

Joseph Greco, Chair

Michelle Kelly, ACST  
Secretary-Treasurer



Sault Ste. Marie  
Committee of Adjustment  
Minutes of Hearing  
September 19, 2024  
Livestreamed & Zoom

### Call to Order

The Chair called the hearing to order at 9:48 a.m.

Members Present: M. McGregor, Acting Chair  
F. Bruni

Attending by Zoom: A. Rossi

Members Absent: J. Greco  
W. Greco

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: J. Kircal, 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 Bruni, seconded by McGregor,

“**THAT** the Minutes of the September 4, 2024, Committee of Adjustment hearing be approved as circulated. **CARRIED.**”

**Disclosure of Pecuniary Interest and General Nature Thereof**

**Withdrawn/Closed Applications/Request to Defer Applications**

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

**TAB 1**

**Application A22/24-53-(1-69)-15848-1**

**ALGOMA DISTRICT SCHOOL BOARD** is the owner of Lots 362 to 429, Plan 7882, PIN 31607-0242 (LT) being H. M. Robbins School municipally identified as **CIVIC NO. 83 EAST BALFOUR STREET**. It abuts East Balfour Street to the north, Rowell Avenue to the east, Laurier Avenue to the west and Asquith Street to the south. It is designated Residential in the Official Plan and is zoned I, Institutional.

**INTENT OF THE APPLICATION:**

Relief is requested from the provisions of By-law 2005-150, as amended, by permitting parking in the front yard abutting East Balfour Street.

	<b>By-Law Requirement 2005-150</b>	<b>Proposed Variance</b>
<b>5.3.3</b>	<b>No parking shall be located in a required front or exterior side yard including the highway zone and institutional zone.</b>	<b>Permit seventeen (17) parking spaces to be in the required front yard</b>

**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 on this application as of the time of writing this report.

**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.

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

**Planning** noted that the application proposes an extension to the existing school parking lot. Planning staff have no objections, however, the applicant is encouraged to maximize the width of the grass strip, where possible, to enhance landscaping potential.

**Staff Comments/Recommendations(s)**

No evidence of objections to the request.

**Interested Parties Present** - none recorded.

**Proceedings**

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

The Acting Chair called for discussion. None recorded and 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 2**

**Application A24/24-136-(2-37)-30188-PR, R3, S319 & EM**

**2707728 ONTARIO INC** is the owner of P.I.N 31599-0220 being Part of Section 14, former Township of Korah (Crimson Ridge Golf Course) municipally identified as **CIVIC NO. 418 FOURTH LINE WEST**. It is located on the north side of Fourth Line West between Goulais Avenue and Brule Road. It is designated Rural Area in the Official Plan and is zoned PR, Parks & Recreation; R3, S319, Low Density Residential with a special exception & EM, Environmental Management.

**INTENT OF THE APPLICATION:**

Subject to final consent of application **B21/24**, relief is requested from the provisions of By-law 2005-150, as amended, by reducing the lot frontage abutting Fourth Line West, to facilitate the construction of a new residential dwelling.

	<b>By-Law Requirement 2005-150</b>	<b>Proposed Variance</b>
<b>9.5.2</b>	Minimum required lot frontage <b>45m</b>	<b>Reduce</b> the minimum lot frontage abutting the travelled portion of Fourth Line West to <b>23m</b> .

### 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 on this application as of the time of writing this report.

### 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 objection
Canada Post	X	
Conservation Authority	X	
Engineering & Construction	X	See comments below
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 with notation
Public Works		No comment

### Engineering staff advised.

- A sanitary servicing study to the satisfaction of the Director of Engineering or their designate is required. The servicing study must determine the downstream impacts on the low-pressure sanitary system and whether the system can handle the increased flows from the proposed development; and
- A lot grading and drainage plan must be completed by a Lot Grading Professional, to ensure that drainage is dealt with appropriately. Lot Grading Professionals must be a Professional Engineer (civil), Architect, or Ontario Land Surveyor, experienced in lot grading design.

**Planning** advised that on September 9, 2024, City Council approved single detached to rezone a portion of the Crimson Ridge Golf Course from Parks and Recreation Zone (PR) to Estate Residential Zone (R1.S) to permit the construction of a single-detached home. Additionally, a special exception was granted to reduce the minimum lot area requirement to 0.378 hectares. The council's approval will be in effect in late October, if no appeals are submitted before the appeal window closes. As such, planning staff support the request to sever this portion of the subject property.

The severed and retained lot are compatible with the area and no impacts are anticipated.

The proposed lot does not fully align with the public road due to the lot slightly flaring inward, away from the road. This is not a noticeable deviation nor is it anticipated to pose any impact. Planning staff have no objections to this request.

As part of the rezoning application, and in response to concerns expressed in the rezoning process, the applicant's consultant preliminarily indicated that, "there *would be negligible impacts to the existing sanitary force main from adding the proposed single detached development*". The City's Engineering Department will likely require a more detailed capacity study as a condition for the severance approval.

Public Utilities Commission noted that PUC's comments dated August 28, 2024, for municipal water servicing, have not been addressed.

**Staff Comments/Recommendations(s)**

No evidence of objections to the request. Engineering provided conditional support.

Recommended conditions of any approval are,

1. Obtain final approval of rezoning application A11-24-Z.
2. Provide a sanitary servicing study to the satisfaction of the Director of Engineering or his designate.
3. Obtain approval from the Director of Engineering or his designate of a lot grading and drainage plan completed by a Lot Grading Professional.

**Interested Parties Present**

Sheila Aho of Monument & Urso Surveying, David Ellis of David Ellis Architects and Jordan Williams from Cenlo Engineering were 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** subject to the following conditions.

1. Obtain final approval of rezoning application A11-24-Z.

2. Provide a sanitary servicing study to the satisfaction of the Director of Engineering or his designate.
3. Obtain approval from the Director of Engineering or his designate of a lot grading and drainage plan completed by a Lot Grading Professional.
4. Obtain final consent for application B21/24.
5. Satisfy the Public Utilities Commission with regard to municipal water servicing prior to final consent.

**CARRIED."**

**TAB 3**

**Application B21/24-136-(2-37)-30188-PR, R3, S319 & EM**

**2707728 ONTARIO INC** is the owner of P.I.N 31599-0220 being Part of Section 14, former Township of Korah (Crimson Ridge Golf Course) municipally identified as **CIVIC NO. 418 FOURTH LINE WEST**. It is located on the north side of Fourth Line West between Goulais Avenue and Brule Road. It is designated Rural Area in the Official Plan and is zoned PR, Parks & Recreation; R3, S319, Low Density Residential with a special exception & EM, Environmental Management.

**INTENT OF THE APPLICATION**

Subject to approval of rezoning application **A-11-24** & minor variance application **A24/24**, The applicant is seeking the Committee's consent to sever a parcel as described below and fronting Fourth Line West for residential development purposes.

Width (approximate)	Length (approximate)	Area (approximate)
62.44m (sever)	73m	0.378ha
440m (retain)	irregular	121+ha

**The intent is to create one (1) additional estate residential lot.**

**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. No public input was received on this application as of the time of writing this report.

**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 objection
Canada Post	X	
Conservation Authority	X	

Engineering & Construction	X	See comments below
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 with notation
Public Works		No comment

**Engineering staff advised.**

- A sanitary servicing study to the satisfaction of the Director of Engineering or their designate is required. The servicing study must determine the downstream impacts on the low-pressure sanitary system and whether the system can handle the increased flows from the proposed development; and
- A lot grading and drainage plan must be completed by a Lot Grading Professional, to ensure that drainage is dealt with appropriately. Lot Grading Professionals must be a Professional Engineer (civil), Architect, or Ontario Land Surveyor, experienced in lot grading design.

**Planning** advised that on September 9, 2024, City Council approved single detached to rezone a portion of the Crimson Ridge Golf Course from Parks and Recreation Zone (PR) to Estate Residential Zone (R1.S) to permit the construction of a single-detached home. Additionally, a special exception was granted to reduce the minimum lot area requirement to 0.378 hectares. The council's approval will be in effect in late October, if no appeals are submitted before the appeal window closes. As such, planning staff support the request to sever this portion of the subject property.

The severed and retained lot are compatible with the area and no impacts are anticipated.

The proposed lot does not fully align with the public road due to the lot slightly flaring inward, away from the road. This is not a noticeable deviation nor is it anticipated to pose any impact. Planning staff have no objections to this request.

As part of the rezoning application, and in response to concerns expressed in the rezoning process, the applicant's consultant preliminarily indicated that, "there *would be negligible impacts to the existing sanitary force main from adding the proposed single detached development*". The City's Engineering Department will likely require a more detailed capacity study as a condition for the severance approval.

**Public Utilities Commission** noted that PUC's comments dated August 28, 2024, for municipal water servicing, have not been addressed.

**Staff Comments/Recommendations(s)**

No evidence of 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.
- Provide reference plan.
- Provide PIN abstract & PIN map.
- Final approval of Minor Variance application A24/24.
- Discharge of Charge/Mortgage
- Partial Discharge of Charge/Mortgage
- Payment of Taxes
- Provide a Lot Grading and Drainage plan to the satisfaction of the Director of Engineering or his designate.
- Provide a sanitary servicing study to the satisfaction of the Director of Engineering or his designate.
- Obtain final approval of Rezoning application A-11-24-Z.
- Satisfy the Public Utilities Commission with regard to municipal water servicing.

### **Interested Parties Present**

Sheila Aho of Monument & Urso Surveying, David Ellis of David Ellis Architects and Jordan Williams from Cenlo Engineering were 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.

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 have no issues with the request. 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 by Rossi,

**"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 two-years from the date of this written 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 for certification. Said 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. (fee for 2024 is \$235 per document)

## **3. 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 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.

## **4. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION**

That the applicant provides the Secretary-Treasurer with Four (4) full size white prints, one (1) 11 X 14 copies, & 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 & PIN MAP**

That a copy of the current PIN abstract and PIN map 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 or written acknowledgement that the holder of the Charge/Mortgage is satisfied with the Consent being finalized.

**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. 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. SANITARY SERVICING STUDY**

Provide a sanitary servicing study to the satisfaction of the Director of Engineering or his designate.

**11. REZONING APPLICATION A-11-24-Z**

Obtain final passing of the By-law confirming Council's decision on rezoning application A-11-24-Z.

**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 September 24, 2024. 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.*

➤ **Deferred Applications**

**OTHER BUSINESS**

**TAB 4**

**DATE OF NEXT HEARING** – October 2, 2024

**ADJOURNMENT**

Moved by Bruni, seconded by Rossi,

“**RESOLVED THAT** we adjourn at 10:12 a.m.

**CARRIED.”**

*Michelle Kelly*

Michelle Kelly, ACST  
Secretary-Treasurer

*Melinda McGregor*

M. McGregor  
Acting Chair