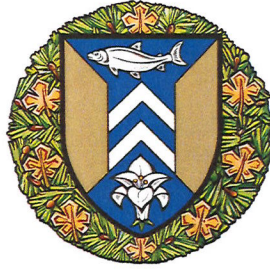


Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer



**Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
November 27, 2024
Livestreamed**

Call to Order

The Acting Chair called the hearing to order at 2:01 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: N. Cicchini & S. Marchese, 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, 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 Requests for Withdrawal or Motion for Deferral

➤ A39/24 – Civic No. 81 Alworth Place

Moved by Rossi, seconded by Bruni

“THAT this consideration of this application be deferred to a hearing on or about January 15, 2025. **CARRIED.”**

	Minimum south easterly interior side yard 6m (note subsequent interpretation confirms that the requirement for this interior yard is 3.5m)	Reduce the south easterly interior side yard to 2.625m
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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
Canada Post		
Conservation Authority		
Engineering & Construction	X	No comment
Fire Services	X	No response
Legal Department	X	No comment
Planning Division	X	No objection. See comments below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works		

Planning staff considers the southeast yard to be the subject property's interior side yard. The required interior side yard for the R1 zone outlined in Zoning By-law 2005-150 is 3.5m. Planning staff support reducing the interior side from 3.5m to 2.63m. In addition, planning supports reducing the required Front yard from 12m to 7.5m as it is consistent with the character of the neighbourhood and other residential zones.

Staff Comments/Recommendations(s)

Consideration is to reduce the interior side yard from 3.5m to 2.625m. There are no objections or concerns from staff. Planning staff support the proposed reduction to 2.625m

Interested Parties Present

David Young was in attendance.

Proceedings

The Acting Chair called for comments.

182 Huron Street, corner of Huron and Alexandra was recently sold and converted to a student rental with a minimum of 7 bedrooms.

326 Albert Street West, also owned by ISNIZE and less than 70 feet west of 304 Albert recently put 6 apartments on the market. How many bedrooms/occupants do these 6 apartments actually represent?

304 Albert Street had 23 rental rooms between the second and third floors. ISNIZE now wants permission to add another 7 dwelling units on the main floor. How many more bedrooms/occupants will that entail? It's also curious that ISNIZE makes no mention of the basement level that has the same generous square footage as the first and second floors. This needs clarification.

In short, one is looking at a minimum of 43 occupants among these 3 properties. I venture the real number is considerably higher.

B. Can the current infrastructure support the increasing density?

I own 176 Huron Street. My home is located across the street from 182 Huron and 304 Albert. (326 Albert is a stone's throw from my home). All 4 properties share the same sewer system.

In the last 22 years I have had to endure 2 basement floods. Both times the problem existed beyond my property line. Only those who have had sewage throughout their entire basement can appreciate how emotionally and psychologically traumatizing the situation is! To add insult to injury, I and my insurance company absorbed the cost of clean-up, construction and replacement. My second flood happened approximately 4 years ago. At that time, I put the city on notice by way of an email to the Board of Works. Even though neither backup is owed to my negligence, I am vigilant about another flood/sewer back up entering my home. As recently as this year I hired a reputable local plumber to record my portion of the sewer line. He verified there were no problems on my line. I can provide a copy of the video, if necessary.

In short, in view of the increasing density, I am again putting the city on notice.

SOME ADDITIONAL CONCERNS AND OBSERVATIONS REGARDING 304 Albert AND IMMEDIATE ENVIRONS

1. How is it that the walls for the 7 dwelling units are roughed in already?
2. What does the city know about ISNIZE? I could find nothing on the computer. What is evident is that their employees work 10-12 hours a day, 7 days a week. None of the trucks bear a logo. 169 Huron Street (along the same stretch) is owned by an out-of-town proprietor. The city is compelled to cut the grass. The landlord ignores the tenants' request to replace the front window which has a significant bullet hole as a result of a shooting several years ago.
3. ISNIZE's 2 properties are woefully deficient of any natural esthetics or any outdoor living space. 182 Huron and 324 Albert at least have a few strips of grass. 304 Albert has neither a tree, flower nor blade of grass – it is less a home and more a can of sardines sitting on a wasteland of concrete and asphalt.
4. It appears the city has little, or any, concern for the increased noise, activity, or traffic that we residents will have to experience. Why has the city not requested the 2 entrances on Huron be reduced to one? After all there is a third main entrance

Planning staff has no objection to the requested variance. The proposed property is in a predominantly residential neighbourhood and consists of a second floor with multiple units as of right. The addition of dwelling units supports the City's goal towards increasing the housing supply. The placement of two conditions would be recommended for any approval. To ensure proper design within the existing neighbourhood it is recommended that approval be subject to site plan control, and to satisfy the intention of the Official Plan and Zoning By-law renderings of the building should be submitted and subject to the approval of the Director of Planning or his designate. This land is designated residential in the official plan and is supported should the ground floor be designed with aesthetics that are sympathetic to the surrounding area. Similarly, with proper design on the main floor in particular, the intention of the zoning by-law would be upheld by ensuring that commercial spaces are properly renovated to suit a residential purpose. The request is considered minor and given the character of the neighbourhood, this development would be appropriate for the design of the property.

PUC Distribution Inc. (Electric Utility) advised that.

- The applicant must verify if the existing electrical service and metering installation is adequate to supply the existing building and 7 proposed apartments. Please contact the PUC should a revised electrical service or meter configuration be required for the building. ESA will authorize any behind the meter works required.

Public Utilities Commission of the City of Sault Ste. Marie (Water Utility) advised that.

- The applicant must verify if the existing water service is adequate to supply the existing building and 7 proposed apartments and must submit a water service application to PUC Engineering (eng-dept@ssmpuc.com) for the proposed renovation. Please contact the PUC Engineering Department at the email address above to request a water service application form.

Additional staff response to Ms. Giovanatti-Bre's comments,

- **the Director of Public Works** advised that there was a main blockage on Alexandra Street in 2021. These blockages are typically caused by foreign material (like grease) being introduced into the system. This is not something that can be prevented, although we do routinely flush system. There were no deficiencies noted with the sewer system that would prevent additional units from being added to the system. He further advised that the access from Huron Street is a City-maintained laneway.
- **The Manager of Building & By-law Enforcement** confirmed that there is a legal non-conforming six-plex at 326 Albert Street East. Further, 182 Huron Street benefits from legal non-conforming lot size, front yard, exterior side yard, rear yard and parking. Permit staff just received an application to perform interior alterations and renovations for the subject property. If work has commenced on the interior, we will have an inspector attend the site to review.
- **Parking**, Section 5.4.1 of By-law 2005-150 as amended, provides that the new use need only supply the difference between the required parking for the old use, and the required parking for the new use. A change of use permit will be required

Mr. Stirpe was satisfied that any approval should be for 6 units on the ground floor and not 7 units as originally requested.

Ms. Giovanatti-Bre attended in support of her written comments. She agreed that there is an improvement in appearance. While she appreciated Mr. Stirpe's comments & acknowledged that some of her questions/concerns have been answered, many remained unanswered. *The Secretary-Treasurer advised that the questions that could be answered by staff have been responded to, to the best of their ability. She then suggested that Ms. Giovanatti-Bre & Mr. Stirpe consider meeting outside of the Council Chambers to discuss those matters that remain unanswered.* Both parties were agreeable to the suggestion.

Proceedings

The Acting Chair called for comments.

- Members opined that the recommended conditions, including one that would have the loading/off-loading area moved to the parking lot side of the building, go a long way to addressing the neighbour's concerns.
- Members noted the change in the number of ground floor units.

The Acting Chair called for discussion. Seeing no further discussion, discussion was closed.

Decision

In making this decision, the Committee has taken into consideration all relevant materials including information provided by the applicant, the neighbouring property owner, 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 (W),

"RESOLVED THAT in accordance with Section 45(2) of the Planning Act this application be **Amended** from **7 units on the ground floor to 6 units on the ground floor**, and further that this **Amended** request be **Approved** subject to the following conditions,

1. The applicant must obtain approval of the Director of Planning for the building & site development, including the building façade, ground floor design, amenity space & potential landscaping prior to the issuance of any building permits for interior renovations.
2. The applicant must provide verification that the existing electrical service and metering installation is adequate to supply the existing building and 7 proposed apartments to the satisfaction of PUC Inc.'s engineering staff prior to the issuance of any building permits.

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	No objections, do not anticipate any adverse effects
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	

Staff Comments/Recommendations(s)

No objections or concerns from staff & no evidence of any negative impact if the application is approved.

Interested Parties Present

Matthew Battisti, Solicitor for the applicants was in attendance.

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 has taken into consideration all 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 Bruni, seconded by Rossi,

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

CARRIED.

It is noted that Member Bruni was called away from the Hearing and left the Council Chambers at 2:44 p.m.

TAB 3

Application A40/24-98-(1-112)-19982-M2

SAR-GIN DEVELOPMENTS (SAULT) LTD. are the owners Lot 14, Plan H744 former Township of Tarentorus municipally identified as **CIVIC NO. 218 INDUSTRIAL PARK**

Building Division staff wished to take this opportunity to remind the owner that there is a building permit that has not yet been finalized on the subject property.

Planning staff advised that the proposed variance is consistent with the setbacks of the existing facility to the north property line. No adverse effects are anticipated.

Staff Comments/Recommendations(s)

No objections or concerns from staff and/or outside agencies. Planning staff do not anticipate any adverse effects.

Interested Parties Present

Ron Sartor was in attendance.

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 has taken into consideration all 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 Rossi,

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

CARRIED.

TAB 4

Application A41/24-29-(1-32)-575-R2

TAMMY PISTOR is the owner of Lot 21, Sisson Subdivision, Plan 55300 former Township of St. Mary's municipally identified as **CIVIC NO. 24 WIRELESS AVENUE**. It is located on the southwest corner of Wireless Avenue and Orion Street. It is designated Residential in the Official Plan and is zoned R2, Gentle Density Residential Zone.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by increasing the maximum permitted height of a privacy fence. The intent of the application is to accommodate the non-standard grade between the subject property & the abutting property.

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

CARRIED.

TAB 5

Application A42/24-51-(1-67)-20686-R1

DALE TUCKER is the owner of PT of the NE ¼ of Section 33 former Township of Korah municipally identified as **CIVIC NO. 349 ALLEN’S SIDE ROAD**. It is located on the west side of Allen’s Side Road between Second Line West and Ransome Drive. It is designated Residential in the Official Plan and is zoned R1, Estate Residential Zone.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by increasing the maximum permitted building height for a garage. The intent of the application is to facilitate the construction of a 9.75m x 12.19m detached garage complete with workspace and upper-level storage area.

	By-Law Requirement 2005-150	Proposed Variance
9.1.5	Maximum building height for a garage 6m	Increase the maximum building height for a garage to 7.31m .

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	No objection. See comments below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works		

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		
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	No objection, see comment below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works		

Planning staff noted that the retained lands will continue to have sufficient frontage and lot area as specified in the Gentle Density Residential (R2) Zone.

Staff Comments/Recommendations(s)

No evidence of any opposition to the request.

Recommended conditions of any approval are,

- Payment of Transfer Review Fee
- Provide a Transfer/Deed of Land for Certificate of Official noting that Subsection 50 (3 or 5) of the Planning Act, R.S.O., 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent.
- 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

Interested Parties Present – Carlo Spadafora, Solicitor was available by telephone.

The Chair called for comments. None recorded.

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

That a copy of the latest pin abstract for both properties accompany 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 transfer of 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 two (2) copies 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. 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.

10. 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 **December 17, 2024**. Procedures for an appeal are set out on the last page of this decision.

NOTICE:

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 this Notice of Decision, failing which this application shall thereupon be deemed to be refused. Section 53(4), The Planning Act R.S.O., 1990.**