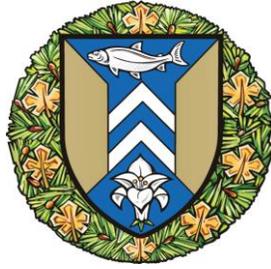


The Corporation of the  
City of Sault Ste. Marie



Committee of Adjustment  
August 7, 2024  
2:00 P.M.  
Council Chambers  
Livestreamed

## **AGENDA**

Hearings viewed live on the City's YouTube channel.

<https://www.youtube.com/user/SaultSteMarieOntario>

### **Call to Order**

- **Land Acknowledgement**
- **Approval of the Minutes of July 10, 2024**
- **Disclosure of Pecuniary Interest and the General Nature Thereof**
- **Applicant/Agent Requests for Withdrawal or Deferral**
- **Matters Circulated But Not On The Agenda**
  - **A21/24 - Civic 460 Moss Road**
- **Matters To Be Considered**
  - **A19/24 - Civic 885 Goulais Avenue**
  - **A20/24 - Civic 210 Pittsburgh Avenue**
  - **B13/24 - Civic 210 Pittsburgh Avenue**
  - **B15/24 Civic 799 Carpin Beach Road**
  - **B16/24 - Civic 21 Nichol Avenue**
- **Deferred Applications**

**OTHER BUSINESS**

**TAB 8**

**DATE OF NEXT HEARING – September 4, 2024**

**ADJOURNMENT**

*Michelle Kelly*

Michelle Kelly, ACST  
Secretary-Treasurer

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**Application A19/24-106-(1-121)-30149-RA**

**JOSEPH & BRUNELLA GAGLIARDI** are the owners of **CIVIC NO. 885 GOULAIS AVENUE** further identified as Pt SE ¼ Sec 22, Pt 1, 1R8177, former Township of Korah. It is located on the west side of Goulais Avenue between Third Line West and Fourth Line West. The subject property is designated Rural in the Official Plan & is zoned RA, Rural Area. It is approximately 0.82ha in size.

**INTENT OF THE APPLICATION:**

Relief is requested from the provisions of By-law 2005-150, as amended, to legitimize the location of the existing gazebo & deck by reducing the required south side yard.

	<b>By-Law Requirement 2005-150</b>	<b>Proposed Variance</b>
<b>8.5.2</b>	Minimum required interior side yard <b>5m</b>	<b>Reduce</b> the minimum south interior side yard to <b>4.2m</b> for the gazebo & deck 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**

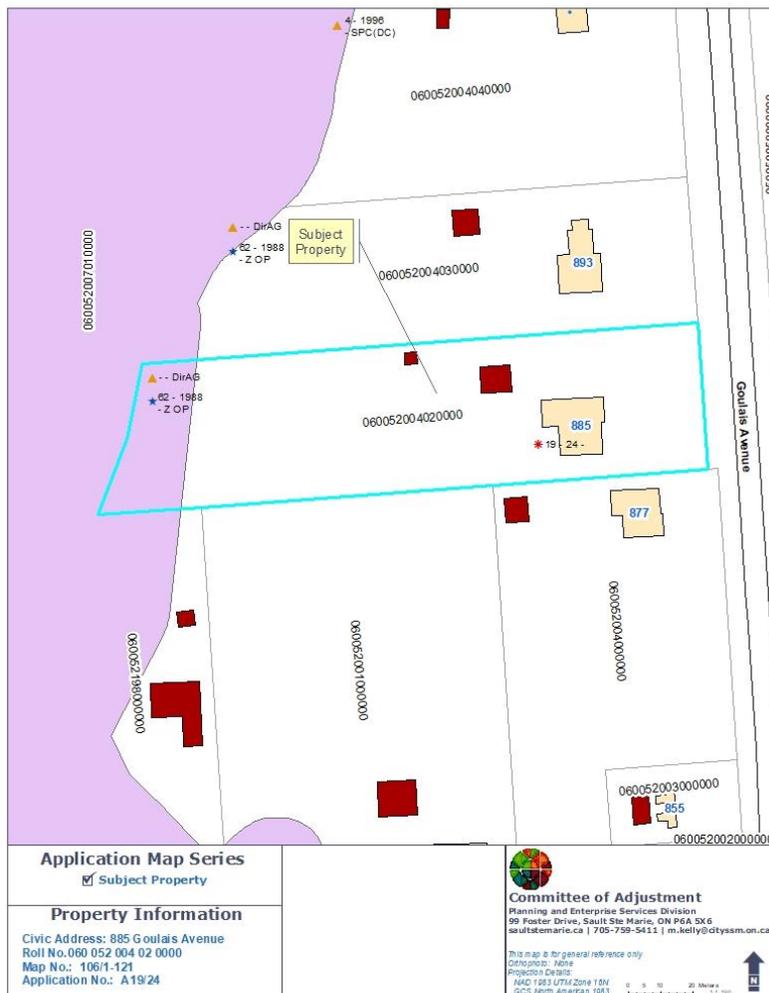
As part of the application review, this proposal was circulated to the following internal departments and external agencies for their review.

Division/Agency	Circulated	Response
Algoma Public Health		
Bell Canada Right-of-Way		
Building Division	X	No response to date
Canada Post		
Conservation Authority	X	See comments below
Engineering & Construction	X	No comment
Fire Services	X	No comment
Legal Department	X	Asked to be notified of decision
Planning Division	X	No objection
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works		

**Sault Ste. Marie Region Conservation Authority** advised that the subject property is located within an area that is regulated regarding: *O. Reg. 41/24: Prohibited Activities, Exemptions and Permits* under the *Conservation Authorities Act, R.S.O. 1990, c. C.27.*

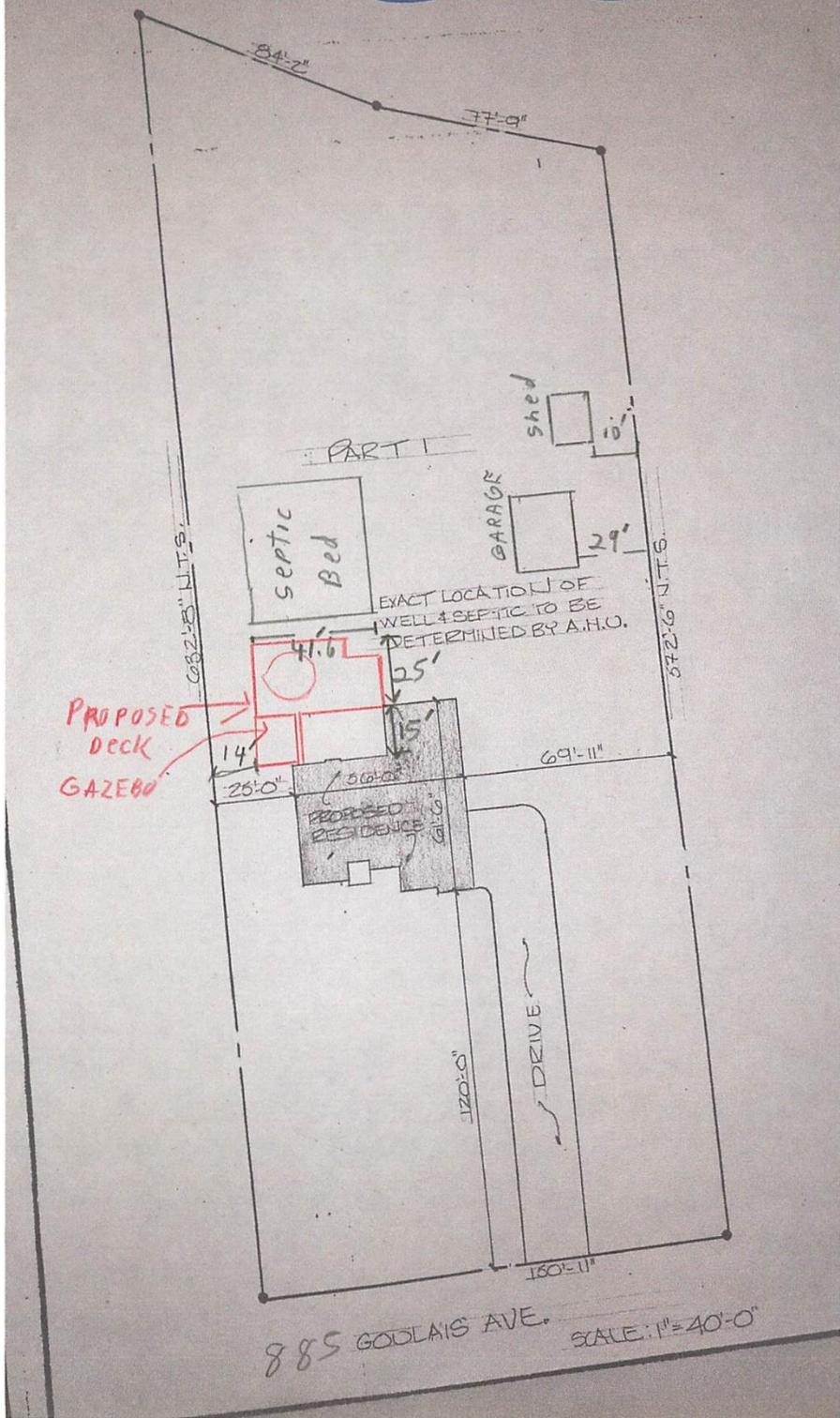
Any development on the subject property will require a site plan review and may require a permit from SSMRCA. SSMRCA does not have any concerns with this COA application.

**Planning** staff has no objection. This property is located 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 in 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.



Property Identifier(s) and/or Other Information

# Conservation Land



**TAB 2**

**Application A20/24-36-(1-57)-15898-R3**

**HERBS VILLAS INC (DNM Construction Management Ltd.)** is the owner of **CIVIC NO. 210 PITTSBURGH AVENUE** further identified as Lt. 104-110 PL 1598 & part of closed lane, former Township of Korah. It is located on the northeast corner of Pittsburgh Avenue and Young Street. The subject property is designated Residential in the Official Plan & is zoned R3, Low Density Residential. It is irregular in shape and is approximately 3.8ha in size.

**INTENT OF THE APPLICATION:**

Subject to final consent approval of application **B13/24**, relief is requested from the provisions of By-law 2005-150, as amended, to facilitate the creation of three autonomous lots by reducing the required south exterior side yard.

	<b>By-Law Requirement 2005-150</b>	<b>Proposed Variance</b>
<b>9.7.2</b>	Minimum required exterior side yard (Young Street) <b>4m</b>	<b>Reduce</b> the minimum required exterior side yard to <b>1.93m</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		
Bell Canada Right-of-Way		
Building Division	X	
Canada Post	X	No comment
Conservation Authority	X	No concerns
Engineering & Construction	X	See comments below
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	No objections
PUC Distribution Inc. (Electric)	X	
Public Utilities Comm. (Water)	X	
Public Works		

- **Engineering** staff advised;
- There is City easement along the back property line

- There is only one sanitary lateral to the property. The applicant will be required to install the sanitary and water services for each lot and then re-pave the portion of the road that was excavated during the installation of services. Multiple patches for each service connection will not be acceptable. A servicing agreement may be required.
- 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. A drainage agreement may be required.
- Municipal Consent permit is required for the construction work in the municipal right-of-way.
- No work shall be commenced without the approval of the Director of Engineering or his designate. Any work which requires approvals from the City and the Ministry of the Environment shall not commence until such approvals and agreements are endorsed.
- The driveway on the south side of Building Area 1 is not acceptable. The Streets By-law requires a driveway to be located a minimum of 4.5m from projected street line.

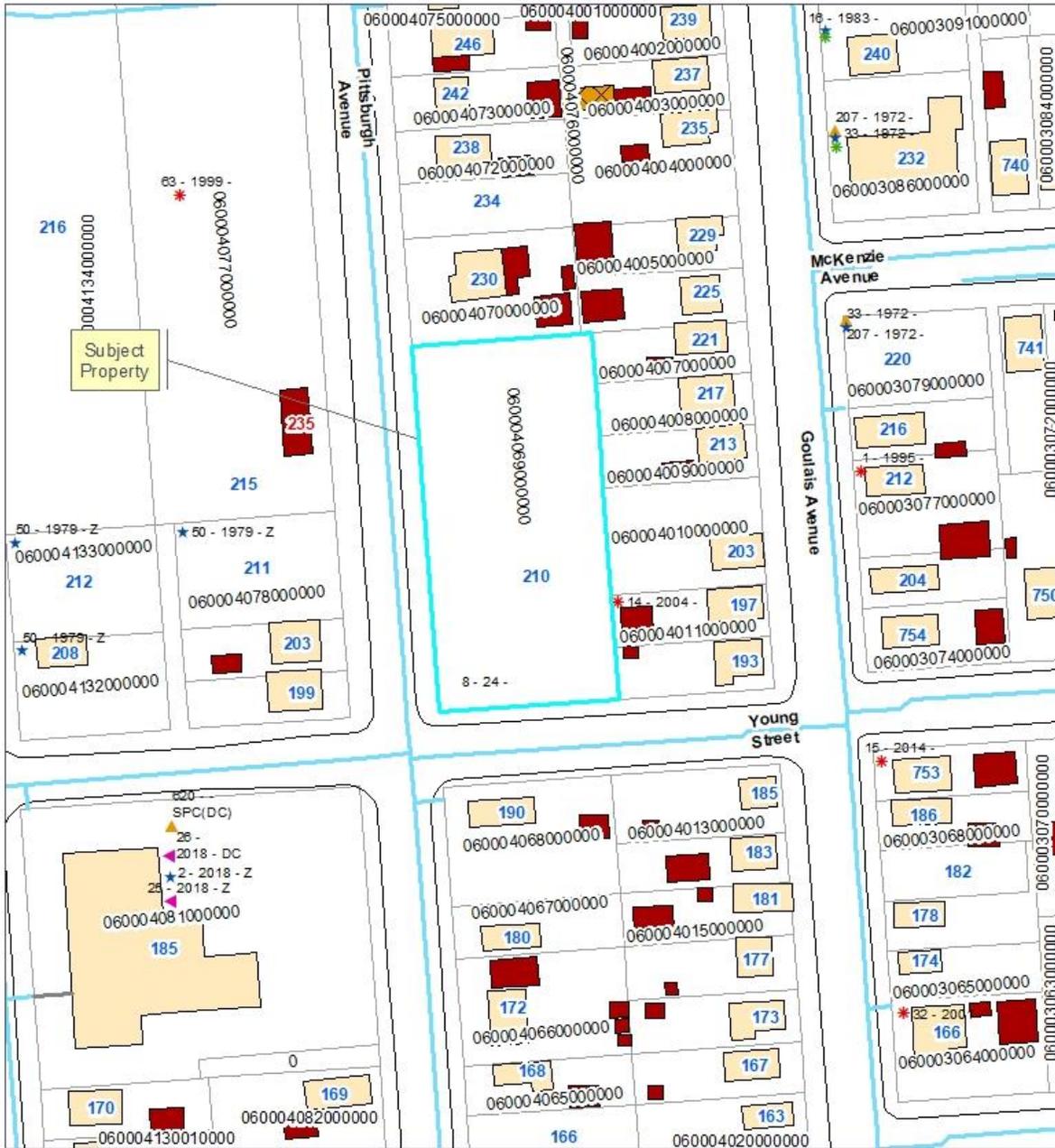
**Planning** does not object to the requested variance. When looking at the character of the neighbourhood there are other properties that are on corner lots that have a reduced exterior side yard. If approved, planning recommends that stacked parking not be permitted for the residential structure nearest the exterior lot line in order to ensure sight lines can be maintained.

**Staff Comments/Recommendations(s)**

No evidence of any objection to the request. Planning staff provided conditional support.

Recommended conditions of any approval are,

1. Obtain final approval of consent application B13/24.
2. Stacked parking is not permitted for the most southerly unit adjacent to Young Street.
3. Driveway location of the southerly unit in Building Area 1 must be to the satisfaction of the Commissioner of Engineering or his designate prior to the issuance of a building permit.



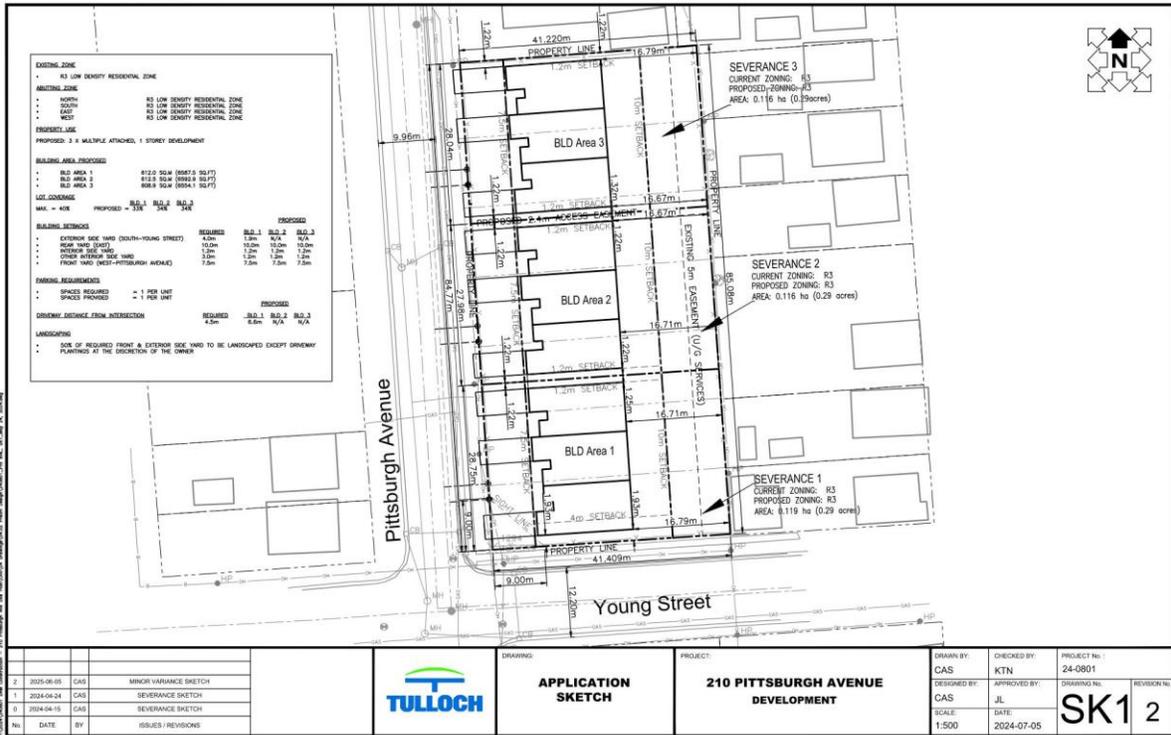
**Application Map Series**  
 Subject Property

**Property Information**  
 Civic Address: 210 Pittsburgh Avenue  
 Roll No. 060 004 069 00 0000  
 Map No.: 36/1-57  
 Application No.: A20/24 & B13/24

  
**Committee of Adjustment**  
 Planning and Enterprise Services Division  
 99 Foster Drive, Sault Ste Marie, ON P6A 5X6  
 saultstemarie.ca | 705-759-5411 | m.kelly@cityssm.on.ca

This map is for general reference only  
 Orthophoto: None  
 Projection Details:  
 NAD 1983 UTM Zone 18N  
 GCS North American 1983

No.	DATE	BY	ISSUES / REVISIONS
2	2025-04-05	CAS	MINOR VARIANCE SKETCH
1	2024-04-24	CAS	SEVERANCE SKETCH
0	2024-04-15	CAS	SEVERANCE SKETCH



**APPLICATION SKETCH**

**210 PITTSBURGH AVENUE DEVELOPMENT**

DRAWN BY:	CHECKED BY:	PROJECT No.:
CAS	KTN	24-0801
DESIGNED BY:	APPROVED BY:	DRAWING No.
CAS	JL	SK1
SCALE:	DATE:	REVISION No.
1:500	2024-07-05	2

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

Circulated but did not meet the public posting requirements as such cannot be considered at this time.

**TAB 4**

**Application B13/24-36-(1-57)-15898-R3**

**HERBS VILLAS INC (DNM Construction Management Ltd.)** is the owner of **CIVIC NO. 210 PITTSBURGH AVENUE** further identified as Lt. 104-110 PL 1598 & part of closed lane, former Township of Korah. It is located on the northeast corner of Pittsburgh Avenue and Young Street. The subject property is designated Residential in the Official Plan & is zoned R3, Low Density Residential. It is irregular in shape and is approximately 3.8ha in size.

**INTENT OF THE APPLICATION**

Subject to final approval of minor variance application **A20/24**, the applicant is seeking the Committee’s consent to sever the subject property into three (3) autonomous parcels together with access/egress easements to support rear yard maintenance for the proposed middle townhouse units. The proposed parcel configurations are,

Lot Width (approximate)	Length (approximate)	Area (approximate)
28.75m (sever) AREA 1	41.41m	1190.5m <sup>2</sup>
27.98m (sever) AREA 2	41.34m	1156.7m <sup>2</sup>
28.04m (sever) AREA 3	41.22m	1155.8m <sup>2</sup>

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

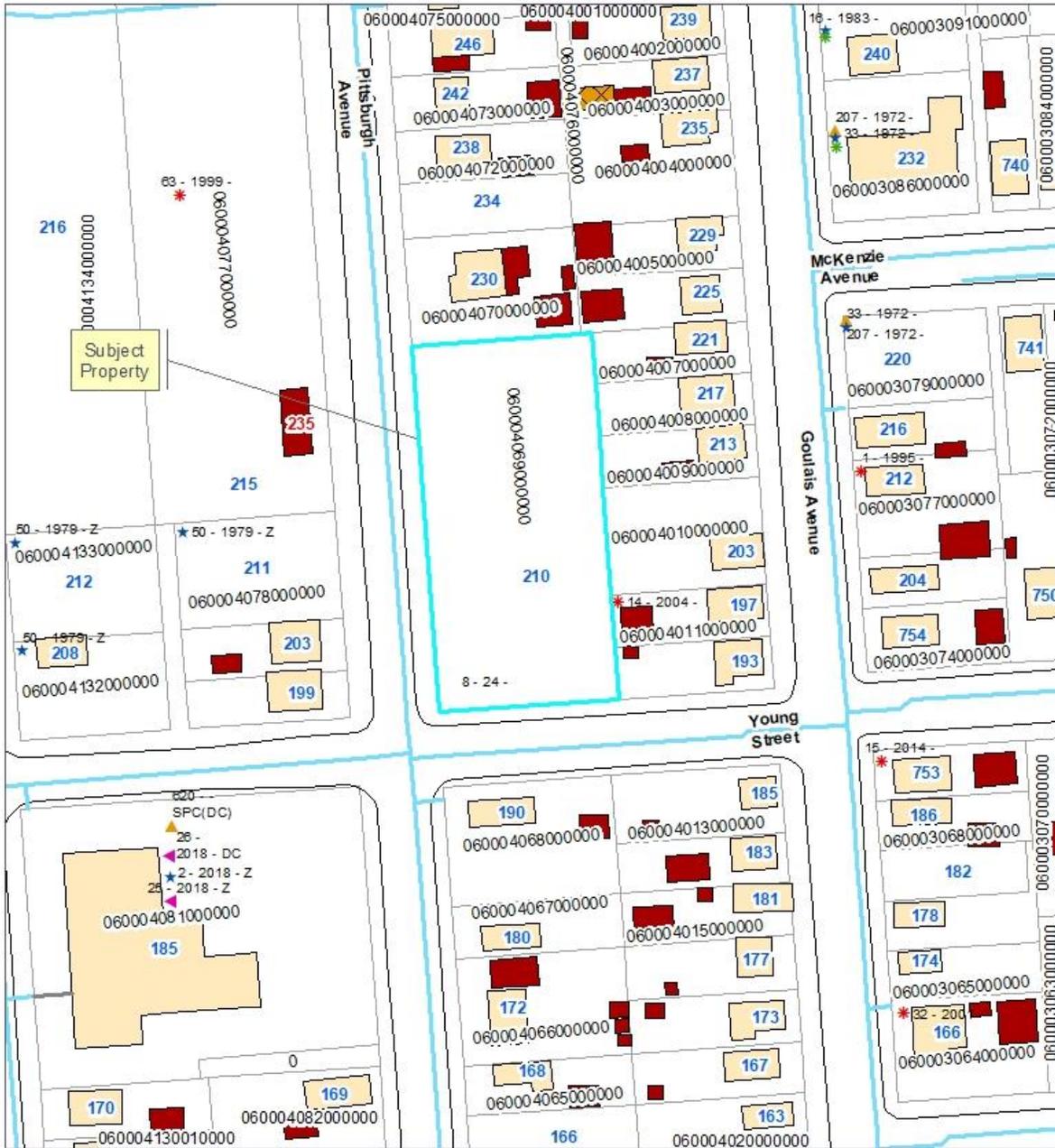
- **Engineering** staff advised;
- There is City easement along the back property line
- There is only one sanitary lateral to the property. The applicant will be required to install the sanitary and water services for each lot and then re-pave the portion of the road that was excavated during the installation of services. Multiple patches for each service connection will not be acceptable. A servicing agreement may be required.
- 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. A drainage agreement may be required.
- Municipal Consent permit is required for the construction work in the municipal right-of-way.
- No work shall be commenced without the approval of the Director of Engineering or his designate. Any work which requires approvals from the City and the Ministry of the Environment shall not commence until such approvals and agreements are endorsed.
- The driveway on the south side of Building Area 1 is not acceptable. The Streets By-law requires a driveway to be located a minimum of 4.5m from projected street line.

**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 a lot grading and drainage plan completed by a Lot Grading Professional
- Enter into a Drainage Agreement if deemed necessary
- 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
- Driveway location of the southerly unit in Building Area 1 must be to the satisfaction of the Commissioner of Engineering or his designate prior to the issuance of a building permit.



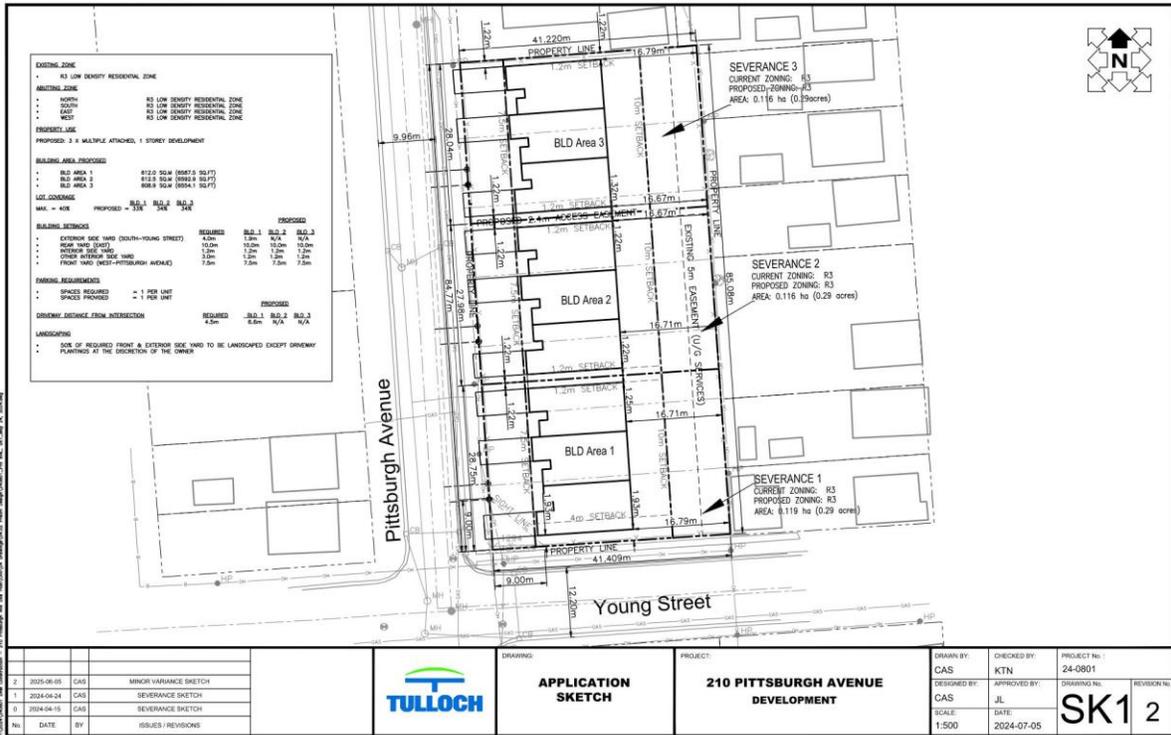
**Application Map Series**  
 Subject Property

**Property Information**  
 Civic Address: 210 Pittsburgh Avenue  
 Roll No. 060 004 069 00 0000  
 Map No.: 36/1-57  
 Application No.: A20/24 & B13/24

  
**Committee of Adjustment**  
 Planning and Enterprise Services Division  
 99 Foster Drive, Sault Ste Marie, ON P6A 5X6  
 saultstemarie.ca | 705-759-5411 | m.kelly@cityssm.on.ca

This map is for general reference only  
 Orthophoto: None  
 Projection Details:  
 NAD 1983 UTM Zone 18N  
 GCS North American 1983

No.	DATE	BY	ISSUES / REVISIONS
2	2025-04-05	CAS	MINOR VARIANCE SKETCH
1	2024-04-24	CAS	SEVERANCE SKETCH
0	2024-04-15	CAS	SEVERANCE SKETCH



**APPLICATION SKETCH**

**210 PITTSBURGH AVENUE DEVELOPMENT**

DRAWN BY:	CHECKED BY:	PROJECT No.:
CAS	KTN	24-0801
DESIGNED BY:	APPROVED BY:	DRAWING No.
CAS	JL	SK1
SCALE:	DATE:	REVISION No.
1:500	2024-07-05	2

**Application B15/24-512-(2-27)-180092-RA**

**JAMES DAVID HUNTER & THE ESTATE OF THE LATE PATRICIA MARY JEAN HUNTER** have applied for **Validation of Title** pursuant to Section 57 (1) of the Planning Act for the continued use of PIN 31612-0325 (R) being Pt Sec 31, former Township of Korah and municipally known as **Civic No.799 CARPIN BEACH ROAD**, as a separate and distinct property. A transfer of ownership of this property took place on January 16, 1989, under instrument T296610 without the consent of the Committee of Adjustment under the predecessor of Section 50 of the Planning Act. This action constitutes a breach of the said Act.

**INTENT OF THE APPLICATION**

The intent of this application is to cure the past breach and confirm (validate) the effect of a historic conveyance, despite it having contravened the Planning Act.

**Technical Review: Circulated Departments & Agencies**

In accordance with Section 57 of the Planning Act, a Validation of Title request does not require any circulation

**Staff Comments/Recommendations(s)**

On May 8, 1961 James David Hunter purchased PIN 31612-0325 (R). On November 2, 1988 he acquired the abutting property being PIN 31612-0201 (R). Under Planning Act provisions these two properties merged. On January 16, 1989, James David Hunter transferred PIN 31612-0325 into both he and his wife Patricia's name without the benefit of consent, as such the Planning Act & is deemed void. Approval of this application will correct/cure the previous conveyancing contravention.

Recommended conditions of any approval are,

- Provide a Transfer/Deed of Land for Certificate of Official
- Provide payment of Transfer/Deed fee (2024 fee is \$235)
- Provide a current PIN abstract & PIN map.
- Payment of Taxes



**Application Map Series**  
 Subject Property

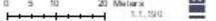
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**Property Information**  
 Civic Address: 799 Carpin Beach Rd  
 Roll No. 060 060 115 00 0000  
 Map No.: 512/2-27  
 Application No.: B15/24



**Committee of Adjustment**  
 Planning and Enterprise Services Division  
 99 Foster Drive, Sault Ste Marie, ON P6A 5X6  
 saultstemarie.ca | 705-759-5411 | m.kelly@cityssm.on.ca

This map is for general reference only  
 Orthophoto: None  
 Projection Details:  
 NAD 1983 UTM Zone 18N  
 GCS North American 1983



**Application B16/24-79-(1-89)-33209-R2**

**ASHLEY ROSE CRANNEY** is the registered owner of Pt Lt 73, Lt 74, PI 7234 Korah being Pt 3, 1R13547, municipally identified as Civic No. **21 NICHOL AVENUE**. It is located on the west side of Nichol Avenue approximately 70m north of its' intersection with Second Line West. It is designated Residential in the Official Plan & is zoned R2, Gentle Density Residential.

In accordance with Planning Act R.S.O. 1990 c. P. 13 Section 53 (45), an owner of land that was previously conveyed with an unstipulated consent, may apply for a Certificate of Cancellation of Consent only to permit a lot addition to a previously consented to parcel. Notice to other parties or commenting agencies is not required.

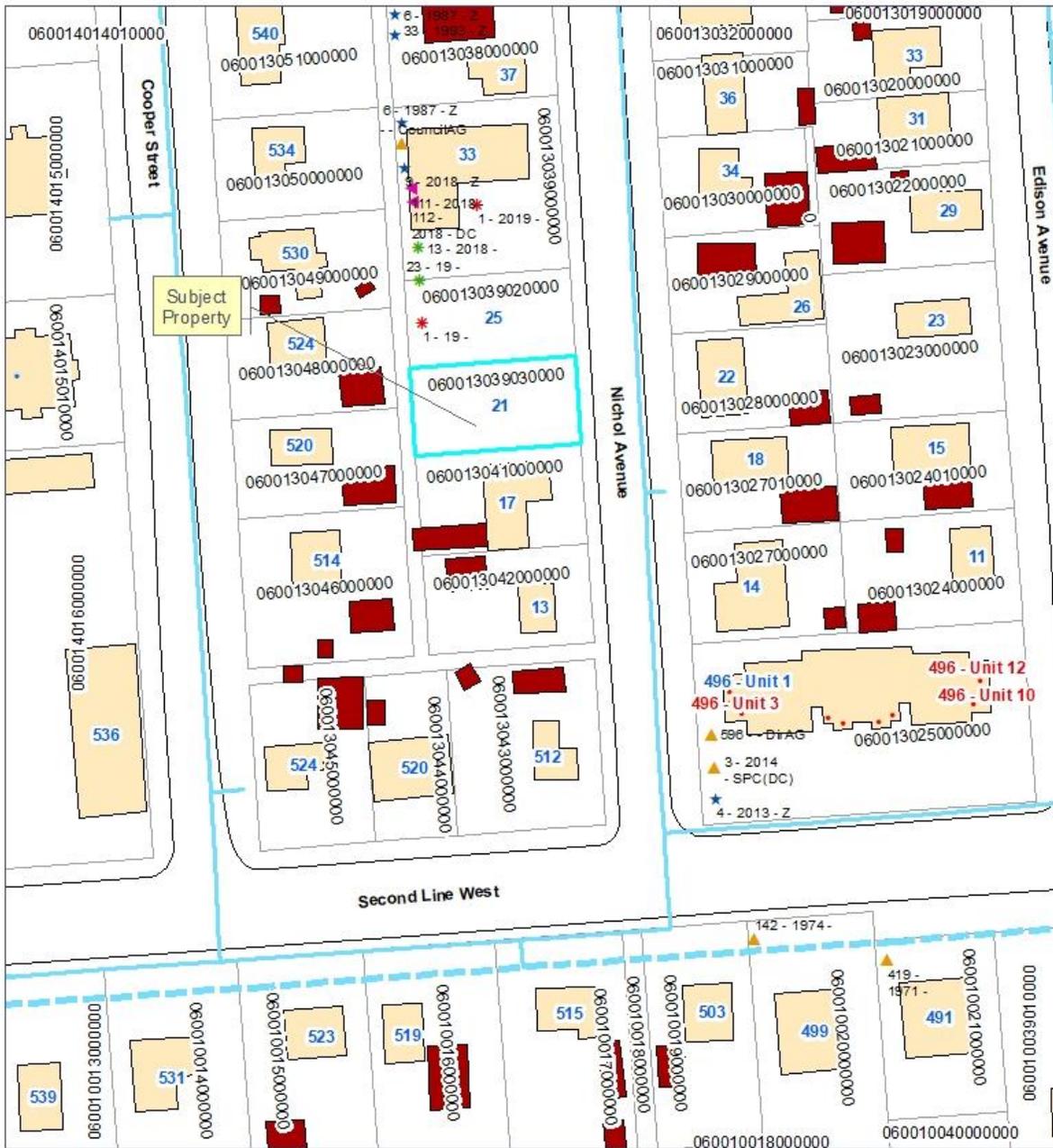
**INTENT OF THE APPLICATION**

The applicant is seeking the Committee's consent to a Cancellation of Consent for the unstipulated consent granted in application **B23/19** which created the parcel known as 21 Nichol Avenue. The intent of the application is to permit the southerly abutting property, described as Part 3, 1R13547 & municipally identified as Civic No. **17 Nichol Avenue**, to attach to Civic **21 Nichol Avenue**, as a lot addition in a stipulated consent.

This cancellation, or decision not to cancel, is not appealable.

Recommended conditions of any approval are,

- Provide a Transfer of Land for a Cancellation Certificate of Official
- Provide Consolidation Transfer with stipulated consent
- Provide payment of Transfer fee (2024 fee is \$235)
- Provide a current PIN abstract & PIN map.
- Payment of Taxes



**Application Map Series**  
 Subject Property

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**Property Information**  
 Civic Address: 21 Nichol Avenue  
 Roll No. 060 013 039 03 0000  
 Map No.: 79/1-89  
 Application No.: B16/24

**Committee of Adjustment**  
 Planning and Enterprise Services Division  
 99 Foster Drive, Sault Ste Marie, ON P6A 5X6  
 saultstemarie.ca | 705-759-5411 | m.kelly@cityssm.on.ca

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0 5 10 20 Meters  
 0 5 10 20 Feet