

Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer



**Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
October 2, 2024
Livestreamed**

Call to Order

The Chair called the hearing to order at 2:04 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 Representative

The Secretary-Treasurer confirmed that a quorum was present.

Opening Remarks

Acting Chair McGregor welcomed the participants.

Land Acknowledgement – Secretary-Treasurer

Approval of Minutes

Moved by Rossi, seconded by Bruni,

“THAT the Minutes of the September 19, 2024, Committee of Adjustment hearing be approved as circulated. **CARRIED.”**

Disclosure of Pecuniary Interest and General Nature Thereof

Member W. Greco disclosed an indirect interest in application A29/24, Luke Breton & Riley Greco, 493 Sunnyside Beach Road, advising that that applicant is a family member.

Withdrawn/Closed Applications/Request to Defer Applications - none.

➤ **Current Applications** (order subject to change)

TAB 1

Application A25/24-320-(2-3)-23850-R1

RICHARD & CARLY TOMAS are the owners of Pt of the NE1/4 of Section 24 municipally identified as **CIVIC NO. 206 ALAGASH DRIVE**. It is located on the south side of Alagash Drive and abuts St. Mary's River. It is designated Rural Area in the Official Plan and is zoned R1, Estate Residential

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by reducing the east interior side yard and increasing the height of new **9.14m x 13.76m detached garage having an upper-level cold storage area**. (*advisement; the existing garage will be demolished*)

	By-Law Requirement 2005-150	Proposed Variance
9.5.2	Minimum interior side yard 3.5m	Reduce the easterly side yard to 1.2m for the proposed garage only, and
	Maximum height for accessory buildings 6m	Increase maximum permitted height for the proposed garage to 8.25m .

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. No public input was received.

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

Planning staff have no objections to this application advising that,

- This neighbourhood is generally characterized with houses/cottages situated closely together and it is quite typical for properties to not conform to the 3.5m setback requirements for interior side yards. Furthermore, the new garage will generally be in line with the existing attached garage on the same property.
- There are several other examples of similar two-storey accessory structures along Alagash Drive and within the surrounding area.
- As such, the proposal does not represent a significant deviation from the neighbourhood character. Planning staff is of the opinion that the requested variances are minor, is desirable for appropriate use of the property, and maintains the general intent and purpose of the Official Plan and Zoning By-law.

Staff Comments/Recommendations(s)

The request has planning staff support. There is no evidence of objections to the request.

Interested Parties Present

Richard Tomas was in attendance.

Proceedings

The Acting Chair called for comments. It was noted that the increase in height was for cold storage only.

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 2

Application A26/24-68-(1-45)-28829-R1, HZ, S254

2062111 ONTARIO LIMITED is the owner of Blk 15 Plan 1M604 former Township of Rankin, municipally identified as **CIVIC NO. 1525 TRUNK ROAD**. It is located on the southerly side of Trunk Road approximately 165m east of the Trunk Road/Fournier Road intersection. It is designated Commercial and Rural Area in the Official Plan and is zoned R1, Estate Residential & Highway Zone with a special exception.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150 & 2005-151, as amended, by permitting the entire subject site to operate as a personal storage facility & eliminate buffering between zone boundaries.

	By-Law Requirement 2005-150 & 151	Proposed Variance
4.9	Where a non-residentially zoned lot abuts a residential or rural zoned lot, the non-residentially zoned lot shall provide and maintain a planting strip along the full extent of the common boundary of such lots, or provide buffering	Remove the requirement for a planting strip or buffering between the HZ & R1 zones as the entire property will function as a single personal storage facility.
Sp. 254 (c)	Private storage facility on Block 46 is for the Exclusive use of the residents living on Blocks A & B	Remove the exclusive use restriction and <u>private</u> storage facility & Permit Block 46 to be utilized as a personal storage facility.

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. No public input was received.

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 response
Bell Canada Right-of-Way		
Building Division	X	No objection
Canada Post		
Conservation Authority		
Engineering & Construction	X	No response
Fire Services	X	No response
Legal Department	X	No comment
Planning Division	X	Comments below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works		

Planning staff are supportive of this application advising that,

The buffering requirement is intended to provide a visual screen between a non-residentially zoned lot and a residential lot for the purpose of improved aesthetics, safety, enhanced privacy, and land use compatibility. The subject property is split zoned with a non-residential portion (zoned HZ) and residential portion (zoned R1) on the same lot. The applicant is proposing to use the R1 portion of this property for the same non-residential purpose as the HZ zoned portion (storage facility). Therefore, there will be no residential/non-residential interface on this lot. Thus, it is appropriate to remove the buffering requirement where the zones bisect the lot.

Personal storage facilities employ few, if any, on-site employees, are seldom used during evening hours and have no defined peak use periods. The site plan control process, as well as the including of visually solid buffering where the storage facility abuts a neighbouring residential property will mitigate against the common impacts associated with storage facilities. As such, there are no anticipated privacy issues that will arise from removing the exclusive use restriction in Block 46.

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

Staff Comments/Recommendations(s)

The request has planning staff support. No evidence of objections to the request.

Interested Parties Present

Frank Shunock was in attendance.

Proceedings

The Acting Chair called for comments. Committee members supported the submitted comments.

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 Rossi, seconded by Bruni,

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

CARRIED."

Application A27/24-121-(1-136)-28312-RA

DAVID PACIOCCO is the owner of Pt. of Sec. 23 being Pt. 2, 1R6556 former Township of Korah municipally identified as **Civic No. 1246 Goulais Avenue**. It is located on the east side of Goulais Avenue approximately 63m south of the Goulais Avenue/Fourth Line West intersection. It is designated Rural Area in the Official Plan and is zoned RA, Rural Area.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by reducing the rear yard setback to facilitate the proposed construction of a 9.75m x 12.19m detached garage.

	By-Law Requirement 2005-150	Proposed Variance
8.5.2	Minimum rear yard 15m	Reduce the rear yard setback to 5.5m for the proposed garage only

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. No public input was received.

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

Planning staff are supportive of this application advising that,

- A mature wooded area exists to the rear and sides of the proposed garage which minimizes the visual impact of the building to the abutting properties.
- Although this lot is zoned RA Rural Area, it is similar in size, character, and use to many R1 zoned lots located nearby. The nearby R1 lots permit single-storey

buildings to be built 1.2m from the rear yard lot line. Planning staff is of the opinion that a rear yard setback of 5.5m (for the garage only) does not significantly change the character of the neighbourhood.

- Therefore, Planning is of the opinion that the requested variance is minor, is desirable for appropriate use of the property, and maintains the general intent and purpose of the Zoning By-law and the Official Plan.

Staff Comments/Recommendations(s)

The request has planning staff support. No evidence of objections to the request.

Interested Parties Present

David Paciocco was in attendance.

Proceedings

The Acting Chair called for comments. Committee members supported the submitted comments.

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."

TAB 4

Application A28/24-78-(1-88)-18390-R2

JEFFREY LEONARD is the owner of Lot 181, Plan H514 former Township of Korah municipally identified as **Civic No. 48 St. Michaels Square**. It is located on the north east corner of Goulais Avenue and Westgate Drive. It is designated Residential in the Official Plan and is zoned R2, Gentle Density Residential.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by increasing the height of a fence.

	By-Law Requirement 2005-150	Proposed Variance
7.2	Maximum height in any other yard adjacent to a public street 1.8m	Increase the maximum height of a fence along the rear yard adjacent to Goulais Avenue to 2.4m .
7.3.1	Maximum fence height 0.75m above established grade, within 9m from the intersecting lot lines	Reduce the sightline setback from a public street intersection to 0 & permit the proposed fence to extend to the intersecting lot lines at Goulais Avenue and Westgate Drive.

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. No public input was received.

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 response
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	Comments below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	No comment

Planning staff have no objection to this application advising that,

- The proposed 2.4m fence in the rear yard of the subject property will abut the City owned boulevard on Goulais Avenue. The proposed fence is anticipated to have minimal impact on neighbouring properties.
- The boulevard on Goulais Avenue is fairly large, measuring approximately 7.5m from the road edge to the subject property's rear yard lot line. It is understood that a fence previously existed at this location for many years without issues related to corner visibility. As such, there should be minimal impact on sightlines for traffic turning onto Goulais Avenue from Westgate Drive.
- Therefore, Planning is of the opinion that the requested variance is minor, is desirable for appropriate use of the property, and maintains the general intent and purpose of the Zoning By-law and the Official Plan.

Staff Comments/Recommendations(s)

The request has planning staff support. No evidence of objections to the request.

Interested Parties Present

Jeffrey Leonard was in attendance.

Proceedings

The Acting Chair called for comments. Committee members supported the submitted comments.

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 Bruni,

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

CARRIED."

TAB 5

Having declared an indirect pecuniary interest in this application, Member Wayne Greco left the Chambers at 2:17 p.m. and was absent while the Committee considered this request.

Application A29/24-349-(2-10)-23134-R1

LUKE BRETON & RILEY GRECO are the owners of the SPT Sec 4, AWS, Pt. 3, AR 643 former Township of Parke municipally identified as **Civic No. 493 Sunnyside Beach Road**. It is located on the south side of Sunnyside Beach Road and abuts Lake Superior. It is designated Rural Area in the Official Plan and is zoned R1, Estate Residential.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by reducing the rear yard setback and the east side yard setback to legitimize the location of the existing 7.1m x 9.14m detached garage and the proposed 4.87m x 9.14m addition.

	By-Law Requirement 2005-150	Proposed Variance
9.5.2	Minimum front yard setback 12m	Reduce the front yard setback to 1.82m for the existing garage and the proposed addition only.

	Minimum interior side yard 3.5m	Reduce the east interior side yard to 1.82m for the garage and addition only.
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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. Abutting property owners submitted comments and are recorded below.

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 response
Canada Post		
Conservation Authority	X	No concerns. Development will require a site plan review and SSMRCA permit application
Engineering & Construction	X	No response
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	Comments below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	No comments or concerns

Planning staff have no objection to this application advising that,

- The Sunnyside Beach area contains numerous examples of accessory buildings not conforming to either the 12m minimum front yard setback requirement or the 3.5m minimum interior yard setback. Thus, the proposed setbacks of 1.82m do not represent a significant deviation from the neighbourhood character.
- The proposed addition to the garage is approximately 45m away from the neighbouring residences. The view from the proposed additions to these residences is either partially or totally obscured by vegetation. As such, it is Planning staff's opinion that this application will result in minimal impacts on adjacent lands.
- That said, the applicants are encouraged to maintain the trees and/or plant additional vegetation on the north and east sides of the garage. This will help reduce the overall visual impact of the garage from the road and neighbouring properties.

Staff Comments/Recommendations(s)

The Secretary-Treasurer explained that previous minor variance approval permitted a side yard variance to 2.74m for the existing garage. Recent calculations revealed that the

existing garage was located 1.82m from the property line making the former variance approval of no benefit. As a result, the request today is to legitimize the existing setback and permit the proposed addition to be in line with setback established by the existing garage. The request has planning staff support. No evidence of objections to the request.

Interested Parties

Kris and Dominique Ninnes of 501 Sunnyside Beach Road submitted the following comments. *We are direct neighbours to the west and we fully support the proposed variance and look forward to the updates being made. Mr. Breton & Ms. Greco are wonderful neighbours and we wish them the best with this project.*

Proceedings

The Acting Chair called for comments. Committee members supported the submitted comments.

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 Rossi, seconded by Bruuni,

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

CARRIED."

Member W. Greco returned to the Chambers at 2:22 p.m.

TAB 6

Application A30/24-43-(1-50)-7009-C5

3476847 CANADA INC. is the owner of PIN 31532-0035 (LT), former Township of St. Mary's, and municipally identified as **CIVIC NO. 44 GREAT NORTHERN ROAD** aka Cambrian Mall. It is located on the east side of Great Northern Road approximately 200m north of the Great Northern Road and McNabb Street intersection. It is designated Commercial in the Official Plan and is zoned C5, Shopping Centre & C4.S (437), General Commercial with a special exception.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-151, as amended, by increasing the maximum gross floor area for office uses for the proposed new standalone building.

	By-Law Requirement 2005-151	Proposed Variance
S437 1.	Maximum gross floor area for office uses outside of the downtown for the proposed standalone building is 450m²	Increase the maximum gross floor area for office use for the proposed standalone building to 500²

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. No public input was received.

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 response
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	Comments below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	

Planning staff have no objection to this application advising that,

In April 2024, City Council approved Zoning By-law Amendment for the subject property to increase the maximum gross floor area for office uses outside of the downtown from 300m² to 450m² to accommodate a standalone bank branch.

Subsequent revisions to the office building design have increased its size from 450m² to approximately 493m². This represents a 9.6% increase in building size, which is a minor change in the in the opinion of Planning staff.

There are number of similar or larger sized office buildings in the neighbouring area and elsewhere on Great Northern Road. These include several other financial institutions. As such, this size office building will not be out of character with the area.

Therefore, Planning is of the opinion that the requested variance is minor, is desirable for appropriate use of the property, and maintains the general intent and purpose of the Zoning By-law and the Official Plan.

Staff Comments/Recommendations(s)

The request has planning staff support. No evidence of objections to the request.

Interested Parties Present

D. S. Urso of Monument- Urso Surveying Ltd. was in attendance. He advised that the final design of the building resulted in a slightly larger gross floor area than previously approved.

Proceedings

The Acting Chair called for comments. Committee members supported the submitted comments.

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 Rossi, seconded by Bruni,

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

CARRIED."

➤ **Deferred Applications**

OTHER BUSINESS

TAB 7

DATE OF NEXT HEARING – October 30, 2024

ADJOURNMENT

Moved by Rossi, seconded by Bruni,

"RESOLVED THAT we adjourn at 2:26 p.m.

CARRIED."

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer

Melinda McGregor

M. McGregor
Acting Chair