



# The Corporation of the Town of Bruce Mines

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**MINUTES  
COMMITTEE OF ADJUSTMENT  
JANUARY 22, 2024 AT 7:00 P.M.  
PUBLIC HEARING IN THE BRUCE MINES COUNCIL CHAMBERS  
AND ELECTRONICALLY BY ZOOM  
FOR THE PURPOSE OF  
REVIEWING THE MINOR VARIANCE  
APPLICATION 2024-01**

**PRESENT:**

**COMMITTEE CHAIR, MAYOR LORY PATERI**

**COUNCILLORS - JODY ORTO AND SHANE ROCK AND JAMIE ORTO AND MARIOLA MORIN**

**SECRETARY TREASURER, MUNICIPAL ADMINISTRATOR JUDY DAVIS**

**VIA ZOOM, TOWN PLANNER, JAMIE BATCHELOR OF JL RICHARDS & ASSOCIATES**

**MEMBERS OF THE PUBLIC:**

**RANDY MORIN, 7 MITCHELL STREET**

**LOIS HART, 11 MITCHELL STREET**

**JIM MCCULLOCH, 11 MITCHELL STREET**

**MASON WATSON, 1 MITCHELL STREET**

**ANGELO MAIONE, 9 MITCHELL STREET**

1. Call to order at 7:00 p.m. in the Bruce Mines council chambers.
2. Approval of Agenda

**MOTION NUMBER: 2024-15**

**MOVED BY: COUNCILLOR ORTO**

**SECONDED BY: COUNCILLOR ROCK**

**BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF BRUCE MINES COMMITTEE OF ADJUSTMENT APPROVES THE AGENDA FOR THE COMMITTEE OF ADJUSTMENT HEARING JANUARY 22, 2024. CARRIED.**

3. Declaration of Interest COUNCILLOR MARIOLA MORIN

Mr. A Maione being a direct neighbour and Randy Morin (spouse) having an objection regarding the Minor Variance request;

COUNCILLOR MORIN, THROUGH THE CHAIR, ASKED TO LEAVE THE MEETING AND NOT RETURN.

COUNCILLOR MORIN LEFT THE HEARING AT 7:02 PM.

4. New Business:

A) Minor Variance Application 2024-01:

- i) Opening statement, Committee Chair, Mayor Lory Patteri  
- The public hearing shall be governed by the *Statutory Powers and Procedure Act*, the *Municipal Act* and the *Planning Act*.

- The Chair read the protocol and rules of conduct for the hearing.
- The Chair called upon the Town Planner to provide a review and recommendation on the application.

- ii) Planning report from Town Planner, Jamie Batchelor (JL Richards)
- Mr. Batchelor read the application specifics for the Minor Variance Application # 2024-01, being an application to seek relief from the provisions of the Zoning By-law 2015-17. Said specifics as per the Planners Report dated January 18, 2024 ( herein the “Planners Report”).
  - The background to the application was given and summarized as per the Planner’s Report.
  - Mr. Batchelor expanded and commented on the following 4 tests required to satisfy, and warrant the approval of, a minor variance:
    - How is the request Minor?
    - Is the request desirable for the appropriate development or use of the land, building or structure?
    - How does the request maintain the intent and purpose of the Official Plan?
    - How does the request maintain the intent and purpose of the Zoning By-law?
  - Public comments received in writing by neighbours of the property were reviewed and summarized by Mr. Batchelor. Each item was addressed as to whether or not the concerns were appropriate to the application before the Committee.
  - The issue of the shed on the property was discussed and Mr. Batchelor pointed to the Official Plan and Zoning By-law with regards to the shed’s location and non-compliance should it remain where it is situated.
  - Mr. Batchelor concluded his report stating that the application meets the four tests of a minor variance and recommended that the Committee approve the Minor Variance Application 2024-01 filed by Angelo Maione for the purpose of the construction of a new single family residential dwelling and covered deck.
- iii) Questions from Committee to Town Planner
- The Chair asked for clarification on the set-backs restrictions.
- Councillor Stopes recalled the issue of the shed and sought to clarify whether or not this was an issue to be determined at this time.
- iv) Applicant, or applicant’s representative, invited to speak
- The Chair recognized Mr. Maione (9 Mitchell Street) as the applicant and invited him to speak to the Committee.
  - Mr. Maione was in full agreement with the Planners Report and stated for the record that the shed was in a temporary location due to the fire and would be moved.
- v) Questions from Committee to applicant
- There were no questions at this time.
- vi) Oral or written submissions from interested parties to support.
- No other parties were in attendance to support the application.

vii) Oral or written submissions from interested parties who oppose.

Lois Hart (11 Mitchell Street) opposed the application

-Concern was expressed over the following issues:

- Zoning-By-law 2015-17 exists for the protection of the Town and development within the Town.
- The variance is not “minor”, nor is the effect neutral
- The size of the lot does not aesthetically accommodate a larger dwelling
- Several concerns were vocalized regarding privacy, enjoyment of their property and the possible negative impact on the value of their property.

Randy Morin (7 Mitchell Street) opposed the application.

-Concern was expressed over the following issues:

- Why is only a “specified person” allowed to appeal?
- The lot size and the applicants request does not denote a “minor” variance.
- Zoning By-law 2015-17, section 4.19.4 should be upheld and was written for the protection of the residents of the Town of Bruce Mines.
- There should be a valid reason why the By-law (sec 4.19.4) cannot be met.
- There is no need for an increase in floor space.
- Denial of the minor variance does not result in any hardship to the applicant.
- Shed on the property is non-compliant
- The shoreline, ecosystem and drainage have been altered, including the beauty of, and privacy for, the neighbourhood.
- The MNRF, when Mr. Morin spoke to them, indicated the construction of the new residence would not be allowed to continue given the SEP.
- Several concerns were vocalized regarding the affect on the neighbourhood as to its character and the negative impact of such a large development on such a small lot.
- The “regulatory Flood Level Compliance Report” used an elevation and distance measurement from the top of the un-permitted shoreline retaining wall and not the natural and historic shoreline.

Jim McCulloch (11 Mitchell Street) opposed the application.

-Concern was expressed over the following issues:

- Zoning By-law 2015-17, section 4.19.4 should be upheld and was written for the protection of the residents of the Town of Bruce Mines.
- What will the square footage be of the proposed building be and is it necessary?
- The variance request is neither minor nor neutral.

Mason Watson (1 Mitchell Street) opposed the application.

-Concern was expressed over the following matters:

- Excavation started without a permit.
- Size of dwelling being requested is not in keeping with the “heritage” of the street.
- Will there be an increase in traffic?
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- viii) Further questions from Committee
- Discussion regarding the square footage of the property. Mr. Batchelor repeated the definition of a minor variance wherein “minor” is defined by the impact of the variance.
  - MNRFC considerations. Does this applicant have to deal with the Ministry for approval? Follow-up required.
  - Zoning By-law 2015-17 Section 4.19.4 was read aloud by the Chair.
  - Clarification was sought from the Mr. Batchelor, that a minor variance would not be required under the Zoning By-law if the residence being rebuilt was the same footprint as the house that was razed by fire. This was confirmed.

B) Call for a vote

- The Committee discussed the options available for the voting and adjourning process of the hearing.
- The Committee had several unresolved issues relating to:
  - The need for approval, or further input, from the Ministry of Natural Resources and Forestry,
  - The impact on the neighbourhood of the proposed build,
  - The need for the size of the proposed build,
  - Whether or not the variance is “minor” in nature,
  - The Site Plan is incomplete wherein other structure(s) exist on the property but have not been noted on the site plan.

**MOTION NUMBER: 2024-17**

**MOVED BY: COUNCILLOR ROCK**

**SECONDED BY: COUNCILLOR MORIN**

**BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF BRUCE MINES COMMITTEE OF ADJUSTMENT ACCEPTS THE PLANNERS REPORT FOR THE MINOR VARIANCE FOR ANGELO MAIONE, FOR 9 MITCHELL STREET AND ADJOURNS THE HEARING OF THE MINOR VARIANCE APPLICATION FILE # 2024-01 UNTIL FEBRUARY 8<sup>TH</sup>, 2024 AT 6PM. **CARRIED.****

C) Closing statement, Committee Chair, Mayor Lory Patteri

- The Chair instructed the public in attendance as to the procedure which will be followed on February 8<sup>th</sup>, 2024.

5. Adjourn

**MOTION NUMBER: 2024-17**

**MOVED BY: COUNCILLOR ROCK**

**SECONDED BY: COUNCILLOR ORTO**

**BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF BRUCE MINES COMMITTEE OF ADJUSTMENT DOES NOW ADJOURN AT 8:29 P.M., TO MEET AGAIN FEBRUARY 8, 2024. **CARRIED.****

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**MAYOR - Lory Patteri**

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**MUNICIPAL ADMINISTRATOR - Judy Davis**