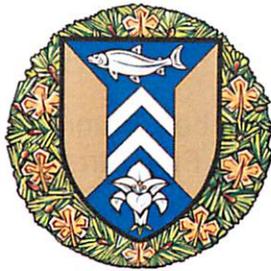


Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer



Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
February 21, 2024
Livestreamed/Zoom

Call to Order

The Chair called the hearing to order at 2:00 p.m.

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

Members Absent: F. Bruni

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: S. Marchese, Planning Representative

The Secretary-Treasurer confirmed that a quorum was present.

Opening Remarks

Chair Greco 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 McGregor, seconded by Rossi,

“**THAT** the Minutes of the January 24, 2024, 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.

Through the Secretary-Treasurer, Member Bruni declared a pecuniary interest in application A7/24 & B2/24, Civic No. 1125 Pine Street, disclosing that he is related to the applicant(s).

Withdrawn/Closed Applications/Request to Defer Applications - none

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

TAB 1

Application A6/24-53-(1-69)-13477-R2

STEPHANIE CHRISTIE & ANDREW SULLIVAN are the owners of Blk 4, Lots 1 to 3, Laird No. 3 Subdivision, Plan 2539, former Township of Korah, municipally identified as **CIVIC NO. 251 GLASGOW AVENUE**. It is located on the northwest corner of Glasgow Avenue and Wallace Terrace. The subject property is designated Residential in the Official Plan and 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 for the existing home to facilitate Consent Application **B21/23**.

	By-Law Requirement 2005-150	Proposed Variance
9.6.2	Minimum required front yard is 7.5m	Reduce the minimum required front yard to 5.8m for the exiting home only.

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. Conservation Authority, Engineering, Fire Services, Legal, Public Works, PUC Distribution Inc. and Public Utilities Commission had no comment or objection. Bell Canada did not respond.

Building Division staff had no objection but wished to advise that there are overhead powerlines to consider when future development is contemplated.

Planning Division staff had no objections recognizing that the variance is required to bring the existing house into conformity with the zoning by-law after a severance has resulted in the defined front yard being changed to Glasgow Avenue. No adverse effects are seen as the functional front yard will still abut Wallace Terrace and is only applicable to the house itself.

Staff Comments/Recommendations

The variance request is technical in nature. Recent consent approval changed the existing, compliant exterior side yard (Glasgow Avenue) to a non-compliant front yard. Nothing will change if this application is approved. It simply permits the consent to finalize and legitimizes the house location as it relates to what will be the defined front yard.

Interested Parties Present

Stephanie Christie was available by telephone.

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 Rossi, seconded by Greco (W),

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

CARRIED.”

TAB 2

In his absence, Member Bruni wished it disclosed that he has an indirect pecuniary interest in this application advising that the applicant is a family member.

The Secretary-Treasurer advised that this application is part of a two-fold application & is to be considered concurrently with consent application B2/24.

Application A7/24-71-(1-76)-11672-R4, S313

ANTONIO RUSCIO, MAJOR CONTRACTING & DOMINIC HOLDINGS INC. are the owner of Pt. of N1/2 of Sec. 32, former Township of Tarentorus, as in T46903, save and except Pt. 12 (plan p-8088-10), Pt. 1 PL F, and municipally identified as **CIVIC NO. 1125 PINE STREET**. It is located on the west side of Pine Street approximately 60m south of the Second Line East and Pine Street intersection. The subject property is designated Residential in the Official Plan and is zoned R4, Medium Density Residential with a special exception & is subject to site plan control.

INTENT OF THE APPLICATION:

Subject to final consent approval of application **B2/24**, relief is requested from the provisions of By-law 2005-150, as amended, to facilitate the development of three new multi-unit residential apartment buildings by reducing the following.

	By-Law Requirement 2005-150	Proposed Variance
9.8.2	Minimum required interior side yard 7.5m	Reduce the minimum north interior side yard to 1.9m increasing to 2.9m for the entrance ramp & retaining wall only,
	Minimum required rear yard 10m	Reduce the minimum rear yard to 0m for four proposed Earthbins only ,
5.7	Minimum required parking spaces 1.25 spaces / dwelling unit	Reduce required parking spaces to 1 space/dwelling unit

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. Conservation Authority, Fire Services, Legal, Public Works, PUC Distribution Inc. and Public Utilities Commission had no comment or objection. Bell Canada did not respond.

Building Division staff had no objection to the proposed Consent and Variance applications, however, would like to comment as follows:

- The property is subject to development control requirements.
- The subject property is designated as a brownfield site and a Record of Site Condition may be required.
- The 2005-150 Zoning By-law requires an additional building setback of 3 meters on both sides of Pine Street in this area.
- The subject property does have a Special Exception (S-313) for the following:
Despite the provisions of By-law 2005-150, the zone designation on the lands located at 849 Second Line East and marked "subject property" on the map attached may rezoned to R.4.S (Medium Density Residential) to permit the following conditions:
 - a. That the maximum building height be increased from five (5) to six (6) storeys;
 - b. That the required front yard setback be reduced from 7.5m to 7.0m; and

c. That the required landscape area be reduced from 30% to 27%

Engineering staff advised that a road widening is required on Pine Street if it hasn't already been taken and easements for servicing are to be provided where required. They noted that the parking prohibitions of the Traffic Bylaw will include this section of Pine Street and prohibit street parking on this section of Pine Street.

Planning Division staff advised that while application B2/24, proposed to sever the property into 3 parcels, the design of the development has them functioning together and relief from the interior side yards is required to facilitate access to and from the proposed development.

The rear yard setback reduction is proposed only for the provision of four Earthbins and is not foreseen to have an impact on the neighbouring property. The bins are designed to contain odours and are substantially located underground, and as such their impact is minor.

Relief from Section 5.7 of the zoning by-law to reduce parking from 1.25 spaces to 1 space is supported by the Planning department. The property is positioned along a transit route and has a safe walkable distance to essential services including groceries and medical services. This makes it possible for residents to access services without the need for a personal vehicle if they choose and can allow for reduced parking spaces overall for residents not owning a vehicle.

These requests in sum are considered minor in nature and are appropriate in terms of developing the property. The general intent of the zoning by-law is kept, and this application does not conflict with the Official Plan.

Public Works staff support the application but noted that the Traffic by-law shall include this section of Pine Street as it is intended that on street parking shall be prohibited at all times on both sides.

Interested Parties Present

Ralph Cuglietta, agent attended.

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 (W), seconded by Rossi,

“RESOLVED THAT in accordance with Section 45(1) of the Planning Act this application be **APPROVED subject to final consent of application B2/24.** **CARRIED.”**

TAB 3

In his absence, Member Bruni wished it disclosed that he has an indirect pecuniary interest in this application advising that the applicant is a family member.

The Secretary-Treasurer advised that this application is part of a two-fold application & is to be considered concurrently with minor variance application A7/24.

Application B2/24-71-(1-76)-11672-R4, S313

ANTONIO RUSCIO, MAJOR CONTRACTING & DOMINIC HOLDINGS INC. are the owner of Pt. of N1/2 of Sec. 32, former Township of Tarentorus, as in T46903, save and except Pt. 12 (plan p-8088-10), Pt. 1 PL F, and municipally identified as **CIVIC NO. 1125 PINE STREET**. It is located on the west side of Pine Street approximately 60m south of the Second Line East and Pine Street intersection. The subject property is designated Residential in the Official Plan and is zoned R4, Medium Density Residential with a special exception & is subject to site plan control.

INTENT OF THE APPLICATION

Subject to final approval of Minor Variance Application A7/24, the applicants are seeking the Committee’s consent to sever the subject property into three parcels each fronting on Pine Street. The proposed lot configuration is:

Frontage (approximate)	Depth (approximate)	Area (approximate)
60.96m (shown as area C)	65.10m	0.3868 ha
56.39m (shown as area B)	65.14m	0.3672 ha
61.55m (shown as area A)	65.14m	0.4060 ha

The applicants further seek the Committee’s consent to convey the following easements:

Easement 1 (area 0.254ha) for pedestrian, vehicle, and parking access from owners of areas “B” and “C” in favour of owner of area “A”.

Easement 2 (area 0.015ha) ramp access easement (to underground parking level) and access to amenity space above from owner of area “B” in favour of owner of area “A”.

Easement 3 (area 0.015ha) ramp access easement (to underground parking level) and access to amenity space above from owner of area “A” in favour of owner of area “B”.

Easement 4 (area 0.213ha) pedestrian, vehicle, and parking access from owners of areas “A” and “C” in favour of owner of area “B”.

Easement 5 (area 0.211ha) pedestrian, vehicle, and parking access from owners of areas “A” and “B” in favour of owner of area “C”.

The intent of the application is to create two additional multi-unit residential lots for future development purposes together with mutual easements between all three parcels.

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 response noted.

Interested Parties Present

Ralph Cuglietta, agent for the applicant(s) attended.

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. Conservation Authority, Fire Services, Legal, Public Works, PUC Distribution Inc. and Public Utilities Commission had no comment or objection. Bell Canada did not respond.

Building Division staff had no objection to the proposed Consent and Variance applications, however, would like to comment as follows:

- The property is subject to development control requirements.
- The subject property is designated as a brownfield site and a Record of Site Condition may be required.
- The 2005-150 Zoning By-law requires an additional building setback of 3 meters on both sides of Pine Street in this area.
- The subject property does have a Special Exception (S-313) for the following:
Despite the provisions of By-law 2005-150, the zone designation on the lands located at 849 Second Line East and marked "subject property" on the map attached may be rezoned to R.4.S (Medium Density Residential) to permit the following conditions:
 - a. That the maximum building height be increased from five (5) to six (6) storeys;
 - b. That the required front yard setback be reduced from 7.5m to 7.0m; and
 - c. That the required landscape area be reduced from 30% to 27%

Engineering staff advised that a road widening is required on Pine Street if it hasn't already been taken and easements for servicing are to be provided where required. They noted that the parking prohibitions of the Traffic Bylaw shall include this section of Pine Street and prohibit street parking on this section of Pine Street.

Planning Division staff advised that while application B2/24, proposed to sever the property into 3 parcels, the design of the development has them functioning together and relief from the interior side yards is required to facilitate access to and from the proposed development.

The rear yard setback reduction is proposed only for the provision of four Earthbins and is not foreseen to have an impact on the neighbouring property. The bins are designed to

contain odours and are substantially located underground, and as such their impact is minor.

Relief from Section 5.7 of the zoning by-law to reduce parking from 1.25 spaces to 1 space is supported by the Planning department. The property is positioned along a transit route and has a safe walkable distance to essential services including groceries and medical services. This makes it possible for residents to access services without the need for a personal vehicle if they choose and can allow for reduced parking spaces overall for residents not owning a vehicle.

These requests in sum are considered minor in nature and are appropriate in terms of developing the property. The general intent of the zoning by-law is kept, and this application does not conflict with the Official Plan.

Public Works staff support the application but noted that the Traffic by-law shall include this section of Pine Street as it is intended that on street parking shall be prohibited at all times on both sides.

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
- Convey to the City a 3.0m road widening along the length of the subject property abutting Pine Street

The Chair called for comments from the gallery. None noted.

The Chair called for discussion and closed discussion.

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 severances or have no issues with the proposed severances. Based on all the evidence, the Committee finds that the proposed severances and easements do 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 (W), seconded by Rossi,

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance for the parcels of land and easements 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 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. CONVEYANCE TO THE CITY

Conveyance to the City, free of encumbrances and at no cost to the City, a 3m wide strip of land adjacent to Pine Street, across the severed and retained portions of the property for the purpose of widening Pine Street. A current PIN must accompany transfer documents.

5. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with FIVE (5) 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 additional easement/rights-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 **MARCH 11, 2024**. Procedures for an appeal are set out on the last page of this decision.

Application A8/24-84-(1-94)-22004-C5

510127 ONTARIO LIMITED is the owner of **439 GREAT NORTHERN ROAD** identified as PIN 31561-0178 (LT) further described as firstly; Pt. Lt. 42 RCP H744 Tarentorus Pt. 1, 1R3555 & Pt. 1, 1R8306; Lots 44, 45 & 46 RCP H744 Tarentorus; secondly; Pt. Lt. 42 RCP H744, Tarentorus Pts. 1, 2 & 3, 1R13918. It is located on the west side of the Great Northern Road and abuts Industrial Park Crescent to the north, Great Northern Road along its' east limit and on Second Line East to the south. The subject property is designated Commercial in the Official Plan & is zoned C5, Shopping Centre Zone.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by reducing the required rear yard (Industrial Park Crescent) to facilitate the construction of a 15,210m² retail building.

	By-Law Requirement 2005-150	Proposed Variance
13.5.2	Minimum required rear yard is 15m	Reduce the minimum required rear yard to 5m for the proposed building.

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.

The co-owner of 59 Industrial Park Crescent submitted a letter in support of the proposed 5m setback from Industrial Park Crescent. He opined that it will fit in with his building and other buildings in the area. He further opined that most of the buildings along that area of Industrial Park Crescent are set back approximately the same distance from the road and welcomed the development of that location.

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. Conservation Authority, Fire Services, Legal, PUC Distribution Inc. and Public Utilities Commission, and Public Works had no comment or objection. Bell Canada did not respond.

Building Division staff had no objections however wished to advise that Permit #3032-1847 has been issued to construct the building in question. If this request is approved, a revised site plan will need to be submitted to the Building Division for review due to the change in building location.

Engineering staff had no concerns provided the applicant can demonstrate that the stormwater management and grading requirements for the site can still be met and that they amend the site plan approval.

Planning Division staff advised that the requested variance would remove the need for a large retaining wall that is required on the property as proposed. While this zone requires a 15m rear yard setback, this development is more similar functionally to an exterior side yard. Similar to the property opposite it on Industrial Park Cres. which is classified as HZ (Highway Zone), a building erected in this area would only require a 6m setback. Given that Industrial Park Cres. is an entry to an area of industrial properties the aesthetics of the building would not be as impactful as other C5 (Shopping Centre Commercial Zone) areas. To mitigate this request the remaining 5 metres of setback will be landscaped. This provision will be reinforced through the site plan control process to soften the edge of the property.

Staff Comments/Recommendations

A neighbouring property owner supported the request. Circulated staff and outside agencies had no objections to the request. If this application is approved it recommended that it be conditional on,

- a) obtaining the Planning Director or his designates' approval of a revised site plan,
- b) demonstrating that the stormwater management and grading requirements for the site continue to be met to the satisfaction of the Director of Engineering or his designate,
- c) That landscaping be provided and maintained between the building face and the rear property line, and that parking be prohibited in this area.

Interested Parties Present – none noted.

Proceedings

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

The Chair closed discussion.

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 Rossi, seconded by McGregor,

“RESOLVED THAT in accordance with Section 45(1) of the Planning Act this application be **APPROVED subject to the following conditions,**

- 1. Satisfy the Director of Engineering or his designate that stormwater management and grading requirements for the site continue to be met, prior to final approval of an amended site plan, and**

2. Obtain the Planning Director/designate approval of an amended site plan.
 3. Provide landscaping between the building face and the rear property line to the satisfaction of the Planning Director or his designate and, that the approved landscaping be maintained.
 4. Parking is prohibited between the building face and the rear property line.
- CARRIED.”**

TAB 5

Application A9/24-126-(1-141)-20209-HZ, M2

1000379591 ONTARIO INC. (DANTE VENNERI) is the owner of **1177 GREAT NORTHERN ROAD** identified as PIN 31563-01708 (LT) further described as Lots 53 & 54, former Township of Tarentorus, RCP H739. It is located on the west side of the Great Northern Road between Third Line East and Fourth Line East. The subject property is designated Commercial & Industrial in the Official Plan & is zoned HZ, Highway Zone and M2, Medium Industrial Zone and is subject to site plan control.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by reducing the north and south interior side yards to recognize the existing 104.78m² garage and the proposed cold storage building to the north and the existing 282.07m² storage units and the future cold storage building to the south.

	By-Law Requirement 2005-150	Proposed Variance
14.4.2	Minimum required north side yard is 5m	Reduce the north interior side yard to 4.5m as shown on drawing C-2.0.
	Minimum required south side yard is 10m	Reduce the south interior side yard to 8.5m as shown on drawing C-2.0.

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. The Building Division, Conservation Authority, Engineering, Fire Services, Legal, PUC Distribution Inc. and Public Utilities Commission had no comment or objection.

Planning Division staff had no objection and advised that these variances will bring the existing buildings into conformity with the zoning by-law and permit the applicant to build additional units in line with what exists on the property. The applicant will need to contact the Planning Division regarding the Site Plan Control requirements of the property.

Staff Comments/Recommendations

No response from circulated property owners and no objections from staff or outside agencies

Interested Parties Present

Dante Venneri, applicant attended.

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 McGregor, seconded by Rossi,

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

CARRIED.”

➤ **Deferred Applications**

TAB 6

Chair Greco declared a direct pecuniary interest in this application disclosing his solicitor/client association and familial relationship with the applicants. He left the Council Chambers during the Committee’s deliberation of this application. In his absence, Member Rossi assumed the role of Chair.

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 Dalgleish 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 11.58m for the proposed addition.

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.

Letters of support were received from the owner(s) of 324 Pine Shore Drive, 318 Pine Shore Drive & 304 Pine Shore Drive.

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. Algoma Public Health, Fire Services, Legal, Public Works, PUC Distribution Inc. and Public Utilities Commission had no comment or objection.

Algoma Public Health advised that the septic system should be assessed for capacity prior to construction.

Building Division staff had no objection but wished to advise that there are multiple open permits on this property for the single family dwelling and detached garage. The proposed new construction will require approval and building permits. Compliance with applicable law will be reviewed with the building permit application.

Engineering staff had no comment provided the Conservation Authority is satisfied.

Planning Division staff had no objections advising that the existing building does not conform to the provisions set out in the current Zoning By-law as it was built some time before the by-law came into effect. The proposed addition is in characteristic with the rest of the neighbourhood. Staff 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 both the Zoning By-law and the Official Plan.

The Sault Ste. Marie Region Conservation Authority advised that any development on the subject property will require a permit from SSMRCA. An application for a permit has been submitted but will not be approved until the COA decision is finalized.

Interested Parties Present

Ryan Harnden attended.

Proceedings

The Chair asked if there were 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 Rossi, seconded by McGregor,

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

CARRIED.”

Chair Greco resumed the Chair at 2:29 p.m.

OTHER BUSINESS

TAB 7

DATE OF NEXT HEARING – March 20, 2024

Chair Greco called for a motion to adjourn.

ADJOURNMENT

Moved by Rossi, seconded by McGregor,

“RESOLVED THAT we adjourn at 2:30 p.m.

CARRIED.”

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer


J. Greco
Chair