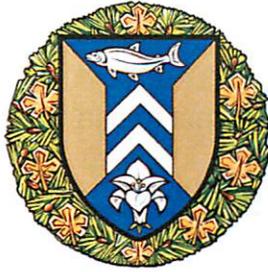


Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer



Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
July 10, 2024
Livestreamed

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. Zuppa, Planning Representative

The Secretary-Treasurer confirmed that a quorum was present.

Opening Remarks

Chair Greco welcomed the participants.

Land Acknowledgement – Secretary-Treasurer

Approval of Minutes

Moved by McGregor, seconded by Greco (J),

“**THAT** the Minutes of the May 15, 2024, Committee of Adjustment hearing be approved as circulated. **CARRIED.**”

Disclosure of Pecuniary Interest and General Nature Thereof

Member Rossi disclosed an indirect interest in application A18/24, advising that the he was related through marriage to the applicants Laurie & Louie Mazzuca.

Withdrawn/Closed Applications/Request to Defer Applications

None.

➤ **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 **B10/24**, 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.

Interested Parties

Don Maki, agent for his father was available by telephone.

Proceedings

The Chair called for comments. Committee members supported planning staff comments.

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

Decision

In making this decision, the Committee has taken into consideration all relevant materials including information provided by the applicant, plans submitted, staff and agency comments. The members have unanimously determined that the general intent and purpose of the PPS, the Zoning By-law and the Official Plan are maintained.

Moved by Greco (W), seconded by Rossi,

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

1. Obtaining final consent approval of application B10/24,

CARRIED.”

TAB 2

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.

Interested Parties Present

Louie Mazzuca was in attendance and advised that he was agreeable to a condition that the carport remain open on three sides.

Proceedings

The Chair called for comments.

Member McGregor was satisfied that the request is in character with the neighbourhood. She was satisfied that approval would not create undue additional or aggravated issues.

The Chair called for discussion.

The remaining members supported Member McGregor's comments.

Decision

In making this decision, the Committee has taken into consideration all relevant materials including information provided by the applicant, plans submitted, staff and agency comments. The members have unanimously determined that the general intent and purpose of the PPS is maintained.

The Committee concludes that whether one applies the minor variance tests or the considerations of good planning applicable to the expansion, the application should be approved.

Moved by McGregor, seconded by Greco (W),

“RESOLVED THAT in accordance with Section 45(2) (a) (i) of the Planning Act the Committee **PERMITS** the expansion of the legal non-conforming structure in accordance with the application, subject to the following condition.

- 1. That the expansion be substantially in accordance with the sketch submitted with the application, and**
- 2. That the north, south and west sides of the carport remain open.**

CARRIED.”

TAB 3

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
Canada Post		
Conservation Authority	X	No response
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 the 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

Interested Parties Present

Terry Pinder, acting as agent for his brother was in attendance.

Proceedings

The Chair called for comments. None noted.

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

Moved by Bruni, seconded by McGregor,

Reasons for Decision

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

Decision

Moved by Rossi, and seconded by McGregor;

“RESOLVED THAT *provisional* consent is **AUTHORIZED for the severance and conveyance of the parcel of land described in the application, subject to the following conditions which must be, in the opinion of the Secretary-Treasurer, completed within two-years from the date of this Decision failing which consent shall be deemed to be refused/lapsed in accordance with Section 53(41) of the Planning Act, R.S.O. 1990, as amended.**

1. TRANSFER/DEED OF LAND

That the Secretary-Treasurer is provided with one (1) copy of the “electronic registration in preparation documents”, prior to registration on title. These documents must be accompanied by a schedule identifying the transferor and the transferee for certification. Said schedule and Certificate of Official must be registered with the “electronic registration transfer.

NOTE: Any alterations to the legal description after the Secretary-Treasurer has issued the Certificate will deem the document(s) invalid and must be returned to the Secretary-Treasurer. A new Certificate containing the Registrar approved legal description will have to be endorsed by the Secretary-Treasurer prior to registration of the document(s). An issuance fee will apply.

2. LOT ADDITION/MERGE CLAUSE

That the parcel intended to be severed be merged on title with the abutting land to the immediate west, municipally known as **Civic No. 162 Connor Road**. Subsection 50 (3 or 5) of the Planning Act, R.S.O., 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent. The Secretary-Treasurer’s Certificate shall contain reference to this stipulation.

3. APPLICATION TO CONSOLIDATE PARCELS

An Undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows.

“I undertake on behalf of the Owner, within 10 days of the registration on title of the transfer document, to file an Application to Consolidate Parcels including the severance land and the abutting land. This PIN consolidation is intended to reinforce the Planning Act stipulation that both parcels have merged on Title and cannot be conveyed separately in the future.”

A copy of the registered document must be provided to the Secretary-Treasurer.

4. CERTIFICATE APPLICATION FEE

That a certificate application fee be paid to the City Corporation for **each** document presented to the Secretary-Treasurer for certification, at the rate applicable at the time of issuance. (fee for 2024 is \$235 per document)

5. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with FIVE (5) full size white prints, ONE (1) 11 X 14 copies, & ONE (1) digital copy of a deposited plan of reference prepared by an Ontario Land surveyor registered in the Province of Ontario and

bearing the seal of the Land Registrar depicting the entire land which conforms substantially with the application as submitted. At least one copy of a plan of reference must indicate any easement/right-of-way and the locations and dimensions of all buildings and structures on the subject property and their distance to property lines.

6. PIN ABSTRACT & PIN MAP

That a copy of the latest 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 or written acknowledgement that the holder of the Charge/Mortgage is satisfied with the Consent being finalized.

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 **JULY 30, 2024**. Procedures for an appeal are set out on the last page of this decision.

WARNING:

THIS provisional approval does not become effective until the above conditions have been satisfied. **ALL conditions must be fulfilled within two years of the date of the**

giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. *Section 53(4), The Planning Act R.S.O., 1990.*

TAB 4

Application 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
Bell Canada Right-of-Way		
Building Division	X	No response
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

Interested Parties Present

Don Maki, agent for his father was available by telephone.

Proceedings

The Chair called for comments. Committee members supported planning staff comments.

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

The Committee, after carefully reviewing the evidence, the illustrations presented, and the submissions made by the parties, finds that the criteria set out in subsection 51(24) of the Planning Act have been satisfied. The Committee notes that planning staff and commenting agencies 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 Greco (W), 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 written Decision failing which consent shall be deemed to be refused* in accordance with Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended;

1. TRANSFER/DEED OF LAND

That the Secretary-Treasurer is provided with one (1) copy of the "electronic registration in preparation documents", prior to registration on title. These documents must be accompanied by a schedule identifying the transferor and the transferee for certification. Said schedule and Certificate of Official must be registered with the "electronic registration transfer.

NOTE: Any alterations to the legal description after the Secretary-Treasurer has issued the Certificate will deem the document(s) invalid and must be returned to the Secretary-Treasurer. A new Certificate containing the Registrar approved legal description will have to be endorsed by the Secretary-Treasurer prior to registration of the document(s). An issuance fee will apply.

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

4. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with FIVE (5) full size white prints, ONE (1) 11 X 14 copies, & ONE (1) digital copy of a deposited plan of reference prepared by an Ontario Land surveyor registered in the Province of Ontario and bearing the seal of the Land Registrar depicting the entire land which conforms substantially with the application as submitted. At least one copy of a plan of reference must indicate any easement/right-of-way and the locations and dimensions of all buildings and structures on the subject property and their distance to property lines.

5. PIN ABSTRACT & PIN MAP

That a copy of the latest PIN abstract and PIN map for accompany the “electronic registration in preparation documents.”

6. 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.

7. DISCHARGE OF CHARGE/MORTGAGE

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

8. PARTIAL DISCHARGE OF CHARGE/MORTGAGE

That the Secretary-Treasurer is provided with two (2) copies of the Discharge of Charge/Mortgage documents for the parcel for which the Consent relates to, and the Discharge refers to for certification. Certificate of Official must be registered with the Discharge of Charge/Mortgage documents. A Solicitor’s undertaking must be provided to the Secretary-Treasurer undertaking to register the Discharge and to provide the Secretary-Treasurer with a copy of the registered documents.

9. PAYMENT OF MUNICIPAL TAXES

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

10. RECEIPTED ELECTRONIC TRANSFER

That the Solicitor for the Owner give a written undertaking to provide to the Secretary-Treasurer within 30 days of registration in the Land Registry/Land Titles Office & prior

to the issuance of any Building Permits, a copy of the Receipted Electronic Transfer document including the Form 2 for Consent.

Final date for appeal is **July 30, 2024**. Procedures for an appeal are set out on the last page of this decision.

WARNING:

THIS provisional approval does not become effective until the above conditions have been satisfied. **ALL conditions must be fulfilled within two years of the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. Section 53(4), The Planning Act R.S.O., 1990.**

TAB 5

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
Canada Post		
Conservation Authority		
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 the request.

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

Interested Parties Present

Carole Reinhart, acting as agent for her husband was in attendance. She questioned the need for a new survey plan as there is a plan in existence. Mrs. Reinhart was advised that if the registrar accepts the existing legal description as being sufficient for registration, then a condition requiring a new plan would be deemed satisfied.

Steve Dinsmore, the benefitting property owner, was in attendance.

Proceedings

The Chair called for comments. None noted.

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

Moved by Greco (W), seconded by Rossi,

Reasons for Decision

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

Decision

Moved by Rossi, and seconded by McGregor;

“RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance of the parcel of land described in the application, subject to the following conditions which must be, in the opinion of the Secretary-Treasurer, completed within two-years from the date of this Decision failing which consent shall be deemed to be refused/lapsed in accordance with Section 53(41) of the Planning Act, R.S.O. 1990, as amended.

1. TRANSFER/DEED OF LAND

That the Secretary-Treasurer is provided with one (1) copy of the “electronic registration in preparation documents”, prior to registration on title. These documents must be accompanied by a schedule identifying the transferor and the transferee for certification. Said schedule and Certificate of Official must be registered with the “electronic registration transfer.

NOTE: Any alterations to the legal description after the Secretary-Treasurer has issued the Certificate will deem the document(s) invalid and must be returned to the Secretary-Treasurer. A new Certificate containing the Registrar approved legal description will have to be endorsed by the Secretary-Treasurer prior to registration of the document(s). An issuance fee will apply.

2. LOT ADDITION/MERGE CLAUSE

That the parcel intended to be severed be merged on title with the abutting land to the immediate north, municipally known as **Civic No. 1181 Wallace Terrace**. Subsection 50 (3 or 5) of the Planning Act, R.S.O., 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent. The Secretary-Treasurer’s Certificate shall contain reference to this stipulation.

3. APPLICATION TO CONSOLIDATE PARCELS

An Undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows.

“I undertake on behalf of the Owner, within 10 days of the registration on title of the transfer document, to file an Application to Consolidate Parcels including the severance land and the abutting land. This PIN consolidation is intended to reinforce the Planning Act stipulation that both parcels have merged on Title and cannot be conveyed separately in the future.”

A copy of the registered document must be provided to the Secretary-Treasurer.

4. CERTIFICATE APPLICATION FEE

That a certificate application fee be paid to the City Corporation for **each** document presented to the Secretary-Treasurer for certification, at the rate applicable at the time of issuance. (fee for 2024 is \$235 per document)

5. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with FIVE (5) full size white prints, ONE (1) 11 X 14 copies, & ONE (1) digital copy of a deposited plan of reference prepared by an Ontario Land surveyor registered in the Province of Ontario and bearing the seal of the Land Registrar depicting the entire land which conforms substantially with the application as submitted. At least one copy of a plan of reference must indicate any easement/right-of-way and the locations and dimensions of all buildings and structures on the subject property and their distance to property lines.

6. PIN ABSTRACT & PIN MAP

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

7. MINOR VARIANCE APPLICATION

(After Provisional Consent given)

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

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 or written acknowledgement that the holder of the Charge/Mortgage is satisfied with the Consent being finalized.

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 Received Electronic Transfer document including the Form 2 for Consent.

Final date for appeal is **JULY 30, 2024**. Procedures for an appeal are set out on the last page of this decision.

WARNING:

THIS provisional approval does not become effective until the above conditions have been satisfied. **ALL conditions must be fulfilled within 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 6

DATE OF NEXT HEARING – August 7, 2024

ADJOURNMENT

Moved by Rossi, seconded by Greco (W),

“RESOLVED THAT we adjourn at 2:27 p.m.

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer


J. Greco
Chair

CARRIED.”