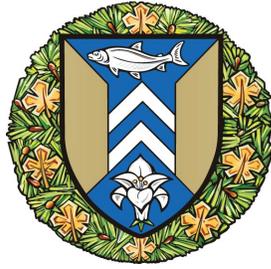


The Corporation of the
City of Sault Ste. Marie



Committee of Adjustment
July 10, 2024
2:00 P.M.
Council Chambers
Livestreamed - Zoom

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 May 15, 2024**
 - **Disclosure of Pecuniary Interest and the General Nature Thereof**
 - **Applicant/Agent Requests for Withdrawal or Deferral**
 - **Matters Not Appearing on the Agenda**
 - **B12/24 – Civic 44 Great Northern Road** (requested material for commenting agency notice not provided)
 - **Matters To Be Considered**
 - **A17/24 - Civic 1513 Third Line West**
 - **A18/24 - Civic 10 Dalgleish Road**
 - **B9/24 - Civic 140 Connor Road**
 - **B10/24 - Civic 1513 Third Line West**
 - **B11/24 - Civic 1 Royce Avenue**
 - **Deferred Applications**
 - **Other Business**
 - **Adjournment**
-

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

TAB 1

Application A17/24-512-(2-30)-5544-RA

JAMES MAKI is the owner of the E1/4 of the N1/2 of the NE1/4 of Section 29, former Township of Korah, and municipally identified as **CIVIC NO. 1513 THIRD LINE WEST**. It is located on the south side of Third Line West between Town Line and Leigh’s Bay Road. The subject property is designated Rural Area in the Official Plan and is zoned RA, Rural Area. The subject property has broken frontages on Leigh’s Bay Road and frontage on Third Line West.

PURPOSE OF THE APPLICATION:

Subject to final consent approval of application **B17/24**, relief is requested from the provisions of By-law 2005-150, as amended, to facilitate the creation of an additional northerly parcel by reducing the required lot area of the proposed severed lot & reducing the required lot frontage of the proposed retained parcel.

	By-Law Requirement 2005-150	Proposed Variance
8.5.2	Minimum required lot area 0.8ha	Reduce the minimum required lot area for the proposed severed lot to 0.59ha_±
	Minimum required lot frontage for agricultural use 75m	Reduce the minimum required lot frontage for agricultural use for the proposed retained lot to 50m (broken frontages of 30m + 20m)_±

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 response as of 24/07/03
Canada Post		
Conservation Authority	X	No concerns
Engineering & Construction	X	Septic system design to the satisfaction of APH

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		No comment

Planning staff have reviewed applications A17/24 and B10/24 in tandem and note:

- Application B10/24 does not conflict with current Official Plan policies on severance and lot creation in the Rural Area.
- It is understood that the severed parcel is intended for residential uses. Several other adjacent properties that contain residential structures are considerably less than 0.59 hectares in size. Thus, the severed parcel will not be out of character with the immediate area.
- The retained parcel will only be accessed via Leigh’s Bay Road. This parcel will not conform to the frontage requirement of 75 metres for agricultural uses, however, there are a number of similar agricultural properties in the general area that have less than 75 metres of frontage. The approval of this application will not prevent the continued agricultural use of the retained parcel.
- Therefore, Planning staff have no objections to the severance and are 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

No objections to this variance request. Recommend approval be conditional on Final Consent of application B10/24.

Application A18/24-320-(2-5)-33261-R1

LAURIE & LOUIE MAZZUCA are the owners of the Pt. of N1/4 of Section 24, former Township of Parke, municipally identified as **CIVIC NO. 10 DALGLEISH ROAD**. It is located at the dead end of the unopened Dalgleish Road and abuts the St. Mary’s River. The subject property is designated Rural Area in the Official Plan and is zoned R1, Estate Residential.

PURPOSE OF THE APPLICATION:

In accordance with Section 45(2) (a) of the Planning Act, the applicant requests that the Committee authorize a minor variance to permit the enlargement of a legal non-conforming structure. The applicant proposes to expand the existing residential structure by raising it & constructing a new lower level (relocate kitchen & living room), replace existing entrance with a new front entrance, add a carport on the westerly side, add an open, roofed deck on the southerly side of the structure & add a roofed walkway/deck on the easterly side. Whereas Zoning By-law 2005-150 prohibits the use of the land, building and structures except for a use that was lawfully in existence on or before the day the By-law came into force (October 26, 2005) and does not permit an expansion of such use, building or structure in this instance.

	By-Law Requirement 2005-150	Proposed Variance/Permission
4.3	Frontage Requirement – no structure may be erected upon a lot that does not have frontage on a publicly owned & maintained street	To permit the enlargement of a legal non-conforming structure (est. 1950) by permitting
9.5.2	Front yard 12m Interior Side Yard 3.5m Other Interior Side Yard 6m Rear yard 15m	Front yard 8.716m West Interior Side Yard 1.83m (carport) Other Interior Side Yard 3.1m (covered walkway/deck) Rear yard 18.59m (deck)

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	No response to date
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	No comment
Planning Division	X	Supportive. See comments below
PUC Distribution Inc. (Electric)	X	No response to date
Public Utilities Comm. (Water)	X	No response to date
Public Works		No comment or concerns

The **Conservation Authority** advised that the subject property is located within an area under the jurisdiction of the Conservation Authority regarding Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits. Further to that, this property is subject to the Conservation Authorities Act & the Shoreline Management Plan (SSMRCA, 1990). Any development on the subject property will require a permit from the Sault Ste. Marie Region Conservation Authority.

Planning staff are generally supportive of this application.

The irregular shape of the lot restricts the size of the building envelope to an atypical size for the immediate neighbourhood. 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 and 6m setback requirements for interior side yards. The addition of the new front entrance and the roofed deck on the southerly side of the building are also similar to the existing pattern of development in the neighbourhood. Thus, the proposed alterations do not represent a significant deviation from the neighbourhood character and represent a desirable and appropriate development of the subject property.

Planning staff do not expect any nuisance or privacy issues with the proposed alterations, provided the side and rear of the carport remain open. This, coupled with the visual barrier provided by the mature trees and vegetation, will minimize the visual impact of the carport from the neighbour to the west. Furthermore, an open carport will allow for access to the rear yard. Should the Committee approve this application, it is recommended that a condition be placed on the carport that it must remain open on all sides, except where attached to the house.

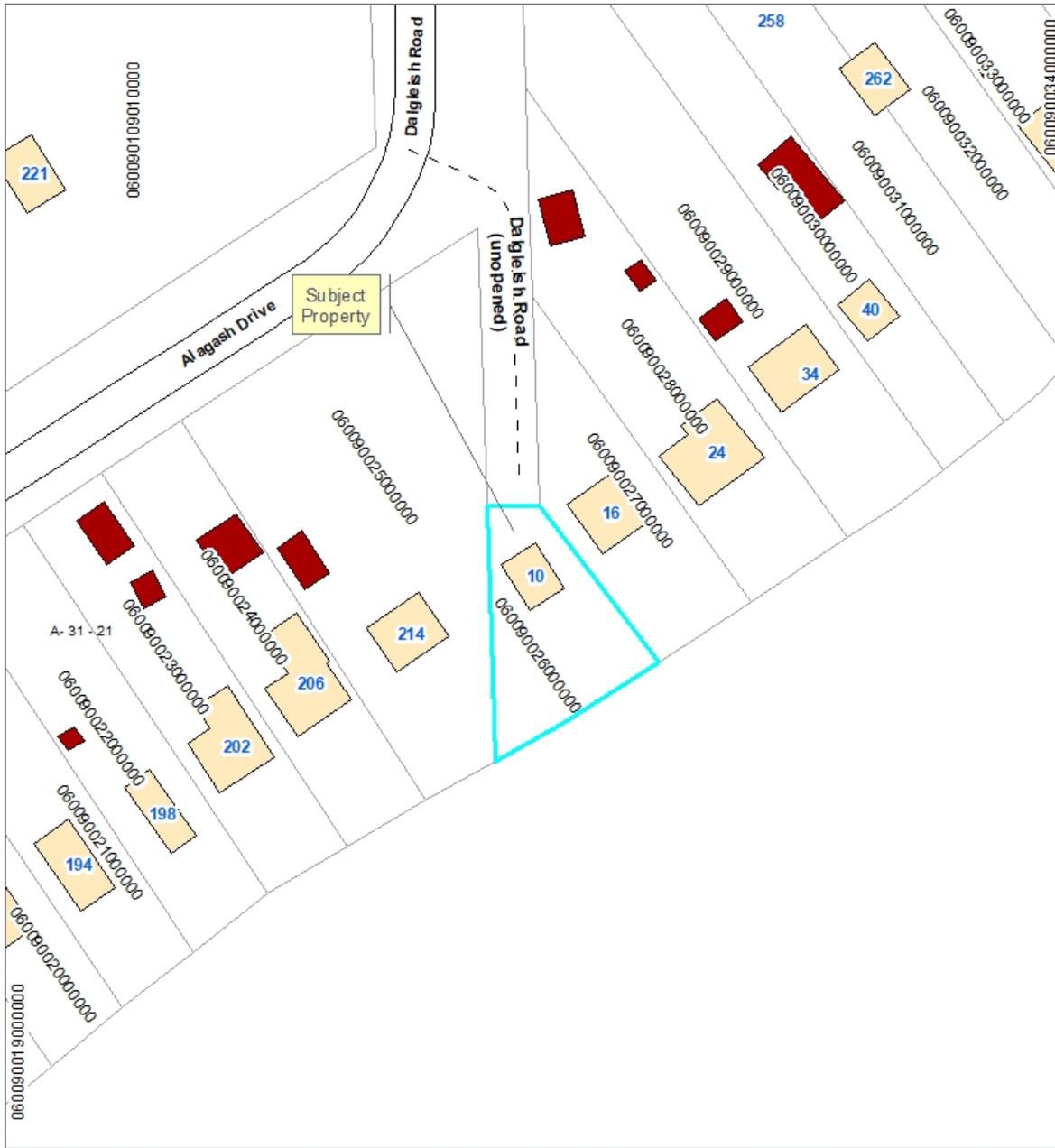
Therefore, Planning staff is of the opinion that there will be minimal impact on surrounding properties and the application represents a desirable and appropriate improvement to this property.

Staff Comments/Recommendations

Under Section 45(2) of the Planning Act, the Committee can permit an enlargement or extension to an existing legal nonconforming building or structure wherein the use of such building or structure does not conform with the provisions of the Zoning By-law but legally has been in continuous existence before and following the date the By-law was passed.

The Committee must keep in mind that the test for whether they should allow the expansion is not the four tests applied to an application under Section 45(1) of the Planning Act. There is no such detailed advice provided in the Act for legally nonconforming applications other than the general requirement that decisions are consistent with policy documents such as the Provincial Policy Statement. By and large, the measure to be considered is whether the proposal would create undue additional or aggravated problems for the municipality, local authorities or the neighbours compared with what has been.

Planning staff are recommending that any approval be made conditional on keeping the north, south, and west sides of the carport open. The applicant has advised that he agrees to a condition of this nature being applied to any approval.



<p>Application Map Series</p> <p><input checked="" type="checkbox"/> Subject Property</p>		 <p>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</p>
<p>Property Information</p> <p>Civic Address: 10 Dalglish Road Roll No. 060 090 026 00 0000 Map No.: 320/2-5 Application No.: A18/24</p>		<p><i>This map is for general reference only</i> Orthophoto: None Projection Details: NAD 1983 UTM Zone 18N GCS North American 1983</p>  

Application B9/24-505-(2-74)-19319-RA

DANIEL TODD PINDER is the owner of Part of Sec. 10 Pt. 1, RP AR729, former Township of Tarentorus, and municipally identified as **CIVIC NO. 140 CONNOR ROAD**. It is located on the north side of Connor Road east of the Sixth Line East and Landslide Road intersection. The subject property is designated Rural Area in the Official Plan and is zoned RA, Rural Area.

INTENT OF THE APPLICATION

The applicant is seeking the Committee’s consent to **sever and convey an easterly irregular shaped portion** of the subject property being approximately **0.04 ha** in size and convey it to the abutting property being Civic No. 162 Connor Road. The retained lands will maintain an area of approximately 1.75ha.

The intent of the application is to address the existing garage encroachment & convey two existing wells servicing the abutting property at Civic No. 162 Connor Road.

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

Planning staff proposed severance will conform to the side yard setback requirements of 5 metres for RA Zone properties with residential structures. Although 162 Connor

Road has a legally non-conforming lot size of approximately 0.33 ha, the conveyance of the severed parcel will somewhat improve this situation.

Staff Comments/Recommendations(s)

Recommended conditions of any approval are,

- Provide a Transfer/Deed of Land for Certificate of Official
- Consolidation Application
- Lot addition merge clause
- Submit Certificate of Official application fee
- 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



Application Map Series
 Subject Property

Property Information
 Civic Address: 140 Connor Road
 Roll No. 030 095 017 00 0000
 Map No.: 505/2-74
 Application No.: B9/24



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 B10/24-512-(2-30)-5544-RA

JAMES MAKI is the owner of the E1/4 of the N1/2 of the NE1/4 of Section 29, former Township of Korah, and municipally identified as **CIVIC NO. 1513 THIRD LINE WEST**. It is located on the south side of Third Line West between Town Line and Leigh’s Bay Road. The subject property is designated Rural Area in the Official Plan and is zoned RA, Rural Area. The subject property has broken frontages on Leigh’s Bay Road and frontage on Third Line West.

INTENT OF THE APPLICATION

Subject to approval of minor variance application **A17/24**, the applicant’s agent is seeking the Committee’s consent to sever and convey a northerly parcel fronting on Third Line West for future residential development considerations. The proposed parcel configurations are,

Width (approximate)	Length (approximate)	Area (approximate)
81.07m (sever)	64m	0.519ha
20.11m & 30.5m (retain)	403.99m	12.14ha

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	No response as of 24/07/03
Bell Canada Right-of-Way		
Building Division	X	No response as of 24/07/03
Canada Post		
Conservation Authority	X	No concerns
Engineering & Construction	X	Septic system design to the satisfaction of APH
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		No comment

Planning staff have reviewed applications A17/24 and B10/24 in tandem and note:

- Application B10/24 does not conflict with current Official Plan policies on severance and lot creation in the Rural Area.
- It is understood that the severed parcel is intended for residential uses. Several other adjacent properties that contain residential structures are considerably less than 0.59 hectares in size. Thus, the severed parcel will not be out of character with the immediate area.
- The retained parcel will only be accessed via Leigh's Bay Road. This parcel will not conform to the frontage requirement of 75 metres for agricultural uses, however, there are a number of similar agricultural properties in the general area that have less than 75 metres of frontage. The approval of this application will not prevent the continued agricultural use of the retained parcel.
- Therefore, Planning staff have no objections to the severance and are 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

No response submitted from circulated property owners. Staff and outside agencies did not object to the request. No evidence has been submitted to suggest that approval would have a negative impact.

Recommended conditions of any approval are,

- Payment of Cash-in-lieu of Parkland
- Payment of Certificate Application 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

Application B11/24-34-(1-56)-7101-R2

DERECK REINHART is the owner of Lots 14, 16 & 17, Allard Subdivision Plan H407 former Township of Korah, and municipally identified as **CIVIC NO. 1 ROYCE AVENUE**. It is located on the north easterly corner of the unopened Royce Avenue and Warren Avenue. The subject property is landlocked & has been developed as part of the northerly abutting parcel being 1191 Wallace Terrace. It is designated Residential in the Official Plan and is zoned R2, Single Unit Residential.

INTENT OF THE APPLICATION

The applicant is seeking the Committee’s consent to sever an easterly portion known as Lot 14, Plan H407 and convey it to the abutting property being Civic No. 1181 Wallace Terrace. The proposed lot configurations are:

Width (approximate)	Length (approximate)	Area (approximate)
30.48m (sever)	46.75m	0.14ha
30.48m (retain)	62.33m	0.19ha

The intent of the application is to attach the proposed severed parcel as a lot addition to Civic No. 1181 Wallace Terrace.

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.

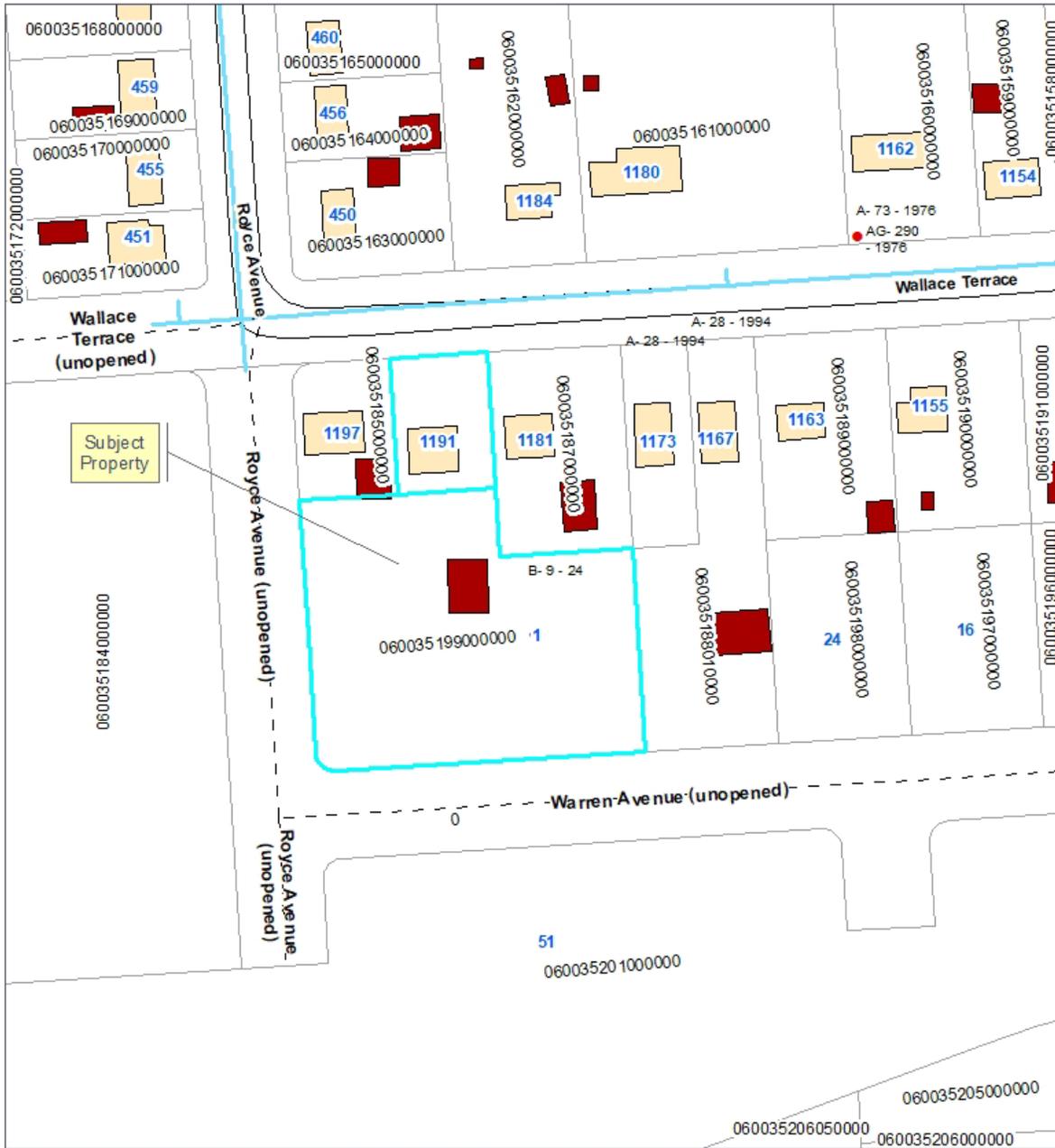
Division/Agency	Circulated	Response
Algoma Public Health		
Bell Canada Right-of-Way	X	No concerns
Building Division	X	No response to date
Canada Post		
Conservation Authority	X	
Engineering & Construction	X	No comment
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	No objection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

Staff Comments/Recommendations(s)

No objections to date.

Recommended conditions of any approval are,

- Provide a Transfer/Deed of Land for Certificate of Official
- Consolidation Application
- Lot addition merge clause
- Submit Certificate of Official application fee
- 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



Application Map Series	
<input checked="" type="checkbox"/> Subject Property	
Property Information	
Civic Address: 1 Royce Avenue	
Roll No.: 030 095 017 00 0000	
Map No.: 505/2-74	
Application No.: B11/24	

Committee of Adjustment
 Planning and Enterprise Services Division
 99 Foster Drive, Sault Ste Marie, ON P6A 5X6
 saultstmarie.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

TAB 6

➤ **Deferred Applications**

OTHER BUSINESS

TAB 7

DATE OF NEXT HEARING – August 7, 2024

ADJOURNMENT

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer