

Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer



**Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
March 20, 2024
Livestreamed**

Call to Order

The Chair called the hearing to order at 2:12 p.m.

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

Members Absent:

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: N. Cicchini, 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 Greco, seconded by Rossi,

“**THAT** the Minutes of the February 21, 2024, Committee of Adjustment hearing be approved as circulated. **CARRIED.**”

Disclosure of Pecuniary Interest and General Nature Thereof

After the meeting of February 21, 2024 was adjourned, Chair Greco realized that he had an indirect interest in an application that had been considered & immediately advised the Secretary-Treasurer.

Today being the first opportunity to declare, he wished to disclose an indirect interest in application A8/24, applicant 510127 Ontario Limited, subject property being 439 Great Northern Road. He advised that he is a tenant in one of the applicant's properties and is in litigation with the applicant.

The Committee was advised that Chair Greco did not comment on the application during their deliberation, and he was not the mover or seconder on the subsequent motion. The motion was approved by all members present. It was noted that had Chair Greco not been present, the same motion would have been carried by unanimous vote of the remaining members.

The four remaining committee members determined that Chair Greco's involvement did not influence the decision in any manner and they confirmed the original decision.

Withdrawn/Closed Applications/Request to Defer Applications - none

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

TAB 1

Application A10/24-17-(1-28)-11201, 2327-R3

SAULT STE. MARIE HOUSING CORPORATION is the owner of **61 & 65 WELLINGTON STREET EAST** identified as PIN 31543-0351 (LT) & PIN 31543-0352 (LT) further described as Lot 28 & 29, Wilson "B" Subdivision, PL 1219 former Township of St. Mary's. It is located at the corner of Abbott Street and Wellington Street East. 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 reducing the frontage and by reducing the number of required parking spaces, to facilitate the construction of a duplex dwelling aka four-plex.

	By-Law Requirement 2005-150	Proposed Variance
9.7.2	Minimum required frontage 18m	Reduce the required frontage to 15.5m
5.7	Minimum required parking spaces 1.25 spaces per unit (5 spaces)	Reduce the required parking spaces to 0.5m spaces per unit (2 spaces)

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, Engineering, Fire Services, Legal, Planning, PUC Distribution Inc. and Public Utilities Commission and Public Works had no comment or objection. Conservation Authority have not commented.

Public Works staff advised that the winter parking prohibition will be enforced as well as the streets by-law should vehicles be on the road or over the sidewalk.

Staff Comments/Recommendations

The Secretary-Treasurer advised that the subject properties were consolidated on March 1, 2024. The municipal address of the consolidated property is 61 Wellington Street East.

There has been no response from circulated property owners and there are no objections from staff or outside agencies.

Interested Parties Present

Denis Rooney & Ryan Kokis were in attendance.

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, seconded by Rossi,

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



Application A11/24-52-(1-68)-30297-R4

The owners of CIVIC NO.'s 368, 372, 376, 380, 384, 388 & 396 ALLEN'S SIDE ROAD whose properties are identified as Pt. NW ¼ Sec. 34, former Township of Korah being Pts. 1 through 24, 1R9239 save and except Pts 17 & 19, 1R9239 are seeking by-law relief. The properties are located on the southeast corner of Second Line West and Allen's Side Road. The subject properties are designated Residential in the Official Plan & are zoned R4, Medium Density Residential.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, by permitting accessory buildings and structures in a required front yard, to facilitate future considerations and to legitimize the location of the existing sheds at 380 & 384 Allen's Side Road.

	By-Law Requirement 2005-150	Proposed Variance
9.1.4	Accessory buildings are Prohibited in a required front or exterior side yard.	Permit accessory buildings to be in a required front yard - Refer to Section 9.1.7 of zoning By-law 2005-150 (B), (C), (D), for regulations for future considerations.

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, Engineering, Fire Services, Legal, Planning & PUC Distribution Inc. and Public Utilities Commission had no comment or objection.

Engineering staff had no objections conditional upon prohibiting access onto Allen's Side Road.

Staff Comments/Recommendations

The Secretary-Treasurer explained that Zoning By-law 2005-150 defines the required front yard for the subject properties as that abutting Allen's Side Road and that Section 9.1.4 of this By-law prohibits sheds from being erected in the required front yard. Of note is the fact that these properties have been developed in such a manner as to utilize this area as their "rear" yard enmity space since the front of the townhouses faces a private driveway. To assist in recognizing this rather unique situation, the Committee of

Adjustment is being asked to consider a minor variance to amend this section of the Zoning By-law and allow accessory buildings (sheds) to be placed in the yard abutting Allen's Side Road. If approved, it would bring into compliance existing sheds and permit the construction of future sheds. Of the eight (8) townhouses, seven (7) owners participated in this request.

There was no response from circulated property owners and there were no objections from staff or outside agencies.

Any approval should be made conditional on prohibiting access onto Allen's Side Road.

Interested Parties Present

None recorded.

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 McGregor,

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

- 1. Access to Allen's Side Road from subject properties is prohibited.**

CARRIED."



TAB 3

Application B3/24-44-(1-51)-18134-R2

PETER WILLIAM VANBOERDONK is the owner of Lot 189, Forest Glenn Subdivision, Plan H-457, former Township of St. Mary's, and municipally identified as **CIVIC NO. 548 MCNABB STREET**. It is located on the north side of the McNabb Street between Pentagon Boulevard and Lake Street. The subject property 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 strip of property and convey it as a lot addition to the easterly abutting property being 554 McNabb Street. The proposed lot configuration is:

Frontage (approximate)	Depth (approximate)	Area (approximate)
0.318m (sever)	18.054m	4.84 sq. m.
18.915m (retain)	38.10m	727.72 sq. m.

The intent of the application is to rectify the existing carport encroachment from 554 McNabb Street onto 548 McNabb Street.

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

As part of the application review, this proposal was circulated to the following internal departments and external agencies for their review. The Building Division, Engineering, Fire Services, Legal, Planning, PUC Distribution Inc. and Public Utilities Commission had no comment or objection.

Staff Comments/Recommendations(s)

There was no evidence that would suggest approval would have a negative impact. Recommended conditions of any approval are,

- Provide the proposed Transfer/Deed of Land for Certificate of Official
- Lot Addition merge clause
- Consolidation of properties
- Certificate application fee
- Reference plan
- PIN abstract & PIN map
- Minor Variance application where if required
- Discharge of Charge/Mortgage
- Partial Discharge of Charge/Mortgage
- Payment of Taxes

Interested Parties Present – none recorded.

Applicant/Agent/ Submission

None recorded.

Proceedings

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

Discussion

None recorded. Discussion was closed.

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 Bruni, seconded by Rossi,

“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.

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 westerly abutting property, municipally identified as **544 McNabb Street**. 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, upon registrar’s acceptance of the transfer document, to file an Application to Consolidate the severed land with the abutting land. This 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 FOUR (4) 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 and PIN map accompany 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 Certificate of Official for Consent.

Final date for appeal is **April 9, 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 4

DATE OF NEXT HEARING – April 17, 2024

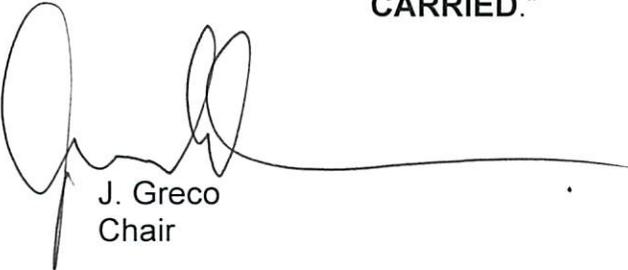
ADJOURNMENT

Moved by Greco (W), seconded by Bruni,

“RESOLVED THAT we adjourn at 2:25 p.m.

CARRIED.”

Michelle Kelly
Michelle Kelly, ACST
Secretary-Treasurer


J. Greco
Chair