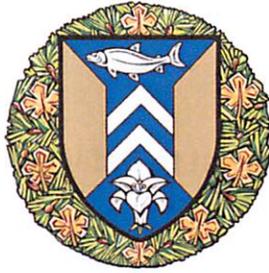


Melinda McGregor,
Chair

Michelle Kelly, ACST
Secretary-Treasurer



Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
January 24, 2024
Livestreamed

Call to Order

The Chair called the hearing to order at 1:58 p.m.

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

Members Absent: W. Greco

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: S. Zuppa, Planning Representative

The Secretary-Treasurer confirmed that a quorum was present.

Opening Remarks

Chair McGregor welcomed the participants.

Land Acknowledgement – Secretary-Treasurer

I acknowledge, with respect, that we are in Robinson-Huron Treaty territory, that the land on which we are gathered is the traditional territory of the Anishinaabe and known as Bawating. Bawating is the home of Garden River First Nation, Batchewana First Nation, the Historic Sault Ste. Marie Metis Council.

Approval of Minutes

Moved by Rossi, seconded by Greco, (J),

“**THAT** the Minutes of the November 29, 2023, Committee of Adjustment hearing be approved as circulated. **CARRIED.**”

Disclosure of Pecuniary Interest and General Nature Thereof

Member Greco declared a pecuniary interest in application A3/24, Civic No. 312 Pine Shore Drive, disclosing that he has a solicitor/client affiliation as well as a familial connection to the applicants.

Withdrawn/Closed Applications/Request to Defer Applications

- Application A3/24-320-(2-5)-23757-R1E, PR
Civic 312 Pine Shore Drive
Applicants requested a deferral to February 21, 2024.

Moved by Rossi, seconded by Bruni,

“RESOLVED THAT we defer consideration of this application to the regular hearing of Wednesday, February 21, 2024, **CARRIED.”**

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

TAB 1

Application A1/24-97-(1-111)-20268-R2

MANUEL & LINA OLIVEIRA are the owners of **140 WESTRIDGE ROAD** described as Lots 143, Fort Creek Subdivision, Plan H669, former Township of Tarentorus. It is located on the southside of Westridge Road approximately 90m east of the North Street intersection. The subject property is designated Residential in the Official Plan & is zoned R2, Single Unit Residential.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by reducing the east side yard requirement to facilitate the construction of a 4.26m x 8.53m attached carport.

	By-Law Requirement 2005-150	Proposed Variance
9.1.5	Minimum distance from interior side lot line 1.2m	Reduce the minimum distance from east interior side lot line to 0.6m to the carport wall and to 0.3m to the eave

Public Response

Notice of public hearing was sent by personal mail to neighbouring properties, by posting a sign on-site & posting on the City website.

Technical Review: Circulated Departments & Agencies

As part of the application review, staff circulated this proposal to the following internal departments and external agencies for their review. The Building Division, Conservation Authority, Engineering, Fire Services, Legal, Planning had no objections.

Building Division staff has no objections to this application, however advised that based on the proposed proximity to the site lot line, little used sections of the Ontario Building Code will likely apply that will require additional design requirements. These requirements will limit openings (possibly allow none) in the wall nearest to the property line as well as

require protective measures to combat against the possible spread of fire from one building to the next.

Planning Division staff had no concerns advising that a number of properties in the neighbourhood have carports or garages situated close to the lot line between the subject property and the abutting property; thus, the requested variance does not represent a significant deviation from the neighbourhood character. Planning staff do not expect any nuisance or privacy issues with the carport and are comfortable with the carport assuming building requirements are adhered to.

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

Considerations

No objections from staff.

There is no evidence to suggest that approval would have a negative impact. Building Division comments are an advisement only.

Applicant's Submission

Manuel Oliveira, applicant, attended.

Proceedings

The Chair asked if there are any questions/comments from anyone in the gallery, Committee Members and Administrative staff.

Interested Parties Present

Joe Turpin, owner of the easterly abutting property at 144 Westridge Road attended. He pointed out that his home sits on an angle on his property and wanted assurance that the carport eave would not be closer than 0.3m from the common property line and the wall would not be closer than 0.6m from the common property line particularly where that portion of his home is closer to the property line. He inquired about drainage. The Secretary-Treasurer advised that property owners are required to direct drainage onto their own property.

The Secretary-Treasurer advised that the common property line is not on the same angle as Mr. Turpin's home. The application requests that the proposed carport location be no closer than 0.6m to the wall and 0.3m to the eave to the common property line. She suggested that prior to the commencement of construction, both Mr. Turpin and Mr. Oliveira (applicant) work together to string a line or paint line the length of the common property line using the measurements on their surveyor's certificates. Doing so will provide a visual marker for all parties and would assist the contractor.

When asked, the applicant indicated that he would work with Mr. Turpin to mark out the property line before construction begins.

Decision

In making this decision, the Committee has taken into consideration all relevant materials including information provided by the applicant, interested parties, plans submitted, staff and agency comments. The members have unanimously determined that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan is maintained.

Moved by Greco (J), seconded by Rossi,

“RESOLVED THAT in accordance with Section 45(1) of the Planning Act this application is **APPROVED.** **CARRIED.”**

TAB 2

Application A2/24-29-(1-32)-282-R2

CHRISTOPHER MACEWAN is the owner of **75 NORDEN CRESCENT** described as Lot 35, Moluch “B” Subdivision, Plan H470 former Township of St. Mary’s. It is located on the south side of Norden Crescent between Moluch Street and Lindstedt Street. The subject property is designated Residential in the Official Plan & is zoned R2, Single Unit Residential.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by allowing a 28-foot travel trailer to be in the required front yard.

	By-Law Requirement 2005-150	Proposed Variance
4.2	Unless otherwise noted in this By-Law, every part of a required yard shall remain open and unobstructed by any building or structure, from the ground to the sky.	Allow a 28-foot travel trailer to be in the required front yard approximately 3.65m from the front property line.

Public Response

Notice of public hearing was sent by personal mail to neighbouring properties, by posting a sign on-site & posting on the City website.

Steve & Angela Walls of 79 Norden Crescent advised that the travel trailer that was parked at 75 Norden Crescent did not bother us in any season and in any way.

Kathy Smith of 70 Norden Crescent submitted the following comments.

I reside at 70 Norden Crescent directly across the street from the applicant. I acquired my property in November 2021 and immediately moved in. I enjoy living in the neighbourhood and my neighbours but have not had the pleasure of getting to know the applicants. My comments are based on what I have observed from my property. I did witness for a number of months, a large travel-trailer stored in the front yard at 75 Norden. The trailer occupied most of the front yard and blocked views of the house from the street. It was only when the trailer was moved off the property that I could see what the front of the house looked like.

Since it was a very long trailer, I also saw how it took skill, and the use of the neighbour's property, to move the trailer from the property. Now that I see this application, I am wondering if storage of the trailer would be allowed to be permanent in the front yard. I also wonder about the precedent that could be set in our neighbourhood by the granting of this application. I've seen the visual impact this trailer can have on our street. There are better places for trailer storage.

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. Building, Conservation Authority, Engineering, Fire Services, had no comment or objection. Planning staff and the Legal Department do not support the request. Bell Canada did not respond.

Planning Division staff opined that approval of this variance would allow for the trailer to be stored indefinitely within the required front yard of the lot, with no obligation to ever move the trailer if it is in working order.

Although not specifically defined as a building or structure, the travel trailer will have the same visual impact as an accessory building/structure if allowed to permanently occupy a space in the required front yard. The Zoning By-law prohibits accessory buildings and structures, such as storage units, sheds, etc. in the front yard, and prohibits required parking spaces within the required front yard area.

The setbacks in the zoning bylaw for the R2 zone implement controls which support and protect the immediate spacing, privacy, density, light, and air of the buildings, and gives the neighbourhood its built form and character. Long-term outdoor storage of a travel trailer within the required front yard is not consistent with the streetscape and the character of the neighbourhood. As such, Planning is of the opinion that this variance is not minor and does not maintain the intent of the Zoning By-law regarding required front yards.

Upon undertaking a scan of zoning By-laws in other municipalities in Ontario, it was found that a few similar sized municipalities explicitly permit the storage of travel trailers in the driveway, however restrictions are placed on the length and height of the trailer, the storage location (not in the front yard) and/or a period of storage (typically less than 72 hours or only within the spring/summer months). No examples of similar-sized

municipalities permitting the indefinite storage of a 28' travel trailer within the required front yard was found.

Therefore, Planning is of the opinion that the requested variance is not minor, is not desirable for appropriate use of the property, and does not maintain the general intent and purpose of the Zoning By-law and the Official Plan.

However, it is noted that the properties along the south side of Norden Crescent have particularly wide boulevards and the applicant does not have an alternative option to storing the trailer in the required front yard when it is parked on-site. It is also understood that there have been no objections to this application submitted from neighbourhoods at the time this report was written.

Should the Committee of Adjustment choose to approve this application, it is recommended that a condition of approval be that, when the trailer is present, the westerly portion of the circular driveway be blocked with a planter, bollards or a similar kind of obstruction that renders car parking physically unavailable in that portion of the required front yard.

From Legal's perspective, there is a degree of difficulty with this request. For one, it's hard to grant permission for the specific trailer without unintended consequences, and two, allowing this exemption would have a ripple effect. Legal does not support the application.

Considerations

- The easterly abutting property owners support the request.
- A property owner on the opposite side of the street has some concerns.
- Planning Division staff opine that the variance does not meet the tests for a minor variance.
- Should the Committee approve the application, planning staff recommends that it be made conditional on the westerly portion of the circular driveway being blocked to prevent vehicles parking in that area when the trailer is on site.
- The Legal Department does not support the application.

Interested Parties Present

Christopher MacEwan & Carla MacEwan attended.

Applicant's Remarks

Carla MacEwan advised that a complaint was made by someone who in her opinion assumed someone was living in the trailer because it was connected to power and the slide was out. She clarified that no one was living in it. They didn't travel during COVID & the trailer remained in the yard. The trailer was subsequently stored elsewhere; however, she would like to bring it home. She advised that there are other trailers similarly parked

in the neighbourhood. When asked if she was seeking a temporary arrangement e.g. winter months only, she advised that she was seeking permission to park year round.

Proceedings

The Chair asked if there are any questions/comments from anyone in the gallery, Committee Members and Administrative staff.

Several members opined that parking the trailer in front of the house year round offends the intent of the zoning by-law which currently prohibits accessory buildings, storage units & sheds in a front yard. They opined that it would not be consistent with the streetscape and character of the neighbourhood.

Decision

In making this decision, the Committee has taken into consideration all relevant materials including information provided by the applicant, interested parties, plans submitted, staff and agency comments. The members have unanimously determined that the application is not minor in nature, not desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan would not be maintained.

Moved by Greco (J), seconded by Rossi,

“RESOLVED THAT in accordance with Section 45(1) of the Planning Act this application be **DENIED.**

CARRIED.”

TAB 3

Application A3/24-320-(2-5)-23757-R1E, PR

RYAN HARNDEN & JASMINE GASSI HARNDEN are the owners of **312 PINE SHORE DRIVE** described as Pt. of Sec 24 former Township of Parke. It is located on the south side of Pine Shore Drive between Dalglish Road and Sand Road. The subject property runs north to Pointe Aux Pins Drive. The subject property is designated Rural Area in the Official Plan & is zoned R1E, Estate Residential and PR, Parks & Recreation.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by reducing the rear yard requirement to facilitate the construction of a 466.3m² addition to the westerly side of the existing home.

	By-Law Requirement 2005-150	Proposed Variance
9.5.2	Minimum rear yard requirement abutting St. Mary’s River is 15m	Reduce the minimum rear yard requirement abutting St. Mary’s River to 5.79m from the high-water mark

		illustrated on the submitted plan, for the existing house and the proposed addition.
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The applicant requested a deferral to confer with his designer about potential revisions to the submitted site plan.

Moved by Rossi, seconded by Bruni,

“**RESOLVED THAT** we defer consideration of this application to the regular hearing of Wednesday, February 21, 2024, **CARRIED.**”

TAB 4

Application A4/24-54-(1-70)-32785-R3

ELIZABETH FILICE is the owner of **597 DOUGLAS STREET** described as Lot 212 & Pt. of Lot 213, Wilding Park Subdivision, Plan 6541 further described as Part 2, 1R-14049, former Township of Korah. It is located on the southwest corner of Douglas Street and Wilding Avenue. The subject property is designated Residential in the Official Plan & is zoned R3, Low Density Residential.

INTENT OF THE APPLICATION:

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

	By-Law Requirement 2005-150	Proposed Variance
7.2	Maximum fence height in an interior side yard 1.8m	Increase the maximum height for the rear 7+m portion of the existing fence to 2.43m.

Public Response

Notice of public hearing was sent by personal mail to neighbouring properties, by posting a sign on-site & posting on the City website.

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. Building, Conservation Authority, Engineering, Fire Services, Legal, Planning, & PUC, had no comment or objection.

The Sault Ste. Marie Region Conservation Authority advised that any development on the subject property will require a site plan review and may require a permit from SSMRCA.

Planning staff have no objections. It is understood that the application for relief is due to variations of grade along the proposed fence line and most of the proposed fence will adhere to the Zoning By-law regulations. Relief is requested for the interior side-yard at

the back of the property, more than 35m away from the street intersection. The requested relief is minor and will not adversely impact the streetscape of the abutting properties.

Considerations

No objections from staff or neighbouring property owners.
No evidence was presented to suggest that approval would have a negative impact.

Interested Parties Present – none present.

Proceedings

The Chair asked if there are any questions/comments from anyone in the gallery, Committee Members and Administrative staff. None noted.

Decision

In making this decision, the Committee has taken into consideration all relevant materials including information provided by the applicant, interested parties, plans submitted, staff and agency comments. The members have unanimously determined that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

Moved by Bruni, seconded by Rossi,

“RESOLVED THAT in accordance with Section 45(1) of the Planning Act this application be **APPROVED,** **CARRIED.”**

TAB 5

Application A5/24-22-(1-22)-1336-R2

TYLER & AMY SIMPSON are the owners of **100 INDIANA DRIVE** described as Lot 56 Poplar Grove Subdivision, Plan H450, former Township of St. Mary’s. It is located on the easterly side of the east leg of Indiana Drive between Shannon Road and Idaho Drive. The subject property is designated Residential in the Official Plan & is zoned R2, Single Unit Residential.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by reducing the required front yard to facilitate the construction of a 22.6m² front entrance/mudroom addition.

	By-Law Requirement 2005-150	Proposed Variance
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9.6.2	Minimum required front yard is 7.5m	Reduce the minimum required front yard to 6m for the proposed 22.6m ² addition only.
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Public Response

Notice of public hearing was sent by personal mail to neighbouring properties, by posting a sign on-site & posting on the City website.

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. Building, Engineering, Legal, Planning, Fire Services, Public Works & PUC, had no comment or objection. Bell Canada & Conservation Authority did not respond.

Building Division noted that this structure will require a building permit. It is also noted that there are overhead conductors within proximity of the proposed addition which may affect the proposed location. A swing calculation will be required at time of permit application, to determine if the proposed location will meet the requirements of Subsection 3.1.19 of the Ontario Building Code

Planning staff have no objections. The residential units along Indiana Drive and elsewhere in the neighbourhood were typically built offset from adjacent residential units by 1 to 3 metres. This gives the appearance of a somewhat staggered streetscape, rather than one where all homes were uniformly built to the same setback. Therefore, the addition does not alter the character or visual interest of the neighbourhood and blends in with the streetscape.

Considerations

No objections from staff or neighbouring property owners.
 No evidence was presented to suggest that approval would have a negative impact.

Interested Parties Present – none.

Proceedings

The Chair asked if there are any questions/comments from anyone in the gallery, Committee Members and Administrative staff. None noted.

Decision

In making this decision, the Committee has taken into consideration all relevant materials including information provided by the applicant, interested parties, plans submitted, staff and agency comments. The members have unanimously determined that the application is minor in nature, desirable for the appropriate development on the subject property, and

that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

Moved by Greco (J), seconded by Bruni,

“RESOLVED THAT in accordance with Section 45(1) of the Planning Act this application be **APPROVED,** **CARRIED.”**

TAB 6

Application B1/24-52-(1-68)-33400-R2, EM

1644385 ONTARIO LTD. is the owner of Lot 57, Brookfield Subdivision Plan M112 designated as Parts 1 & 2, 1R-14063, former Township of Korah, and municipally identified as **CIVIC NO. 184 ROOSEVELT AVENUE.** It is located on the east side of the easterly leg of Roosevelt Avenue between North Eden Square and Whitney Avenue The subject property is designated Residential in the Official Plan and is zoned R2, Single Unit Residential & Environmental Management.

INTENT OF THE APPLICATION

The applicant is seeking the Committee’s consent to sever the subject property into two parcels both fronting on Roosevelt Avenue. The proposed lot configuration is:

Frontage (approximate)	Depth (approximate)	Area (approximate)
36.6m	66.479.6m	0.243ha
30.586m	66.479m	0.202ha

The intent of the application is to provide autonomous title to each semi-detached unit.

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.

Interested Parties Present

Noah Russell, agent for the applicant (WinMar) attended. He advised that the final occupancy permit was issued recently.

Technical Review: Circulated Departments & Agencies

The following internal departments and external agencies received an invitation to comment. Bell Canada, Building Division, Conservation Authority, Engineering, Legal Department, Planning Division, PUC Services, & Public Works had no concerns or objections.

Bell Canada Right of Way has identified that we require protection for existing facilities.

On the attached sketch, the blue line indicates the approximate location of active, critical infrastructure. Located on the property known municipally as 184 Roosevelt Avenue, Bell Canada's facilities provide essential access to the network. Of major concern is the ability to access our equipment, particularly in the event of an interruption, or emergency, that would require Bell Canada to restore service to regular telephone lines, alarm services, internet access, and most importantly ensure the continuity of 911 service.

Bell Canada requests a 3.0m wide easement, to measure 1.5m on either side of the aerial infrastructure (to extend a minimum of 1.5m from the base of the pole and 0.5m on either side of any guywires, if present), as can be reasonably accommodated within the property boundaries. Since the intention of the requested easement is to protect the integrity of the existing facilities and preserve many services, we request that the cost associated with registration be the responsibility of the landowner.

We hope this proposal meets with your approval and request a copy of the decision. Should our request receive approval, we look forward to the owner's solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

The Building Division had no objections, further advising that their files reveal that a Conditional Permit for a new semi-detached dwelling unit is outstanding. A full permit is required to be obtained and full occupancy issued.

The Conservation Authority advised that any development on the subject property or the severed property will require a site plan review and may require a permit from SSMRCA.

PUC Services advised that water and electric services are individually serviced on their respective properties, therefore have no concern with the severance.

Staff Comments/Recommendations(s)

Recommended conditions of any approval are,

- Provide a Transfer/Deed of Land for Certificate of Official
- Parks levy
- Provide Certificate of Official application fee
- Provide reference plan.
- Provide PIN abstract & PIN map.
- Minor Variance application approval where required.
- Discharge of Charge/Mortgage
- Partial Discharge of Charge/Mortgage
- Payment of Taxes
- A 3.0m wide easement, to measure 1.5m on either side of the aerial infrastructure (to extend a minimum of 1.5m from the base of the pole and 0.5m on either side of any guywires, if present), as can be reasonably accommodated within the property boundaries in favour of Bell Canada.

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 either support the proposed severance or have no issues with the proposed severance. 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 Greco (J),

"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 with stamp or 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. PARKLAND LEVY

In accordance with Subsection 51.1(1) of Section 50 of the Planning Act the owner of the severed must enter into an agreement prior to approval of final consent. The agreement should address the timing of the construction, Letter of Credit requirements and the transfer of the park to the City. The park should be included as a separate part in any legals plans prepared for this severance.

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. (2024 fee is \$235 per document)

4. BELL CANADA EASEMENT

That such easements as may be required to accommodate existing Bell Canada facilities be granted to the satisfaction of Bell Canada.

5. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with THREE (3) full size white prints, TWO (1) 11 X 14 copies and 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.

6. PIN ABSTRACT and PIN MAP

That a copy of a current PIN abstract & PIN map accompanies the “electronic registration in preparation documents.”

7. 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.

8. 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.

9. PARTIAL DISCHARGE OF CHARGE/MORTGAGE

That the Secretary-Treasurer is provided with one (1) copy 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.

10. 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.

11. 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.

- Final date for appeal is **FEBRUARY 15, 2024**. Procedures for an appeal are set out on the last page of this decision. **Deferred Application**

TAB 7

Application B29/23-33-(1-36)-15887-R2, R4

DANIEL FREMLIN HOLDINGS INC. is the owner of LT 9 RECP H715 RANKIN LOCATION EXCEPT 1, 1R6097 & PL 1M479, EXCEPT PT 1, 1R13989; S/T T301089; S/T T425210 BEING PIN # 31492-0475 (LT), municipally identified as **CIVIC NO. 153 DACEY ROAD**. It is located on the south westerly side of Dacey Road between Hardwood Street and Chambers Avenue. The subject property is designated Residential in the Official Plan and is zoned R2, Single Detached Residential & R4, Medium Density Residential.

INTENT OF THE APPLICATION

The applicant is seeking the Committee's consent to sever and convey an irregular shaped parcel fronting on Dacey Road as follows,

Frontage (approximate)	Depth (approximate)	Area (approximate)
20.5m (Dacey Road)	irregular	576.6m (severed parcel)
79.73m (Dacey Road)	irregular	688.8m (retained parcel)

The intent of the application is to provide autonomous title to the residential development currently under construction.

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.

Technical Review: Circulated Departments & Agencies

The following internal departments and external agencies received an invitation to comment. No concerns were raised that would preclude this application from moving forward.

Division/Agency	Circulated	Response
Algoma Public Health		
Bell Canada Right-of-Way	X	No response
Building Division	X	No response
Canada Post	X	Arrangements already planned with owner
Conservation Authority	X	No objection
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	See comments below
Public Utilities Comm. (Water)	X	
Public Works	X	No comments

Engineering has reviewed the application and note the following,

- Easements will be required for shared servicing and access. Operation and maintenance agreements are also recommended to determine cost and responsibilities for shared services,
- An environmental Compliance approval from the MECP is likely required for the SWM facilities,
- The site is subject to an existing site plan and agreement.

PUC Distribution Inc. (Electric Utility) advised the following.

- In order for phases 2 and 3 to proceed, based on the electrical servicing design package received a private electrical service easement will be required from the severed lot (phase 1) for the retained lots (phases 2 and 3) in favour of the retained lots.
- The primary electrical system will be required to be a looped configuration for all phases of the project.
- All electrical infrastructure on either property, other than the pad mounted transformers, will be owned and installed by the owner at the cost of the owner as per PUC specification and with PUC design and inspection approval requirements met. The transformers will be installed as per the OEB economic evaluation process.
- It is recommended that the owners consultant contact PUC Engineering to review before finalizing any plans or designs.

Public Utilities Commission (Water Utility) advised,

- Water servicing for the parent parcel (i.e. both the proposed retained and severed parcels) was approved by PUC under the condition that it services the entire parent parcel. If the property is severed, PUC will consider the Conditions of Water Services Letter dated October 16, 2023, null and void. In addition, a new water service application will be required for both the severed and retained lots.
- If the property is severed, separate water services from the watermain on Dacey Road will be required for each parcel.
- Private easements may be required to facilitate water servicing.

Staff Comments/Recommendations(s)

Recommended conditions of any approval are,

- Provide a Transfer/Deed of Land for Certificate of Official
- Parks levy
- Provide Certificate of Official application fee
- Provide a reference plan.
- Provide current PIN abstract & PIN map.
- Minor Variance application approval where required.
- Provide Discharge of Charge/Mortgage
- Partial Discharge of Charge/Mortgage

- Payment of Taxes
- Provide easements as required for shared servicing and access to the satisfaction of all parties.
- Enter into operation and maintenance agreements to the satisfaction of all parties.
- Satisfy the Director of Engineering or his designate that appropriate arrangements have been made regarding the SWM facilities.
- Amend the existing site plan and agreement where deemed necessary to the satisfaction of the Director of Engineering and/or Planning Director.
- Satisfy Public Utilities Commission (water utility) regarding separate water services for each parcel and provide easements deemed necessary.
- Satisfy PUC Distribution Inc (electrical utility) regarding servicing for all phases of the project provide any easements deemed necessary.

Interested Parties Present – none.

Applicant/Agent/ Representation

Matthew Battisti, Solicitor with Spadafora, Johnson, Lepore LLP attended.

Proceedings

The Chair asked if there are any questions/comments from anyone in the gallery, Committee Members and Administration. None noted.

Discussion

Seeing none, the Chair closed discussion.

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. 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 Greco (J), 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 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 with stamp or 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. 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.

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. (2024 fee is \$235 per document)

4. SERVICING

- Provide written confirmation from the **Director of Engineering** or his designate that they are satisfied with servicing and access easements, operation and maintenance agreements, and environmental compliance approval from the MECP regarding SWM facilities if required.
- Provide written confirmation that **PUC Distribution Inc. (Electric Utility)** requirements have been satisfied that final consent can proceed.
- Provide written confirmation that **Public Utilities Commission (Water Utility)** requirements have been satisfied that final consent can proceed.
- Provide such easements as may be required for utility or servicing to the appropriate authority.

5. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with THREE (3) full size white prints, TWO (1) 11 X 14 copies and 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.

6. PIN ABSTRACT

That a copy of the current pin abstract accompanies the “electronic registration in preparation documents”.

7. 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.

8. 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.

9. PARTIAL DISCHARGE OF CHARGE/MORTGAGE

That the Secretary-Treasurer is provided with one (1) copy 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.

10. 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.

11. 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 **FEBRUARY 15, 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.*

OTHER BUSINESS

TAB 8

Election of Chair

Chair McGregor vacated the Chair. The Secretary-Treasurer filled the Chair for the election.

Member Joseph Greco accepted the nomination for Chair and was acclaimed to the Chair position.

Moved by Rossi, seconded by Greco,

"RESOLVED THAT the election ballots be destroyed,

CARRIED."

DATE OF NEXT HEARING – February 21, 2024

Chair Greco resumed the Chair and called for a motion to adjourn.

ADJOURNMENT

Moved by Rossi, seconded by McGregor,
"RESOLVED THAT we adjourn at 2:43 p.m.

CARRIED."

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer



J. Greco
Chair