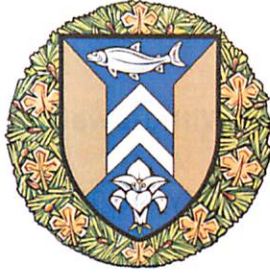


Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer



Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
APRIL 30, 2025
Livestreamed/Zoom

Call to Order

The Chair called the hearing to order at 2:03 p.m.

Members' Present: J. Greco, Chair
W. Greco
M. McGregor

Virtual Attendance: F. Bruni
A. Rossi

Members Absent: Nil.

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: N. Cicchini, Planning Representative

The Secretary-Treasurer confirmed that a quorum was in attendance.

Opening Remarks

Chair Greco welcomed the participants & introduced the Committee & staff

Land Acknowledgement – Secretary-Treasurer

Approval of Minutes

Moved by Greco (W), seconded by McGregor,

"THAT the Minutes of the March 5, 2025, Committee of Adjustment hearing be approved as circulated.
CARRIED."

Disclosure of Pecuniary Interest and General Nature Thereof

Chair Greco disclosed an indirect interest in application B5/25, being 860 Great Northern Road advising that he is a partner in another development within the city with a person that has a pecuniary interest in this matter.

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

- **Application A6/25** subject property being 683 John Street - the owner has requested a deferral.
- Moved by McGregor, seconded by Greco (W);
"RESOLVED THAT we defer this application to a hearing on or before June 25, 2025,

CARRIED."
- **Application A8/25** subject property being 1077 Lake Street has been withdrawn.

Matters Circulated but Not Appearing on the Agenda - none

➤ Matters Considered

New Applications

- A7/25 - Civic No. 184 Maple Street
 - A9/25 - Civic No. 235 McNabb Street
 - B5/25 - Civic No. 860 Great Northern Road
 - B6/25 – Civic No. 878 Great Northern Road
 - B7/25 – Civic No. 224 Bennett Boulevard
- **New Applications**

TAB 1

Application A7/25-41-(1-58)-10747-R2

MICHELLE JOLIN is the owner of **CIVIC NO. 184 MAPLE STREET** further described as Lots 40 & 41 Plan 681. It is located at the northerly end of Maple Street and borders Maple Street to the west and Birch Street to the east. The property is irregular in shape. 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 Minimum Requirement	Proposed Variance
9.6.2	Front Yard 7.5m (Maple St.) Rear Yard 10m (Birch St)	Reduce front yard setback to 3m

	Interior side yard 1.8m	<p>Reduce rear yard to 0m at the home's northern point, increasing to 6.6m at its' southern point</p> <p>Reduce the south interior side yard to 1.2m</p>
--	--------------------------------	---

PURPOSE & EFFECT:

To facilitate the demolition of the existing home & shed & the subsequent construction of a new single unit home with an attached garage having upper-level living space.

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 objection. See additional comments
Canada Post		
Conservation Authority	X	No concerns or objections. Site plan review required to assess for development permit
Engineering & Construction	X	See below
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	No objection. See comments below
PUC Distribution Inc. (Electric)	X	No concerns. See below
Public Utilities Comm. (Water)	X	No concerns. See below
Public Works		No comments

Additional Staff Comments/Recommendations(s)

Building Division staff advised that there are above ground electrical conductors in the front yard as such Subsection 3.1.20 of the O.B.C. will need to be taken into consideration as no part of the proposed construction can cause any part to be closer than 4m to the above grade power lines running along Maple Street. This is a horizontal measurement from the closest power line to any part of the structure including eave projections, decks, etc.

Engineering staff acknowledge that the irregular lot configuration makes the site layout difficult. They do not object to the proposed setbacks, however, noted that the proposed driveway fronting on Maple Street only provides roughly half the required length for parking. The city cannot guarantee that the parking space can remain in place in the future. Due to the change in driveway location, the owner should be aware that a curb cut permit will be required along with a municipal consent form for any alterations within the municipal right of way.

Planning staff Planning staff have no objections to reducing the Required Front Yard Setback from 7.5m to 3m and the Required Interior Side Yard from 1.8m to 1.2m. This reduction is consistent with the existing neighboring buildings and within the general intent of the zoning by-law. It should be noted that the city boulevard provides buffering between the proposed development and Birch Street. Planning staff does not anticipate any adverse effects.

PUC Distribution Inc. (Electric Utility)

Please note that the existing overhead electrical service will need to be removed for the demolition of the existing house and a new service is to be installed to the proposed new location. The owner is encouraged to contact PUC Engineering early in the process, to allow for detailed review and coordination. This is captured in the City's demolition permit process.

Public Utilities Commission (Water Utility)

The owner is encouraged to contact PUC Engineering early in the process, to allow for detailed review and coordination. This is captured in the City's demolition permit process.

Secretary-Treasurer Comments/Recommendations

There are no objections to the request, however Building, Engineering & PUC staff have referenced several matters that will require the owner's attention early in the construction process.

Proceedings

No interested parties were in attendance.

The Chair called for comments. None recorded.

The 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 noted that the new construction will maintain the building footprint previously considered and approved by the Committee. Recognizing the irregular parcel configuration, 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 McGregor, seconded by Greco (W),

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

CARRIED".

TAB 2

Application A8/25-58-(1-73)-32967-M2

2355288 ONTARIO LTD. is the owner of **CIVIC NO. 683 JOHN STREET** further described as Pt 1, 1R7481 being PIN 31569-0244. It is located westerly side of John Street approximately 17m south of the Bainbridge Street intersection. The property is irregular in shape. It is designated Industrial in the Official Plan and is zoned M2, Medium Industrial and is subject to site plan control.

The applicant requested that this matter be deferred.

Moved by McGregor, seconded by Greco (W),

"RESOLVED THAT consideration of this application be deferred to a hearing on or before June 25, 2025,

CARRIED".

TAB 3

Application A9-25-28-(1-31)-3572-I

1000943321 ONTARIO INC. is the owner of **CIVIC NO. 235 MCNABB STREET (YMCA)**. It is located on the south side of McNabb Street approximately 155m east of the Great Northern Road/Pim Street/McNabb Street intersection. It is designated Institutional in the Official Plan and is zoned Institutional. This property is subject to site plan control.

INTENT OF THE APPLICATION:

The following variances are requested:

	By-Law 2005-150 Requires	Proposed Variance
1.2.4 & 1.2.5	Freight Containers are only Permitted in the rear yard of Industrial or Commercial zoned properties, 4.5m from any building.	Permit a 2.438 x 6.09m Freight Container (C-Can) to be in the easterly side yard of the Institutional zoned subject property, 1.5m from the building.

PURPOSE & EFFECT:

To use a freight container in a manner similar to an accessory building for secure storage purposes.

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 objections
Canada Post		
Conservation Authority		
Engineering & Construction	X	No concerns
Fire Services	X	No comment or concerns
Legal Department	X	No comment
Planning Division	X	No objections. See additional comments below
PUC Distribution Inc. (Electric)	X	See comments below
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	No comment

Additional Staff Comments/Recommendations(s)

Planning staff is of the understanding that the freight container will be aesthetically enhanced as per the concepts provided with the application.

PUC Distribution Inc. (Electric Utility)

PUC has a transformer for this property's electrical service located near the proposed shipping container location. We must have access to this transformer for emergency, maintenance, and replacement purposes. PUC requires 5 meters in front (to the East) of this transformer. Please ensure the shipping container's most northern side is to the south of the transformers most southern side. Also, the Customer owned duct bank which contains the cables feeding this transformer is directly under the proposed shipping container location. In the event of an emergency or repairs it will be the owner's responsibility to have the shipping container moved prior to any duct bank works. The duct bank and transformer pad are Customer owned.

Recommended Conditions

1. Enhance the visual aesthetics of the container in-line with the concepts provided with the application to the satisfaction of the Director of Planning or his designate.

The shipping container's most northern side must be to the south of the transformers most southern side.

Proceedings

No interested parties were in attendance.

The Chair called for comments. It was noted that the structure will be enhanced with appropriate exterior detail as illustrated on the concept designs submitted with the application. It was noted that the applicant was aware of the comments and had no issue with them.

The Chair called for discussion. The Secretary-Treasurer confirmed that the applicant has acknowledged that the structure will not be on a permanent foundation in case it has to been at some point if maintenance is required on the transformer cables that will be under it.

The Chair closed discussion.

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 lack of any opposition to the request & the applicant's intent to have regard to PUC's 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 McGregor,

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

1. **Enhance the visual aesthetics of the container as illustrated on the concepts provided with the application, to the satisfaction of the Director of Planning or his designate.**
2. **The shipping container's most northern side must be to the south of the transformers most southern side.**

TAB 4

Chair Greco having previously declared an indirect pecuniary interest vacated the Chambers and Member Greco assumed the Chair.

Application B5/25-99-(1-113)-15920-HZ & I

2057597 ONTARIO LIMITED is the owner of Pt Lt 1 RCP H731 Tarentorus, Pts 18, 19 & 20, 1R10441 except Pt 1 1R11945 & except Pts 1 & 6, 1R13492; S/T & T/W easements, and municipally identified as **CIVIC NO. 860 GREAT NORTHERN ROAD**. It is located on the east side of Great Northern Road approximately 200m south of the Great Northern Road and Third Line East intersection. The subject property is designated Commercial & Institutional in the Official Plan and is zoned HZ, Highway Zone and I, Institutional & is subject to site plan control.

INTENT OF THE APPLICATION

The applicant is seeking the Committee's consent to establish an easement over an interior portion of the subject property having an area of 60.49m² & illustrated as Part 2, 1R-14116, in favour of **Civic No.776 Great Northern Road**.

The easement is intended for storm and sanitary sewer and water main purposes.

Public Response

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 objections. See additional comments below
Canada Post		
Conservation Authority		
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

Building Division staff wished to remind the owners that there is an active permit on this property to demolish the existing structure and to cap the sewer. Both a sewer cap inspection and a final inspection are still required.

The **Engineering Department** is generally in support of the attached application. However, there is concern that access to servicing for 776 Great Northern Road could be at risk in the future should 864 Great Northern Road be sold to a different owner.

We recognize that a property owner cannot create an easement with themselves. As such, it is recommended that an agreement be registered on title of both properties (776 and 864) acknowledging the shared services and easement rights. This agreement could be removed when an easement can be granted. It is also recommended that there be an agreement to address maintenance and replacement responsibilities and costs between all property owners.

Staff Comments/Recommendations(s)

- Payment of Transfer Review Fee
- Provide a Transfer/Deed of Land for Certificate of Official
- Provide reference plan.
- Provide PIN abstract & PIN map.
- Payment of Taxes
- Finalize the active permit referred to by Building Division staff
- An agreement is registered on title for both 776 & 864 Great Northern Road acknowledging the shared services and easements rights and detailing maintenance and replacements responsibilities and costs between all owners

Proceedings

The solicitor representing the applicant was unable to attend but was available by telephone.

The Chair called for comments. The Secretary-Treasurer advised that the applicant's solicitor was agreeable to the recommended conditions.

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 for easement purposes or have no issues with it. Based on all the evidence, the Committee finds that the proposed easement would 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 McGregor, seconded Rossi,

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance for easement purposes 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.,

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. 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)

3. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with THREE (3) full size white prints, TWO (2) 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.

4. PIN ABSTRACT and PIN MAP

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

5. SHARED SERVICES AGREEMENT

An agreement be registered on the title of Civic No. 776 Great Northern Road and Civic No. 864 Great Northern Road which acknowledges the shared services and

easement rights, responsibilities, and costs between all owners, to the satisfaction of the Director of Engineering or his designate.

6. 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.

7. 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 **MAY 20, 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 **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**, as amended.

Chair Greco resumed the Chair.

TAB 5

Application B6/25-99-(1-113)-33172-HZ

ARIANIC INVESTMENTS CORP. is the owner of PIN 31511-0392, municipally identified as **CIVIC NO. 878 GREAT NORTHERN ROAD**. It is located on the southeast corner of Third Line East and Great Northern Road. The subject property is designated Commercial in the Official Plan and is zoned HZ, Highway Zone.

INTENT OF THE APPLICATION

The applicant is seeking the Committee's consent to establish an easement **for storm and sanitary sewer and water main purposes** along the length of the rear property line. It has an area of 396.73m² & is illustrated as Part 1, 1R-13641. The requested easement will be in favour of **Civic No.776 Great Northern Road**.

It is noted that this request and the related easement request in application **B5/25**, together with existing easements from the city & the Ministry of Infrastructure will collectively assist with the intended services connection.

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 objections. See additional comments below
Canada Post		
Conservation Authority		
Engineering & Construction	X	No concerns
Fire Services	X	No comments
Legal Department	X	No comments
Planning Division	X	No objections
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	No comment

Building Division staff wished to remind the owners that the permit for the car dealership has not been finalized.

Staff Comments/Recommendations(s)

- Payment of Transfer Review Fee
- Provide a Transfer/Deed of Land for Certificate of Official
- Provide reference plan.
- Provide PIN abstract & PIN map.
- Payment of Taxes

Proceedings

The solicitor representing the applicant was unable to attend but was available by telephone.

The Chair called for comments. The Secretary-Treasurer advised that the applicant's solicitor was agreeable to the recommended conditions.

The 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 for easement purposes or have no issues with it. Based on all the evidence, the Committee finds that the proposed easement would 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 Greco (W), seconded Bruni,

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance for easement purposes 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.,

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. 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)

3. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with THREE (3) full size white prints, TWO (2) 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.

4. PIN ABSTRACT and PIN MAP

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

5. 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.

6. 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 **MAY 20, 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 **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.**
1990, as amended..

TAB 6

Application B7/25-22-(1-22)-13986-I

THE TRUSTEES OF THE EMMANUEL UNITED CHURCH OF THE UNITED CHURCH OF CANADA are the owners of Pt of Pt Sec 3 St. Mary's except Pts 1-3, 1R2611, municipally identified as **CIVIC NO. 224 BENNETT BOULEVARD**. It is located on the northwest corner of Bennett Boulevard and Boundary Road. The subject property is designated Residential in the Official Plan and is zoned I, Institutional & is subject to site plan control.

PURPOSE & EFFECT:

To sever and convey a westerly portion of the subject property to create one additional lot together with an easement for ingress/egress purposes and other potential servicing easements as required.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Severed Lands	32.85m	50m	0.164ha
Retained Lands	82m	95m	0.779ha
Ingress/Access Easement	In gross over the retained lands		

Servicing Easements	To Be Determined		
----------------------------	------------------	--	--

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.

Darrell and Nancy Maahs of 82 Essex Lane submitted the following comments.

"Our residence at 82 Essex Lane is directly behind the proposed severed lands, and we are therefore affected by this severance. According to a Sootoday article, the severance is intended for the development of a new ambulance base adjacent to the existing No. 3 Fire Station, which is immediately behind our property. Although we do not have any major objections to the proposed development and severance, we would like to ensure that a sufficient buffer is maintained between the severed/retained lands and our residential property. This buffer should include adequate privacy fencing and/or trees and be incorporated into the final site plan as we understand the property is subject to site plan control.

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 objections.
Canada Post		
Conservation Authority		
Engineering & Construction	X	See comments below
Fire Services	X	No comment or concern
Legal Department	X	No comments
Planning Division	X	No objections
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	No comment

Engineering Division staff have reviewed the proposed application and have made the following comments:

There is no sanitary sewer on Bennet Boulevard. We cannot support the creation of a lot that doesn't have access to sanitary sewer. The application mentions easements to be determined, but the feasibility of servicing and securing an easement should be done before the lot creation.

Should drainage cross property line and not be directed to the municipal road allowance, a drainage agreement may be required. This could also be addressed during site plan approval process.

Engineering recommends that any approval be made conditional on a preliminary servicing design for the storm and/or sanitary services easement be submitted for approval by the Director of Engineering or his designate prior to final consent.

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 2% 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
- Obtain approval from the Director of Engineering or his designate of a servicing design for storm and/or sanitary services for a services easement prior to final consent

Proceedings

William McPhee, Solicitor with Wishart Law, attended. He advised that there is a significant area of retained land that will remain part of the Church property between the proposed severed land and the Maahs property. He opined that this provides a buffer.

The Chair called for comments. None recorded.

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

Decision

In response to comments submitted by the owners of 82 Essex Lane, the Secretary-Treasurer will forward a copy of their comments to planning staff so that they can be taken into consideration in the Site Plan review process.

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 Greco (W), seconded Rossi,

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance for the parcel of land and easement(s) 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 2% 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. 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.

7. 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.

8. 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.

9. SERVICING DESIGN and EASEMENT

Provide a servicing design for storm and/or sanitary services a service easement for approval by the Director of Engineering or his designate.

10. 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.

11. 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 **May 20, 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

DATE OF NEXT HEARING – May 28, 2025

ADJOURNMENT

Moved by McGregor, seconded by Rossi,

“RESOLVED THAT we adjourn at 2:39 p.m.

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer

CARRIED.”

J. Greco
Chair