located in a fully built-up mixed-use neighbourhood. It has access to the full range of public services. It is in reasonably close proximity to City parks, employment lands and commercial services. The proposed development would be compatible with the neighbourhood.

Similar to the PPS, the Official Plan has policies specifically related to housing. The overall objective is to provide a range of housing types so that the community's universe of dwelling units will meet the needs of as many residents as possible.

Housing policies from the Official Plan relevant to the review of the subject application are cited below:

#### *2.1.11 Housing Policies*

*It is the general intent of this Plan to encourage the development and maintenance of an efficient and pleasant environment for all lifestyles. In providing for these demands, the objective is an appropriate mixture of densities and an arrangement that will minimize conflicts between different forms of housing.*

...

*2.1.11.2 The following general policies are intended to assist the City in its determination of housing requirements for the various special need groups in the City:*

- a) To encourage the existence of an adequate supply and diversity of residential accommodation by type and tenure to satisfy the social and economic requirements to the population;*

...

*2.1.11.3 In the development of new residential neighbourhoods, and as far as possible in the infilling of those already established, or in redevelopment in older neighbourhoods, high standards of residential amenity will be encouraged through the use of the following design principles:*

...

- b) Varieties of residential types will not be mixed*

*indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of a lower density, with sufficient spacing between tall apartments and lower row houses and single detached houses to maintain privacy, amenity and value;*

The proposed application would enable the subject property to continue to be used as a fourplex. There has been no indication that the subject property has been out of character with the neighbourhood, implying that the level of density is appropriate for the area. This is consistent with the above noted policies of the Official Plan. This rezoning process, and the subsequent required building permit, would legalize this use ensuring safety and neighbourhood compatibility.

The property fronts onto Gertrude Street East, which is identified by Schedule 5 of the Official Plan as a Collector Road. Section 5.2.1.3 of the Official Plan provides a vision of the purpose of collector roads, as referenced below:

*Collector roads provide land access as well as mobility within residential, commercial, and industrial areas and distribute traffic between other collector, local and arterial roads. These roads can be further grouped into the representative zones they serve and design features will vary mainly based on heavy vehicle usage. All new and re-developed Collector Roads shall be equipped with a sidewalk on one side of the road.*

If approved, the proposed rezoning, together with the required building permit, would legalize the existing fourplex on the subject property. The property is of a considerable size in terms of lot area, frontage, and depth. It is located on a collector road (as defined by the Official Plan). The area is comprised of several developments that are considered higher intensity uses (i.e. greater levels of activity and traffic) than the fourplex. This includes a church, school, an arena and a variety of different commercial operations along Lakeshore Drive.

Considering these characteristics, it is my opinion that the proposed use represents good planning and that the proposed Zoning By-law Amendment is appropriate and conforms to the City of North Bay's Official Plan.

### **Zoning By-Law No. 2015-30**

The subject property is presently zoned "Residential Second Density (R2)". The existing R2 zone permits the following uses:

- Single Detached Dwelling;
- Additional Residential Urban Dwelling Unit;
- Group Home Type 1;
- Bed and Breakfast (as an Accessory Use only);



- Home Based Business (as an Accessory Use only);
- Parks and Playgrounds;
- Day Nursery (as an Accessory Use associated with an Institutional or Public Building only);
- Institutional Uses; and
- Principal Dwelling Unit Short-Term Rental.

The applicant is proposing to rezone the property to a "Residential Sixth Density Special (R6 Sp.)" zone, which would permit the following uses:

- Semi Detached Dwelling;
- Duplex Dwelling;
- Triplex Dwelling;
- Additional Residential Urban Dwelling;
- Fourplex Dwelling;
- Cluster Townhouse;
- Stacked Townhouse;
- Street Front Townhouse;
- Group Home Type 1;
- Group Home Type 2;
- Home Based Business (as an Accessory Use only);
- Parks and Playgrounds;
- Day Nursery (as an Accessory Use associated with an Institutional or Public Building only);
- Institutional Uses; and
- Principal Dwelling Unit Short-Term Rental.

The Special Zone request would reduce the minimum frontage requirement for a fourplex from 22.8 metres to 22.0 metres.

The subject property can meet all other regulations of the Zoning By-law.

### **Correspondence**

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application. In terms of correspondence received from these departments and agencies, the Planning Department received the following comments:

Of the agencies that provided comments, Building Department, Engineering Department, Public Works Department, the Conservation Authority and the Ministry of Transportation each offered no concerns or objections.

City staff received one item of correspondence. The majority of the concerns expressed by this respondent focused on a number of matters that are not considered to as part of a rezoning. This includes concerns about rubbish in the yard, exceeding occupancy limits and a history of ignoring by-laws. Planning staff did not consider these concerns as these are not land use matters and would have alternative enforcement mechanisms (if the expressed claims were proven to be factual).

The letter also expressed concerns about traffic and congestion in the West Ferris Area. The requested rezoning would effectively increase the number of units permitted on the property from three to four. The City's Engineering

Department reviewed this requested increase and offered no objections or concerns.

No other correspondence was received on this file.

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## **Financial/Legal Implications**

There are no financial or legal obligations to the City at this time.

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## **Corporate Strategic Plan**

- |  |   |
|--|---|
| <input type="checkbox"/> Natural North and Near                | <input checked="" type="checkbox"/> Economic Prosperity     |
| <input type="checkbox"/> Affordable Balanced Growth            | <input checked="" type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government |   |

## **Specific Objectives**

- Facilitate the development of housing options to service the entire community, with consideration to socio-economic characteristics of the community.
- Facilitate the development of housing options to service the needs of the community.

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## **Options Analysis**

### Option 1:

Approve the proposed Zoning By-law Amendment application.

That the proposed Zoning By-law Amendment by Goodridge Goulet Planning & Surveying Ltd. on behalf of the property owners, Azitav Mondal and Shualy Sen, to rezone the property known locally as 41 Gertrude Street East and legally described in Appendix A to Report to Council No. CSBU 2024-057 from a "Residential Second Density (R2)" zone to a "Residential Sixth Density Special (R6 Sp.)" zone be approved.

### Option 2:

Deny the proposed Zoning By-law Amendment application. This option is not recommended for the reasons outlined in this report.

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## **Recommended Option**

Option 1 is the recommended option.

That the proposed Zoning By-law Amendment by Goodridge Goulet Planning & Surveying Ltd. on behalf of the property owners, Azitav Mondal and Shualy Sen, to rezone the property known locally as 41 Gertrude Street East and legally described in Appendix A to Report to Council No. CSBU 2024-057 from a "Residential Second Density (R2)" zone to a "Residential Sixth Density Special (R6 Sp.)" zone be approved.

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Respectfully submitted,

Name: Peter Carello, MCIP, RPP  
Title: Senior Planner, Current Operations

**We concur with this report and recommendation.**

Name: Beverley Hillier, MCIP, RPP  
Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP, RPP  
Title: Director, Community Services

Name: John Severino, P.Eng., MBA  
Title: Chief Administrative Officer

Personnel designated for continuance:

Name: Peter Carello, MCIP, RPP  
Title: Senior Planner, Current Operations

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Zoning By-law Amendment – 41 Gertrude Street East

## Appendix A

### **PIN 49171-0001 (LT)**

PCL 85 SEC WF; PT LT 39 CON 17 West Ferris as in LT22553, Reserving Therefrom One Half the Width Required For Road Allowance BTN CON 17 & 18 in the Said TWP of Ferris, Except LT64483, PT 1 & 2, 36R4162; North Bay; District of Nipissing

## Appendix B – Correspondence

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### Engineering Dept

**Member:** Jonathan Kapitanchuk

**Status:** Approved

No objections to the proposed rezoning.

1. A Site Servicing through a service contract may be required if any new services are being proposed and/or existing services are being upgraded/retired
2. All the drawings (if required) must be designed and stamped by a Professional Engineer licensed to practice in the province of Ontario. Documents must be sealed prior to being submitted to the City for review.
3. The developer must enter into a Service Contract with the Engineering Department for any services, restoration work or work in general on City property.
4. The creation of one additional dwelling unit on this site will have a negligible traffic impact on the surrounding road network.

At this stage, these comments are very high level and upon receiving further information and detailed plans we will have additional comments to provide.

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### Building Services

**Member:** Carly Price

**Status:** Approved

No concerns from Building Services.

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### Public Works

**Member:** Scott Franks

**Status:** Approved

No concerns.

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### MTO

**Member:** Jamie Gauvreau

**Status:** Approved

The subject location is not within the permit control area of the Ministry of Transportation; therefore, the Ministry has no comments to provide..

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## **NBMCA**

**Member:** Kevin Taylor

**Status:** Approved

This office has received and reviewed a Zoning By-law Amendment 41 Gertrude St East. The following comments are based on a review of the application with respect to our delegated responsibility from the province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and our regulatory authority under Ontario Regulation 41/24 and the Clean Water Act, 2006.

The subject property is located within the Lake Nipissing Shoreline/ North Bay subwatershed. The North Bay–Mattawa Conservation Authority (NBMCA) mapping does not indicate wetlands, floodplains, watercourses, waterbodies, shorelines, valley slopes or hazardous sites are located on it. The NBMCA has no objections to the proposed rezoning and offers the following comments. The subject property is outside of the area of jurisdiction for O. Reg. 177/06 so we have no concerns. We would request that some permeable areas of vegetation are preserved in any future development to allow groundwater recharge and lessen surface runoff during precipitation events.

Should you have any questions regarding the above, please do not hesitate to contact us this office at 15 Janey Ave, North Bay, ON or (705) 474-5420. Thank you for allowing us to comment. Kevin Taylor

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## **North Bay Jack Garland Airport**

**Member:** Bryan Avery

**Status:** Approved

No concerns for airport operations..

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**From:** Elizabeth Evans <[REDACTED]@[REDACTED].[REDACTED]>

**Sent:** November 8, 2024 3:58 PM

**To:** Peter Carello <peter.carello@northbay.ca>

**Subject:** [EXTERNAL] REZONING APPLICATION 41 Gertrude Street, North Bay, ON

Dear Peter Carello:

As the owner of a property adjacent to 41 Gertrude Street, North Bay, ON, I wish to formally express my opposition to the proposed rezoning of this property.

**Issues with the Property:**

- Non-compliance with existing zoning regulations:
- History of neglect, including coil springs left on the frontage for the entire summer, which are still present

**Concerns about recent renovations**

- Addition of windows potentially done without property city permits (no building permits displayed)

**Questionable occupancy levels:**

- At times, the property appears to exceed occupancy limits

**Neighbouring Property Concerns**

- Shared concerns among neighbours
- Exceeding occupancy limits

**Property remaining unkempt**

- Insufficient enforcement of existing by-laws by the city of North Bay
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**Impact on the West Ferris Area**

- Increased traffic and congestion
- Gertrude street already experiences significant traffic, and this rezoning would add to the congestion on an already very busy bus route in front of West Ferris Arena

**Lack of respect for City of North Bay Bylaws**

- Current owners have a history and pattern of neglecting bylaws.

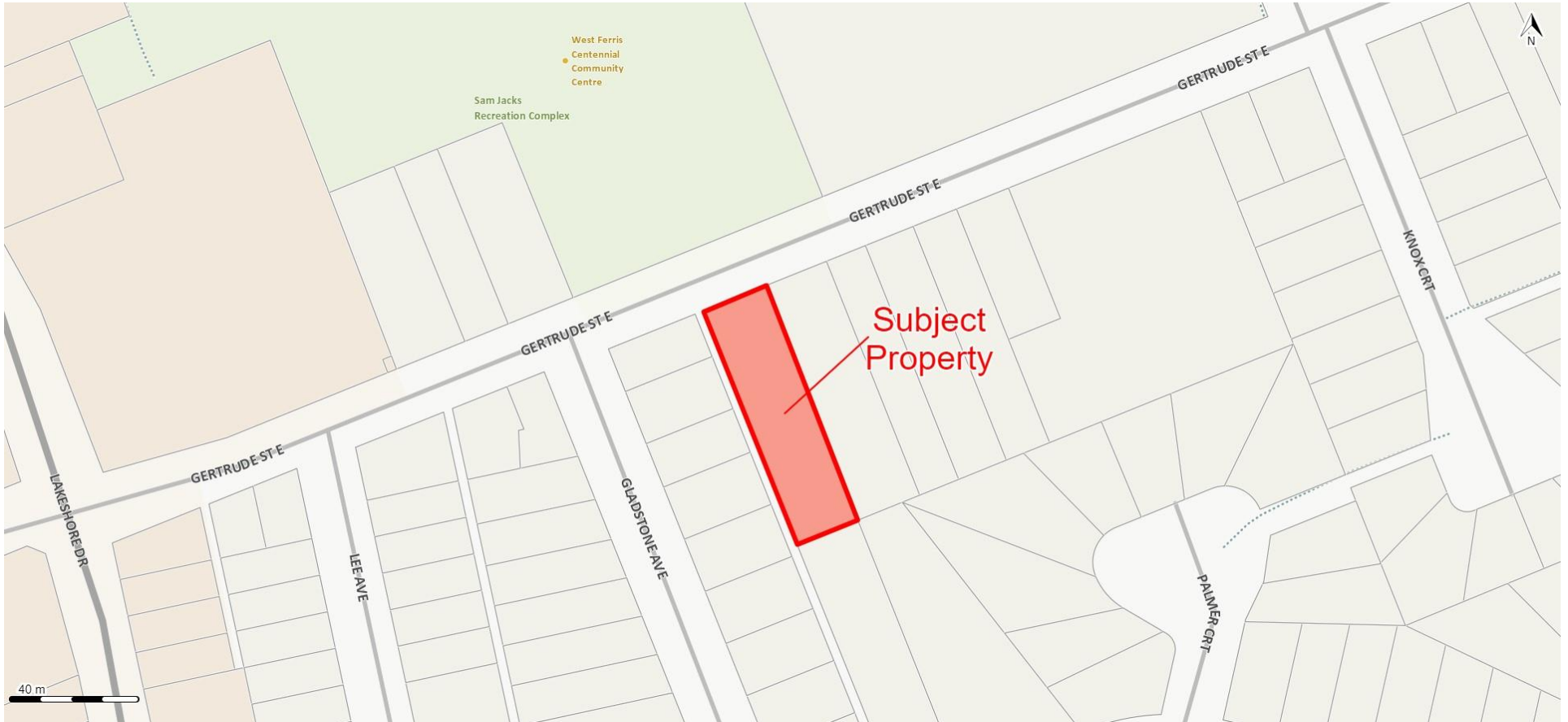
Thank you for considering my concerns

Cameron Sanders

196 Gladstone Avenue, North Bay, ON

[REDACTED]-[REDACTED]-[REDACTED]

# Schedule A





# Schedule B

