

Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer



**Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
FEBRUARY 5, 2025
Livestreamed**

Call to Order

The Acting Chair called the hearing to order at 2:00 p.m.

Members' Present: M. McGregor, Acting Chair
F. Bruni
W. Greco
A. Rossi

Members Absent: J. Greco, Chair

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: S. Zuppa, Planning Representatives

The Secretary-Treasurer confirmed that a quorum was present.

Opening Remarks

Acting Chair McGregor welcomed the participants & introduced the Committee & staff

Land Acknowledgement – Secretary-Treasurer

Approval of Minutes

Moved by Greco (W), seconded by Rossi,

“**THAT** the Minutes of the November 27, 2024, Committee of Adjustment hearing be approved as circulated. **CARRIED.**”

Disclosure of Pecuniary Interest and General Nature Thereof - None recorded.

Applicant/Agent/Staff Advisement of Withdrawal or Request for Deferral

- **A15/24** – Civic No. 540 Albert Street East has been withdrawn.
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- **A39/24** – Civic No. 81 Alworth Place has been withdrawn.

Matters Circulated but Not Appearing on the Agenda - none

➤ **Matters To Be Considered**

Deferred Applications

- A43/24 - Civic No. 267 Huron Street

New Applications

- A1/25 - Civic No. 19 Silver Birch Drive
- A2/25 - Civic No. 851 Second Line West
- A3/25 - Civic No. 4127 Queen Street East
- B1/25 - Civic No. 513 Leigh's Bay Road
- B2/25 – Civic No. 4127 Queen Street East

- **Deferred Applications** (order subject to change)

TAB 1

Application A43/24-40-(1-46)-14751-R3

SAULT STE. MARIE HOUSING CORP. is the owner of LT 188, Plan 727 former Township of Korah municipally identified as **CIVIC NO. 267 HURON STREET**. It is located on the southwest corner of Huron Street and Edinburgh Street. It is designated Residential in the Official Plan and is zoned R3, Low Density Residential Zone.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by reducing a portion of the required exterior side yard abutting Edinburgh Street & permit two parking spaces to encroach into the exterior side yard. The intent of the application is to facilitate the construction of a 4-unit, two storey, residential structure.

	By-Law Requirement 2005-150	Proposed Variance
9.7.2	Minimum exterior side yard 4.5m	Reduce the minimum exterior side yard requirement to 3m for the proposed structure & to 2m for two parking spaces.

Public Input

Notice of public hearing was sent by personal mail to neighbouring properties, by posting a sign on-site & posting on the City website.

Technical Review: Circulated Departments & Agencies

As part of the application review, this proposal was circulated to the following internal departments and external agencies for their review.

Division/Agency	Circulated	Response
Algoma Public Health		
Bell Canada Right-of-Way		
Building Division	X	No response
Canada Post		
Conservation Authority		SSMRCA will have to review a site plan for possible permit prior to future development
Engineering & Construction	X	See comments below
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	See comments below
PUC Distribution Inc. (Electric)	X	No concerns, an Application for an Electrical Service must be submitted to PUC
Public Utilities Comm. (Water)	X	No concerns, an Application for General Water Service must be submitted to PUC.
Public Works	X	Supports Engineering comments

Engineering staff were supportive, however, suggested that the applicant consider reducing the size of the porch to improve the setback from the edge of the road.

Planning staff have no objections to this application.

The property is irregular in shape, like others that are adjacent to Edinburgh Street. This makes full compliance with the setback requirements challenging. The proposal is consistent with the character of the area and will have little to no impact on surrounding properties.

This property falls within the First Neighborhood's Strategic Development Area. The City's Official Plan supports additional residential growth and development in Strategic Development Areas through various means, including reduced development standards.

Planning staff is of the opinion that the requested variances are minor, are desirable for appropriate use of the property, and maintain the general intent and purpose of the Official Plan and Zoning Bylaw.

Interested Parties Who Spoke to the Application – none recorded.

Staff Comments/Recommendations(s)

The request has staff support. The applicant is aware that PUC requires applications for electrical & water service, and this will form part of their Building Permit application process. Engineering requests that the applicant consider reducing the size of the porch,

while they have not made this a condition, the Committee should consider the suggestion & the applicant's response.

Proceedings

The Acting Chair called for comments. None recorded.

The Acting Chair called for discussion, seeing none, discussion was closed.

Decision

In making this decision, the Committee took into consideration all the relevant materials including information provided by the applicant, plans submitted, staff and agency comments. The members have unanimously determined that the general intent and purpose of the PPS, the Zoning By-law and the Official Plan are maintained.

Moved by Rossi, seconded by Bruni,

"RESOLVED THAT in accordance with Section 45(2) of the Planning Act this application be **Approved**.

CARRIED".

Advisement

The members recommended that the applicant consider improving the setback of the covered porch from the road.

- **New Applications**

TAB 2

Application A1/25-31-(1-34)-17961-R3

STRAY DOG INVESTMENTS is the owner of **CIVIC NO. 19 SILVER BIRCH DRIVE**. It is located on the west side of the west leg of Silver Birch Drive north off Arizona Avenue. It is designated Residential in the Official Plan and is zoned R3, Low Density Residential.

INTENT OF THE APPLICATION:

The following variance is requested:

	By-Law 2005-150 Requires	Proposed Variance
9.7.2	Minimum lot frontage 14m	Reduce the minimum lot frontage to 6.4m.

PURPOSE & EFFECT:

To legitimize the existing duplex use.

Public Input

Notice of public hearing was sent by personal mail to neighbouring properties, by posting a sign on-site & posting on the City website.

Technical Review: Circulated Departments & Agencies

As part of the application review, this proposal was circulated to the following internal departments and external agencies for their review.

Division/Agency	Circulated	Response
Algoma Public Health		
Bell Canada Right-of-Way		
Building Division	X	No response
Canada Post		
Conservation Authority		
Engineering & Construction	X	No comment
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	See comments below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)		No concerns

Planning staff have no objections to this application and would like to note the following:

- The lot is pie-shaped, being narrower at the front and wider at the back. Although it does not meet the frontage requirement, it is somewhat larger in the area than other nearby lots with semi-detached dwellings.
- It is understood that this variance is being requested to legalize an apartment dwelling that has already been constructed. The Official Plan supports additional residential growth and development through various means, including financial incentives and reduced development standards.
- This lot can accommodate parking for both units in the side yard, north of the dwelling.
- Approving this minor variance would not disrupt the existing pattern of development and would not significantly alter the visual or functional characteristics of the area.

Based on these considerations, planning staff believe the application meets the four tests of a minor variance and recommend its approval.

Staff Comments/Recommendations(s)

The request has staff support, and no evidence has come forward suggesting that approval would have a negative impact. It was noted that the unit has been in existence for more than twenty years without any known negative impact.

Proceedings

Luke Barban (applicant) was in attendance and when asked had nothing further to add.

The Acting Chair called for comments. None recorded.

The Acting Chair called for discussion, seeing none, discussion was closed.

Decision

In making this decision, the Committee took into consideration all the relevant materials including information provided by the applicant, plans submitted, staff and agency comments. The members have unanimously determined that the general intent and purpose of the PPS, the Zoning By-law and the Official Plan are maintained.

Moved by Rossi, seconded by Bruni,

"RESOLVED THAT in accordance with Section 45(2) of the Planning Act this application be **Approved**.

CARRIED".

TAB 3

Application A2/25-52-(1-68)-27362-R2

MARY TERESA & DOMENIC ALLAN PALUMBO are the owners of **CIVIC NO. 851 SECOND LINE WEST**. It is located on the south side of Second Line West between Whitney Avenue and North Eden Street. It is designated Residential in the Official Plan and is zoned R2, Gentle Density Residential.

INTENT OF THE APPLICATION:

The following variances are requested:

	By-Law 2005-150 Requires	Proposed Variance
9.1.5	Minimum interior side yard 0.6m	Reduce the east interior side yard to 0.935m for the existing garage & to 0.510m for the existing shed.

PURPOSE & EFFECT:

To legitimize the location of the existing garage and shed.

Public Input

Notice of public hearing was sent by personal mail to neighbouring properties, by posting a sign on-site & posting on the City website.

Technical Review: Circulated Departments & Agencies

As part of the application review, this proposal was circulated to the following internal departments and external agencies for their review.

Division/Agency	Circulated	Response
Algoma Public Health		
Bell Canada Right-of-Way		
Building Division	X	No response
Canada Post		
Conservation Authority	X	No concerns or objections.

		Site plan review & potential permit needed prior to development
Engineering & Construction	X	No comment
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	No objections. See comments below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	

Planning staff advised that the proposed minor variances are consistent with the existing built environment of the neighbourhood, where many properties have garages or shed structures located close to property lines. Approval of these variances would not alter the overall appearance or character of the area. Planning staff are of the opinion that the requested variances meet the four tests.

Staff Comments/Recommendations(s)

The request has staff support and there is no evidence that approval would have a negative impact. Mention was made that similar variances were approved in 2015 but were tied to final consent approval, hence the need for this approval.

Proceedings

No interested parties in attendance.

The Acting Chair called for comments. None recorded.

The Acting Chair called for discussion, seeing none, discussion was closed.

Decision

In making this decision, the Committee took into consideration all the relevant materials including information provided by the applicant, plans submitted, staff and agency comments. The members have unanimously determined that the general intent and purpose of the PPS, the Zoning By-law and the Official Plan are maintained.

Moved by Rossi, seconded by Greco,

“RESOLVED THAT in accordance with Section 45(2) of the Planning Act this application be **Approved**.

CARRIED”.

TAB 4

Application A3/25-67-(1-41)-31436-RA

JEAN PAUL & MARY BRISSON are the owners of **CIVIC NO. 4127 QUEEN STREET EAST**. It is located on the southeasterly side of Queen Street East between Fournier Road and Falldien Road. It is designated Residential in the Official Plan and is zoned RA, Rural Area.

INTENT OF THE APPLICATION:

The following variances are requested:

	By-Law 2005-150 Requires	Proposed Variance
8.5.2	Minimum lot frontage 45m	Reduce the minimum lot frontage to 9.9m for the proposed severed parcel only.

PURPOSE & EFFECT:

To facilitate the creation of one additional rural area lot as requested in consent application **B2/25**.

Public Input

Notice of public hearing was sent by personal mail to neighbouring properties, by posting a sign on-site & posting on the City website.

Sean Masters, owner of 4121 Queen Street East, had the following comments. I am in favor of these applications but would like to make the city aware of the location of my well. It is located on the east side of my house and approximately one meter in from the property line. To protect my water source and allow for adequate setback distance from my existing well and any new driveway installed on the 9.9m frontage to access the new building lot, I would like to propose that any new driveway be limited to the eastern most lot line adjacent to 4127 Queen Street East and limited in width.

Technical Review: Circulated Departments & Agencies

As part of the application review, this proposal was circulated to the following internal departments and external agencies for their review.

Division/Agency	Circulated	Response
Algoma Public Health	X	No objection
Bell Canada Right-of-Way		
Building Division	X	No objection
Canada Post		
Conservation Authority	X	No concerns. A review of a site plan will be required prior to development commencing

Engineering & Construction	X	No sanitary sewer. Septic must be to APH satisfaction. A culvert permit is required. Surface water from the driveway should be directed away from the shared property line with 4121 Queen Street East
Fire Services	X	
Legal Department	X	No comment
Planning Division	X	No objections. See comments below.
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	No comment

Planning staff wished to note:

- These applications seek to create a 'flag-shaped' lot. While the frontage of 9.9m is uncharacteristic of the immediate area, the small frontage will only be suitable for use as a driveway that provides access to the larger, more usable portion of the lot.
- It is not specified in the Zoning By-law, but a usable driveway is at least 3m (9.8') wide. It is Planning staff's opinion that the proposed frontage of the flag-shaped lot is wide enough for a usable driveway and has enough space to accommodate snow removal and larger vehicles.
- The furthest 50m of the rear yard is classified as a wetland. As such no development can occur within 120m of the wetland without first undertaking a wetland evaluation.

Staff Comments

It is noted that while the proposed 9.9m frontage width continues for the first 38m' of the property after which the parcel widens to approximately 45m.

The well servicing the westerly abutting property is approximately 3m from the common property line. It is recommended that a condition be attached to any approval which requires that any new driveway be located adjacent to the most easterly limit of the proposed parcel, that it be a maximum 3m driveway width, for a length of 30m commencing at the front property line. Further that surface water from said driveway be directed away from the shared property line with 4121 Queen Street East.

Any future development will require a site plan review and may require a permit from SSMRCA. A private water service and a culvert permit prior will be required.

Recommended Conditions

1. Any driveway servicing the proposed new lot is restricted to the most easterly limit of the proposed lot and cannot exceed 3m in width for a length of 30m commencing at the front property line.
2. Surface water from the above noted driveway must be directed away from the shared property line with 4121 Queen Street East.

Proceedings

Mr. & Mrs. Brisson were in attendance.

The Acting Chair called for comments. None recorded.

The Acting Chair called for discussion, seeing none, discussion was closed.

Decision

In making this decision, the Committee took into consideration all the relevant materials including information provided by the applicant, plans submitted, staff and agency comments. The members have unanimously determined that the general intent and purpose of the PPS, the Zoning By-law and the Official Plan are maintained.

Moved by Greco (W), seconded by Bruni,

“RESOLVED THAT in accordance with Section 45(2) of the Planning Act this application be **Approved** subject to the following conditions.

1. Any driveway servicing the proposed new lot is restricted to the most easterly limit of the proposed lot and cannot exceed 3m in width for a length of 30m commencing at the front property line.
2. Surface water from the above noted driveway must be directed away from the shared property line with 4121 Queen Street East.

CARRIED”.

TAB 5

Application B1/25-512-(2-28)-24731-RA

KATHRYN LAKE & LISA VINE are the owners of **CIVIC NO. 513 LEIGH’S BAY ROAD**. It is located on the northwest corner of Leigh’s Bay Road and Base Line. It is designated Rural in the Official Plan and is zoned RA, Rural Area.

PURPOSE & EFFECT:

To create two (2) new rural area building lots and to retain a rural area building lot.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Severed Lands	112.96m	72m	0.813ha
Severed Lands	112.96	72m	0.810ha
Retained Lands	168.88m	Irregular	5.766ha

Public Response

Notice of public hearing sent by personal mail to neighbouring properties, by posting a sign on-site and by posting on the City's website.

Technical Review: Circulated Departments & Agencies

As part of the application review, this proposal was circulated to the following internal departments and external agencies for their review.

Division/Agency	Circulated	Response
Algoma Public Health	X	
Bell Canada Right-of-Way		
Building Division	X	No response
Canada Post		
Conservation Authority		No concerns or objections. A site plan review will be required prior to development
Engineering & Construction	X	See comments below
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	No objections
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	No comment

The Engineering Division provided the following comments:

- Drainage from retained parcel will cross the severed parcel. A drainage design for the future lots should be provided and if drainage from the retained parcel must pass through the severed parcels, a drainage agreement may be required.
- There is a significant drainage course through the southeastern parcel carrying surface water from Leigh's Bay Road to Base Line. The drainage pattern must remain in place. It should be made clear to potential buyers that for this lot to be developed, considerable earth works, and the relocation of this drainage course would likely be required.
- Culvert permits will be required for new entrances on severed lots.
- There is no sanitary servicing in this area. Any septic system design shall be to the satisfaction of Algoma Public Health.

Staff Comments/Recommendations(s)

Drainage of the subject property has a significant impact on the proposed severed parcels as noted in the Engineering Division's comments. The following conditions are recommended for any consent approval.

- Payment of 5% Cash-in-lieu of Parkland
- Payment of Transfer Review Fee
- Provide a Transfer/Deed of Land for Certificate of Official

- Provide reference plan.
- Provide PIN abstract & PIN map.
- Minor Variance application approval if required.
- Discharge of Charge/Mortgage
- Partial Discharge of Charge/Mortgage
- Payment of Taxes
- That the Owner give a written undertaking to the Secretary-Treasurer, prior to final consent, acknowledging that confirmation of an on-site proven well must be provided to the Building Division prior to the issuance of an occupancy permit.
- Lot grading and drainage plan
- Algoma Public Health approval

Proceedings

There was no applicant representation in attendance.

The Acting Chair called for comments. None recorded.

The Acting Chair called for discussion, seeing none, discussion was closed.

Decision

The Committee, after carefully reviewing the evidence, the illustrations presented, and the submissions made by the parties, finds that the criteria set out in subsection 51(24) of the Planning Act have been satisfied. Based on all the evidence, the Committee finds that the proposed severance does not conflict with any provincial plan or plans, is consistent with any policy statements made under Subsection 3(1) of the Planning Act, is in keeping with the City's Official Plan and Zoning By-law(s), will provide orderly development of the City, and a plan of subdivision is not necessary.

Moved by Bruni, seconded Greco (W),

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance for the parcels of land described in the application, subject to the following conditions which must be, in the opinion of the Secretary-Treasurer, *complied with within a two years from the date of this Decision failing which consent shall be deemed to be refused* in accordance with Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended;

1. TRANSFER/DEED OF LAND

That the Secretary-Treasurer is provided with one (1) copy of the "electronic registration in preparation documents", prior to registration on title. *These documents must be accompanied by a schedule identifying the transferor and the transferee for certification. Said schedule with stamp or Certificate of Official must be registered with the "electronic registration transfer.*

NOTE: Any alterations to the legal description after the Secretary-Treasurer has issued the Certificate will deem the document(s) invalid and must be returned

to the Secretary-Treasurer. A new Certificate containing the Registrar approved legal description will have to be endorsed by the Secretary-Treasurer prior to registration of the document(s). An issuance fee will apply.

2. PARKLAND LEVY

In accordance with Subsection 51.1(1) of Section 50 of the Planning Act the applicant must pay the Corporation 5% cash-in-lieu of land for park purposes or other public recreational purposes for **each** additional lot being created because of this consent to the satisfaction of the Secretary-Treasurer.

If deemed to be required by the Secretary-Treasurer, the applicant shall provide the City of Sault Ste. Marie with an appraisal report and valuation of the subject land (land only) to be prepared by an accredited appraiser. Payment of a Parkland Levy to the City of Sault Ste. Marie, in lieu of deeding of land for park purposes shall be made. Said levy is to be 5% of the appraised or market value of the subject land as of the day before the day of the giving of consent.

3. CERTIFICATE APPLICATION FEE

That a certificate application fee be paid to the City Corporation for **each** document presented to the Secretary-Treasurer for certification, at the rate applicable at the time of issuance. (2025 fee is \$240 per document)

4. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with FOUR (4) full size white prints, TWO (1) 11 X 14 copies and ONE (1) digital copy of a deposited plan of reference prepared by an Ontario Land surveyor registered in the Province of Ontario and bearing the seal of the Land Registrar depicting the entire land which conforms substantially with the application as submitted. At least one copy of a plan of reference must indicate any easement/right-of-way and the locations and dimensions of all buildings and structures on the subject property and their distance to property lines.

5. PIN ABSTRACT and PIN MAP

That a copy of the current pin abstract accompanies the "electronic registration in preparation documents."

6. SEPTIC SYSTEM

A letter from Algoma Public Health must be submitted to the Secretary-Treasurer indicating that an on-site septic system can be supported on the severed and retained lots.

7. ON-SITE PROVEN WELL

That the Owners give a written undertaking to the Secretary-Treasurer, prior to final consent, acknowledging that confirmation of an on-site proven well must be provided to the Building Division prior to the issuance of an occupancy permit.

8. MINOR VARIANCE APPLICATION

(After Provisional Consent given)

- a) That a minor variance application is received and approved by the Committee of Adjustment to recognize any applicable deficiencies on the subject lands, including finalization of conditions imposed thereto.

9. LOT GRADING AND DRAINAGE PLAN

That the applicants submit a lot grading and drainage plan for approval of the Director of Engineering or his designate, AND THAT drainage facilities be constructed, and easements dedicated as required. (Note: applicant's solicitor will have to sign off on any easements in Teraview's Electronic Land Registry system)

10. DISCHARGE OF CHARGE/MORTGAGE

That any Charge/Mortgage affecting the subject property is discharged and a copy of the Discharge of Charge/Mortgage be provided to the Secretary-Treasurer.

11. PARTIAL DISCHARGE OF CHARGE/MORTGAGE

That the Secretary-Treasurer is provided with one (1) copy of the Discharge of Charge/Mortgage documents for the parcel for which the Consent relates to, and the Discharge refers to for certification. Certificate of Official must be registered with the Discharge of Charge/Mortgage documents. A Solicitor's undertaking must be provided to the Secretary-Treasurer undertaking to register the Discharge and to provide the Secretary-Treasurer with a copy of the registered documents.

12. PAYMENT OF MUNICIPAL TAXES

The owner shall provide to the Secretary-Treasurer confirmation of payment of all current and outstanding taxes to date of consent including any local improvement charges, if applicable.

13. RECEIPTED ELECTRONIC TRANSFER

That the Solicitor for the Owner give a written undertaking to provide to the Secretary-Treasurer within 30 days of registration in the Land Registry/Land Titles Office & prior to the issuance of any Building Permits, a copy of the Receipted Electronic Transfer document including the Form 2 for Consent.

CARRIED."

Final date for appeal is **February 25, 2025**. Procedures for an appeal are set out on the last page of this decision.

WARNING:

THIS provisional approval does not become effective until the above conditions have been satisfied. **ALL conditions must be fulfilled within two years of the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. Section 53(4), The Planning Act R.S.O., 1990.**

TAB 6**Application B2/25-67-(1-41)-31436-RA**

JEAN PAUL & MARY BRISSON are the owners of **CIVIC NO. 4127 QUEEN STREET EAST**. It is located on the southeasterly side of Queen Street East between Fournier Road and Falldien Road. It is designated Residential in the Official Plan and is zoned RA, Rural Area.

PURPOSE & EFFECT:

To create one (1) new rural area building lot and to retain a rural area building lot subject to final approval of minor variance application **A3/25**.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Severed Lands	9.9m	243.38m +	0.89ha
Retained Lands	45m	279m	1.27ha

Public Input

Notice of public hearing was sent by personal mail to neighbouring properties, by posting a sign on-site & posting on the City website.

Sean Masters, owner of 4121 Queen Street East, had the following comments. I am in favor of these applications but would like to make the city aware of the location of my well. It is located on the east side of my house and approximately one meter in from the property line. To protect my water source and allow for adequate setback distance from my existing well and any new driveway installed on the 9.9m frontage to access the new building lot, I would like to propose that any new driveway be limited to the eastern most lot line adjacent to 4127 Queen Street East and limited in width.

Technical Review: Circulated Departments & Agencies

As part of the application review, this proposal was circulated to the following internal departments and external agencies for their review.

Division/Agency	Circulated	Response
Algoma Public Health	X	No objections
Bell Canada Right-of-Way		
Building Division	X	No objection
Canada Post		
Conservation Authority	X	No concerns. A review of a site plan will be required prior to development commencing
Engineering & Construction	X	No sanitary sewer. Septic must be to APH satisfaction. A culvert permit is required.

Fire Services	X	
Legal Department	X	No comment
Planning Division	X	No objections. See comments below.
PUC Distribution Inc. (Electric)	X	It appears that the residence is fed from the garage service. A new electrical service from the street will be required for the residence before the severance occurs.
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	No comment

Staff Comments/Recommendations(s)

Staff support the request. Neighbourhood comments must be considered.

Recommended conditions of any approval are,

- Payment of 5% Cash-in-lieu of Parkland
- Payment of Transfer Review Fee
- Provide a Transfer/Deed of Land for Certificate of Official
- Provide reference plan.
- Provide PIN abstract & PIN map.
- Minor Variance application approval if required.
- Discharge of Charge/Mortgage
- Partial Discharge of Charge/Mortgage
- Payment of Taxes
- Provide confirmation that electrical services have been provided from the street to the existing residence to the satisfaction of PUC Services Inc. prior to final consent
- Obtain a culvert permit prior to the issuance of a building permit
- Provide an undertaking where in confirmation of an independent working well servicing the proposed severed parcel will be submitted to the Chief Building Official or his designate, prior to the issuance of an occupancy permit.

Proceedings

Mr. & Mrs. Brisson were in attendance.

The Acting Chair called for comments. None recorded.

The Acting Chair called for discussion, seeing none, discussion was closed.

Decision

The Committee, after carefully reviewing the evidence, the illustrations presented, and the submissions made by the parties, finds that the criteria set out in subsection 51(24) of the Planning Act have been satisfied. The Committee notes that planning staff and commenting agencies either support the proposed severance or have no issues with the proposed severance. Based on all the evidence, the Committee finds that the proposed

severance does not conflict with any provincial plan or plans, is consistent with any policy statements made under Subsection 3(1) of the Planning Act, is in keeping with the City's Official Plan and Zoning By-law(s), will provide orderly development of the City, and a plan of subdivision is not necessary.

Moved by Bruni, seconded Greco (W),

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance for the parcel of land described in the application, subject to the following conditions which must be, in the opinion of the Secretary-Treasurer, *complied with within a two years from the date of this Decision failing which consent shall be deemed to be refused* in accordance with Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended;

1. TRANSFER/DEED OF LAND

That the Secretary-Treasurer is provided with one (1) copy of the "electronic registration in preparation documents", prior to registration on title. *These documents must be accompanied by a schedule identifying the transferor and the transferee for certification. Said schedule with stamp or Certificate of Official must be registered with the "electronic registration transfer.*

NOTE: Any alterations to the legal description after the Secretary-Treasurer has issued the Certificate will deem the document(s) invalid and must be returned to the Secretary-Treasurer. A new Certificate containing the Registrar approved legal description will have to be endorsed by the Secretary-Treasurer prior to registration of the document(s). An issuance fee will apply.

2. PARKLAND LEVY

In accordance with Subsection 51.1(1) of Section 50 of the Planning Act the applicant must pay the Corporation 5% cash-in-lieu of land for park purposes or other public recreational purposes for **each** additional lot being created because of this consent to the satisfaction of the Secretary-Treasurer.

If deemed to be required by the Secretary-Treasurer, the applicant shall provide the City of Sault Ste. Marie with an appraisal report and valuation of the subject land (land only) to be prepared by an accredited appraiser. Payment of a Parkland Levy to the City of Sault Ste. Marie, in lieu of deeding of land for park purposes shall be made. Said levy is to be 5% of the appraised or market value of the subject land as of the day before the day of the giving of consent.

3. CERTIFICATE APPLICATION FEE

That a certificate application fee be paid to the City Corporation for **each** document presented to the Secretary-Treasurer for certification, at the rate applicable at the time of issuance. (2025 fee is \$240 per document)

4. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with THREE (3) full size white prints, TWO (1) 11 X 14 copies and ONE (1) digital copy of a deposited plan of reference prepared by an Ontario Land surveyor registered in the Province of Ontario and bearing the seal of the Land Registrar depicting the entire land which conforms substantially with the application as submitted. At least one copy of a plan of reference must indicate any easement/right-of-way and the locations and dimensions of all buildings and structures on the subject property and their distance to property lines.

5. PIN ABSTRACT and PIN MAP

That a copy of the current pin abstract accompanies the "electronic registration in preparation documents."

6. ON-SITE PROVEN WELL

That the Owner give a written undertaking to the Secretary-Treasurer, prior to final consent, acknowledging that confirmation of an on-site proven well must be provided to the Building Division prior to the issuance of an occupancy permit.

7. MINOR VARIANCE APPLICATION

b) That any conditions imposed on minor variance application **A3/25** filed concurrently shall be deemed to be conditions imposed on this consent application and shall be fulfilled within the time specified in Section 53(41) of the Planning Act, failing which the consent application shall be deemed to be refused.

(After Provisional Consent given)

c) That a minor variance application is received and approved by the Committee of Adjustment to recognize any applicable deficiencies on the subject lands, including finalization of conditions imposed thereto.

8. PUC DISTRIBUTION INC.

That the applicant satisfies PUC Distribution Inc. regarding servicing of the existing house, AND THAT confirmation is received from PUC Distribution Inc. that they are satisfied.

9. DISCHARGE OF CHARGE/MORTGAGE

That any Charge/Mortgage affecting the subject property is discharged and a copy of the Discharge of Charge/Mortgage be provided to the Secretary-Treasurer.

10. PARTIAL DISCHARGE OF CHARGE/MORTGAGE

That the Secretary-Treasurer is provided with one (1) copy of the Discharge of Charge/Mortgage documents for the parcel for which the Consent relates to, and the Discharge refers to for certification. Certificate of Official must be registered with the Discharge of Charge/Mortgage documents. A Solicitor's undertaking must be provided to the Secretary-Treasurer undertaking to register the Discharge and to provide the Secretary-Treasurer with a copy of the registered documents.

11. PAYMENT OF MUNICIPAL TAXES

The owner shall provide to the Secretary-Treasurer confirmation of payment of all current and outstanding taxes to date of consent including any local improvement charges, if applicable.

12. RECEIPTED ELECTRONIC TRANSFER

That the Solicitor for the Owner give a written undertaking to provide to the Secretary-Treasurer within 30 days of registration in the Land Registry/Land Titles Office & prior to the issuance of any Building Permits, a copy of the Receipted Electronic Transfer document including the Form 2 for Consent.

CARRIED."

Final date for appeal is **February 25, 2025**. Procedures for an appeal are set out on the last page of this decision.

WARNING:

THIS provisional approval does not become effective until the above conditions have been satisfied. **ALL conditions must be fulfilled within two years of the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. Section 53(4), The Planning Act R.S.O., 1990.**

Other Business

TAB 7

An election for the Chair position for 2025 was held. Joseph Greco was elected as the Chair for 2025.

Moved Rossi, Seconded by Greco (W).

"RESOLVED THAT the ballots be destroyed.

CARRIED."

DATE OF NEXT HEARING – March 5, 2025

ADJOURNMENT

Moved by Rossi, seconded by Bruni,

"RESOLVED THAT we adjourn at 2:32 p.m.

CARRIED."

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer

M. McGregor
Acting Chair