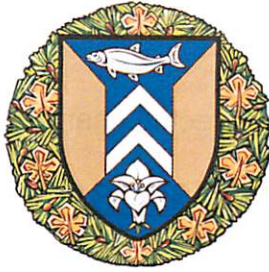


Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer



Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
September 4, 2024
Livestreamed & Zoom

Call to Order

The Chair called the hearing to order at 2:04 p.m.

Members Present: J. Greco, Chair
F. Bruni
M. McGregor
A. Rossi

Members Absent: W. Greco

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: N. Cicchini, Planning Representative

The Secretary-Treasurer confirmed that a quorum was present.

Opening Remarks

Chair Greco welcomed the participants.

Land Acknowledgement – Secretary-Treasurer

Approval of Minutes

Moved by McGregor, seconded by Bruni,

“**THAT** the Minutes of the August 7, 2024, Committee of Adjustment hearing be approved as circulated. **CARRIED.**”

Disclosure of Pecuniary Interest and General Nature Thereof

Member Rossi disclosed an indirect interest in applications A23/24, Malcap Investments Ltd., 566 Second Line East, advising that that applicant is his client.

Withdrawn/Closed Applications/Request to Defer Applications

None.

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

TAB 1

Application A21/24-122-(1-137)-31658-RA

FRANK BITONTI & ANTONIETTA ROMANO are the owners of **CIVIC NO. 460 MOSS ROAD** further identified as Pt NE ¼ Sec 23, Pt 1, 1R10576, former Township of Korah. It is located on the east side of the east leg of Moss Road north of Third Line West. The subject property is designated Rural in the Official Plan & is zoned RA, Rural Area. It is approximately 0.51ha in size.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, to reducing the required south side yard to facilitate the construction of an 8.53m x 10.97m detached garage.

	By-Law Requirement 2005-150	Proposed Variance
8.5.2	Minimum required interior side yard 5m	Reduce the minimum south interior side yard to 1.82m for the proposed 8.53m x 10.97m 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 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		
Bell Canada Right-of-Way		
Building Division	X	
Canada Post		No comment
Conservation Authority	X	Any development will require a site plan review & a permit from SSMRCA. No concerns with this request.
Engineering & Construction	X	No comment
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	No objection
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works		

Planning has no objection. This property is in an area with a mix of Rural Area and R1 Rural Estate lots. The request to locate the garage to 1.82 metres is in line with what would be permitted on the property across the street from this one at 1.2 metres as the zoning by-law. It is not foreseen that it would have a negative impact on the adjoining lot. There are other garages with a reduced setback in the neighbourhood. To mitigate some of the effect from the reduced setback, the property has a tree line on the lot line border that will offset the impact of this structure.

Staff Comments/Recommendations(s)

There were no objections to the request and no evidence presented to indicate any negative impact would be created if approved.

Interested Parties Present

Frank Bitonti, the applicant was in attendance.

Proceedings

The Chair called for comments. None received.

The Chair called for discussion. No response, discussion was closed.

Decision

In making this decision, the Committee took 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 McGregor,

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

CARRIED.”

TAB 2

Member Rossi, having previously declared a pecuniary interest in this application, did not participate during the Committee's consideration of the request.

Application A23/24-84-(1-94)-10477-M2

MALCAP INVESTMENTS LTD. is the owner of **CIVIC NO. 566 SECOND LINE EAST** identified as PT LT 39 RCP H744, former Township of Tarentorus being Pt 1, 1R5971. It is located on the north side of Second Line East approximately 260m west of the Second Line East and Great Northern Road intersection. The subject property is designated Industrial in the Official Plan & is zoned M2, Medium Industrial.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by including in Section 14.2.1, Permitted Uses, the distribution for gas and welding equipment and office use (specifically a private vocational school). To legitimize these additional uses that have been in operation from this site for many years.

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 to 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		
Bell Canada Right-of-Way		
Building Division	X	No objection, see comments below
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		

The **Building** Division records show that the last known use of this building was a warehouse with a subsidiary use of a showroom and offices which may or may not align with the current use. It is our recommendation that any approval be conditional on the applicant/owner undertaking a review of the current and intended use of this building with Building Division staff to ensure compliance. The applicant will require a Change of Use permit.

Planning staff has no objection regarding the proposed application. The proposal adheres to the criteria of the four tests of a minor variance. The primary functions of the existing lot are Bulk Storage and Distribution and Medium Manufacturing specifically fabrication of metal products, which includes welding. These uses are permitted in the Medium Industrial (M2) Zone. Therefore, the technical training facility for welding is minor in nature and planning staff does not anticipate any adverse effects.

Staff Comments/Recommendations(s)

No objections to the request and no evidence of any negative impact if approved.

Recommended conditions of any approval,

1. That the applicant/owner obtain a Change of Use permit.

Interested Parties Present

Trevor Simpson, Solicitor for the applicant attended.

Proceedings

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

The Chair called for discussion. Member McGregor indicated her support for approval of the request subject to satisfying Building Division's request for a Change of Use Permit.

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 McGregor, seconded by Bruni,

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

1. **That the applicant/owner obtain a Change of Use Permit.**

CARRIED."

TAB 3

Application B14/24-21-(1-20)-764-C4

786211 ONTARIO LIMITED & the ESTATE OF FRANK MARIO ADAMO are the owners of Lot 100 Plan 55366 St. Mary's; Pt. Lt. 101 PL 55366 St. Mary's; Pt. Lt. 132 PL 55366 St. Mary's designated as Parts 1 & 2 PL 1R14098 (PIN 31517-0499 LT), and municipally identified as **CIVIC NO. 149 TRUNK ROAD**. It is located on the south easterly side of Trunk Road approximately 55m east of the Trunk Road and Lake Street intersection. The subject property is designated Commercial in the Official Plan and is zoned C4, General Commercial.

INTENT OF THE APPLICATION

The applicant is seeking the Committee's consent to **sever and convey an easement** over the easterly **3.3528m x 45.72** (the existing driveway) in favour of the easterly abutting property being **Civic No.151 Trunk Road**.

The intent of the application is to acknowledge the 0.2' encroachment at the rear of the existing building at 151 Trunk Road onto the subject property and, to

provide continued access/egress over the existing driveway in favour of Civic No. 151 Trunk Road.

Public Response

Notice of public hearing was sent by personal mail to neighbouring properties, by posting a sign on-site and by posting on the City’s website. No public input has been received to date.

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

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 current PIN abstract & PIN map.
- Payment of Taxes

Applicant’s Representation

Mark Lepore, Solicitor attended and advised that his client is seeking an easement to regularize the historical use of the existing driveway as access to 151 Trunk Road. He pointed out that the rear of the existing building at 151 Trunk Road encroaches 0.2’ onto the subject property.

Interested Parties Present

No others in attendance.

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 a current PIN abstract and PIN map 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 Received Electronic Transfer document including the Form 2 for Consent. **CARRIED.”**

Final date for appeal is **OCTOBER 9, 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 the Notice of Decision, failing which this application shall thereupon be deemed to be refused. Section 53(4), The Planning Act R.S.O., 1990.**

TAB 4

Application B17/24-54-(1-70)-33091-R2, S416

1000941666 ONTARIO LTD. (formerly owned by DANIEL FREMLIN HOLDINGS INC.) is owner of PT LT 1 RCP H730, former Township of Korah, further described as PT 8, 1R13309 and municipally identified as **CIVIC NO. 255 EAST BALFOUR STREET**. It is located on the south side of East Balfour between Goulais Avenue and Wilding Avenue. It is designated Residential in the Official Plan and is zoned R2, Gentle Density Residential with a special exception.

INTENT OF THE APPLICATION

The applicant is seeking the Committee’s consent to sever an easterly portion of the subject property described below and convey it to the abutting property being Civic No. 277 East Balfour.

Width (approximate)	Length (approximate)	Area (approximate)
4.75m (sever)	51.374m	0.024ha
16.585m (retain)	51.374m	0.08ha

Proceedings

The Chair called for comments. No response.

The Chair called for discussion. No response, discussion was closed.

Reasons for 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 the easement lands have been used as suggested for many years without any apparent negative issue.

Decision

Moved by Bruni, and seconded by McGregor,

“RESOLVED THAT *provisional* consent is AUTHORIZED for the severance and conveyance of the parcel of land for easement purposes described in the application, subject to the following conditions which must be, in the opinion of the Secretary-Treasurer, completed within two-years from the date of this Decision failing which consent shall be deemed to be refused/lapsed in accordance with Section 53(41) 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. This document must be accompanied by a schedule identifying the transferor and the transferee for certification. Said schedule and 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. 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 copy, & 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

The intent of the application is to increase the land holding at Civic No. 277 East Balfour Street to assist in new lot creation as proposed in application B18/24.

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		
Bell Canada Right-of-Way		
Building Division	X	No objection
Canada Post		
Conservation Authority	X	No concerns. A site plan review will be required and may require a permit from SSMRCA
Engineering & Construction	X	No comments
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	No objection, see comment below
PUC Distribution Inc. (Electric)	X	No response
Public Utilities Comm. (Water)	X	No response
Public Works	X	No comments or concerns

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 was presented.

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 – Dan Fremlin was in attendance.

The Chair called for comments. None recorded.

The Chair called for discussion. None noted and discussion was closed.

Reasons for Decision

The Committee, after carefully reviewing the evidence, illustrations presented, and the submissions made by the parties, finds that 50(12) does not apply in respect of the parcel of land that is the subject of this consent and that either subsection 50 (3) or (5) shall apply to any subsequent conveyance or transaction involving this parcel of land.

Moved by McGregor, seconded by Bruni,

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance of 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. These documents must be accompanied by a schedule identifying the transferor and the transferee for certification. Said schedule and 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. LOT ADDITION/MERGE CLAUSE

That the parcel intended to be severed be merged on title with the abutting land to the immediate west, municipally known as **Civic No. 277 East Balfour Street**, 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. The Secretary-Treasurer's Certificate shall contain reference to this stipulation.

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. (fee for 2024 is \$235 per document)

Final date for appeal is **September 24, 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 one year of the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. Section 53(4), The Planning Act R.S.O., 1990.**

TAB 5

Application B18/24-54-(1-70)-32791-R2

1000941666 ONTARIO INC. (formerly owned by DANIEL FREMLIN HOLDINGS INC.) is the owner of PT LT 1 RCP H730, former Township of Korah, further described as PTS 9 & 10, 1R13309 and municipally identified as **CIVIC NO. 277 EAST BALFOUR STREET**. It is located on the south side of East Balfour between Goulais Avenue and Wilding Avenue. It is designated Residential in the Official Plan and is zoned R2, Gentle Density Residential.

INTENT OF THE APPLICATION

Subject to final consent of application **B17/24**, the applicant is seeking the Committee's consent to sever the westerly **16.58m x 51.37m** fronting on East Balfour to facilitate the creation of a new residential lot resulting in the lot configurations described below.

Width (approximate)	Length (approximate)	Area (approximate)
16.58m (sever)	51.374m	0.085ha
44.538m (retain)	irregular	0.91ha

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		
Bell Canada Right-of-Way		
Building Division	X	No response
Canada Post		
Conservation Authority	X	No concerns, a site plan review is required and possibly a permit from SSMRCA

4. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with FIVE (5) 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

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 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. 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.”

Engineering & Construction	X	See comments below
Fire Services	X	No comments
Legal Department	X	No comment
Planning Division	X	No objection, see comments below
PUC Distribution Inc. (Electric)	X	No response
Public Utilities Comm. (Water)	X	No response
Public Works	X	No comments or concerns

Engineering staff advised that,

- 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.
- As is common practice for all new urban residential Subdivisions, the applicant must pay to the City a fee for the provision of trees. The fee is \$500.00 per lot.
- A sanitary lateral is required for the proposed lot; and
- A culvert will be required if it does not already exist. A culvert permit will be required from the City Building Division with fees outlined in the User Fee By-law.

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,

- Provide a registered copy of the transfer of abutting property to the subject property, as referred to in consent application B17/24
- Payment of 5% Cash-in-lieu of Parkland
- Payment of Transfer Review Fee
- Provide a Transfer/Deed of Land for Certificate of Official
- Provide a lot grading and drainage plan completed by a Lot Grading Professional for approval by the Director of Engineering or his designate
- Provide reference plan.
- Provide \$500 tree payment
- Provide a sanitary lateral for the proposed parcel
- Obtain a new culvert permit for the proposed parcel prior to the issuance of a building permit
- Undertake a site plan review with SSMRCA prior to the issuance of a
- 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 – Dan Fremlin was in attendance.

The Chair called for comments. None recorded.

The Chair called for discussion. None recorded, 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 do not object to 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 McGregor, seconded by Bruni,

"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. These documents must be accompanied by a schedule identifying the transferor and the transferee for certification. Said schedule and 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. TREE PROVISION

That the customary \$500 fee for the provision of a tree be paid to the City Corporation to the satisfaction of the Director of Engineering or his designate.

3. CONSENT B17/24

Provide a registrar approved, transfer of property that is the subject of Consent application B17/24.

4. 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)

5. 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)

6. SITE PLAN REVIEW WITH SSMRCA

Prior to the issuance of a building permit.

7. CULVERT INSTALLATION

Prior to the issuance of a building permit.

8. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with FIVE (5) 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.

9. PIN ABSTRACT

That a copy of a current pin abstract for both properties accompany the "electronic registration in preparation documents."

10. MINOR VARIANCE APPLICATION

(After Provisional Consent given)

b) 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.

11. 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.

12. 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.

13. 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.

14. 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 Received Electronic Transfer document including the Form 2 for Consent. **CARRIED.”**

Final date for appeal is **October 9, 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.**

TAB 6

Application B20/24-85-(1-95)-33419-R2

DANIEL FREMLIN HOLDINGS INC. is the owner of PT SEC 29, former Township of Tarentorus, further described as PT 3, 1R-14097 and municipally identified as **CIVIC NO. 215 OLD GARDEN RIVER ROAD**. It is located on the easterly side of Old Garden River Road between Second Line East and Millcreek Drive. It is designated Residential in the Official Plan and is zoned R2, Gentle Density Residential.

INTENT OF THE APPLICATION

The applicant is seeking the Committee's consent to sever the subject property into two independent parcels described below, providing autonomous title to each semi-detached unit.

Width (approximate)	Length (approximate)	Area (approximate)
9.144m (sever)	40.8m	0.037ha
9.144m (retain)	40.8m	0.037ha

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		
Bell Canada Right-of-Way		
Building Division	X	No objections
Canada Post		
Conservation Authority	X	No concerns
Engineering & Construction	X	See comments below
Fire Services	X	No comments or concerns
Legal Department	X	No comment
Planning Division	X	No objection, see comments below
PUC Distribution Inc. (Electric)	X	No concerns however separate electric services will be required and remain on their respective properties, or an easement will be required
Public Utilities Comm. (Water)	X	No response
Public Works	X	No comments or concerns

Engineering staff advised that all requirements as outlined in the Lot Development and Drainage Agreements must be complied with including but not limited to certification that services and rear yard drainage works have been installed per the approved drawings.

Planning staff noted that the retained and severed portions will have sufficient frontage and continue to lawfully exist in accordance with Sec. 4.14.10 of Zoning By-law 2005-150.

Staff Comments/Recommendations(s)

No evidence of any opposition to the request.

Recommended conditions of any approval are,

- Payment of 5% Cash-in-lieu of Parkland
- Payment of Transfer Review Fee
- Provide a Transfer/Deed of Land for Certificate of Official
- Provide reference plan.
- Provide PIN abstract & PIN map.
- Minor Variance application approval if required.

- Discharge of Charge/Mortgage
- Partial Discharge of Charge/Mortgage
- Payment of Taxes
- Provide approval from the Director of Engineering and/or the Chief Building Official or their designates that all requirements as outlined in the Lot Development and Drainage Agreement are complied with to their satisfaction.

Interested Parties Present – Dan Fremlin attended.

The Chair called for comments. None recorded.

The Chair called for discussion. None recorded, 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 do not object to 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 McGregor,

"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. These documents must be accompanied by a schedule identifying the transferor and the transferee for certification. Said schedule and 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. TREE PROVISION

That the customary \$500 fee for the provision of a tree be paid to the City Corporation to the satisfaction of the Director of Engineering or his designate.

3. CONSENT B17/24

Provide a registrar approved, transfer of property that is the subject of Consent application B17/24.

4. 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)

5. LOT DEVELOPMENT AND DRAINAGE AGREEMENT

That all requirements as outlined in the Lot Development and Drainage Agreements be complied with included but not limited to certification that services and rear yard drainage works have been installed to the satisfaction of the Director of Engineering AND the Chief Building Official or their designates.

6. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with FIVE (5) 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.

7. PIN ABSTRACT

That a copy of the latest pin abstract for both properties accompany the "electronic registration in preparation documents."

8. MINOR VARIANCE APPLICATION

(After Provisional Consent given)

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

9. DISCHARGE OF CHARGE/MORTGAGE

That any Charge/Mortgage affecting the subject property is discharged and a copy of the Discharge of Charge/Mortgage be provided to the Secretary-Treasurer or written acknowledgement that the holder of the Charge/Mortgage is satisfied with the Consent being finalized.

10. 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.

11. PAYMENT OF MUNICIPAL TAXES

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

12. RECEIPTED ELECTRONIC TRANSFER

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

Final date for appeal is July 30, 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 one year 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 7

DATE OF NEXT HEARING – September 19, 2024

ADJOURNMENT

Moved by Bruni, seconded by McGregor,

"RESOLVED THAT we adjourn at 2:34 p.m.

CARRIED."

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer

Melanie McGregor

J. Greco
Chair *FGV*