

Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer



**Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
May 15, 2024
Livestreamed**

Call to Order

The Chair called the hearing to order at 2:15 p.m.

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

Members Absent: A. Rossi
W. Greco

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

Approval of Minutes

Moved by McGregor, seconded by Bruni,

“**THAT** the Minutes of the April 17, 2024, Committee of Adjustment hearing be approved as circulated. **CARRIED.**”

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Withdrawn/Closed Applications/Request to Defer Applications

S. Shoemaker, Solicitor acting as agent for applications A15/24 & B6/24, 540 Albert Street East requested that minor variance application A15/24 be deferred sine die & that consent application B6/24 be allowed to proceed. After some discussion the Chair called for a motion & no motion was put to the floor. Both applications will proceed to consideration.

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

TAB 1

Application A14/24-13-(1-24)-18361-R2

SEAN & TRICIA WONCH are the owners of **CIVIC NO. 154 DENWOOD DRIVE** further identified as Lot 61, Grandview Gardens "A" Subdivision Plan H642 former Township of Rankin. It is located on the southeast corner of Birchwood Street and Denwood Drive. The subject property is designated Residential in the Official Plan & is zoned R2, Single Unit Residential.

PURPOSE OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, to facilitate the demolition of the existing garage and the subsequent construction of a new 8.53m x 10.97m detached garage to include attic storage space.

	By-Law Requirement 2005-150	Proposed Variance
9.1.5	Maximum building height for a garage 6m	Increase the maximum building height to 7.32m

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.

Division/Agency	Circulated	Response
Bell Canada Right-of-Way		
Building Division	X	No objection
Canada Post		
Conservation Authority	X	
Engineering & Construction	X	
Fire Services	X	
Legal Department	X	No comment
Planning Division	X	No objections given the size of the property and the distance from the lot lines
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns

Staff Comments/Recommendations

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

Interested Parties Present

Sean Wonch attended

Proceedings

The Chair asked if there are any questions/comments from anyone in the gallery, Committee Members and Administrative staff. Members McGregor & Bruni opined that approval would not create a negative impact.

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 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 Bruni,

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

CARRIED.”



TAB 2

Application A15/24-7-(1-2)-1880-C2 (DECISION TO DEFER)

SAULT STE. MARIE HOUSING CORPORATION is the owner of **CIVIC NO. 540 ALBERT STREET EAST** further identified as Roll No. 020 038 057 00 0000, PIN 31542-0392 (LT) former Township of St. Mary’s. The property is irregular in shape and abuts McDougald Street to the north, Albert Street East & Brock Street to the east. It is approximately 0.38ha in size. The subject property is designated Commercial in the Official Plan & are zoned C2, Central Commercial Zone.

INTENT OF THE APPLICATION:

Subject to final approval of consent application **B6/24**, relief is requested from the provisions of By-law 2005-150, as amended, to facilitate the severance & conveyance of the “old office building site” from the “new office building site”.

**NATURE AND EXTENT OF RELIEF APPLIED FOR
By-Law 2005-150, Sections 5, 5.3.5, 5.5.2**

Proposed Severed “Old Office Building Site”

1. Barrier-Free Parking Spaces for Non-Residential Uses
 - **Four (4)** barrier-free parking spaces required
 - **Reduce** required barrier-free parking spaces to **zero (0)**
2. Minimum Parking Spaces for Office Use

- Required parking ratio is 3.5 spaces/100m²: (2,124m² @ 3.5/100m²) = 74 spaces including 4 barrier free spaces
- **Reduce** required parking spaces to **zero (0)** 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.

Mr. J. Fratesi, acting as agent for the owners of Civic No. 135 Brock Street, had the following comments. Thank you for taking the time to talk to me about the above applications which have been filed by Sault Ste. Marie Housing Corporation for its property at 540 Albert Street East. I have spoken to Jeff Barban about these applications as well.

My daughters (Krista Fratesi Williams and Lisa Fratesi Coccimiglio) have owned and operated their small businesses located at 135 Brock Street for over 20 years and have asked me to express their concerns about what the Housing Corporation is asking for. I can only assume that this was not addressed prior to the issue of a permit for the new DSSAB building because the original plan was to take this building down after the new one was completed. This obviously has changed, and the intent is now to keep both buildings and to use both on a long term basis. That being the case, the parking requirements for both buildings, in accordance with the City's bylaws, need to be met. Informal arrangements might provide a practical solution to needed parking but should never be accepted to satisfy parking requirements of the City's bylaws. The Housing Corporation should be held to the same standards as any other property owner. While its current plans and proposed tenants of the old building might get by on informal parking arrangements, there is no guarantee that the required parking will be available on a long term basis. Things change. Directions change. Ownerships change. That is why we have bylaws that nail down parking.

The whole issue of parking for the Brock Street neighbourhood was very recently discussed in the context of the relocation of the Mill Mart to the neighbourhood, as well as the construction of the new, but controversial Downtown Plaza. Businesses, such as my daughters, are already concerned about the compromises that have already been made to the parking requirements for their neighbourhood.

Reducing the parking requirements for 540 Albert Street East from the bylaw requirement of 74 spaces to 0 cannot be seen as "minor" and should not be the subject of a variance application to the Committee of Adjustments. It is actually a "major" reduction, an actual complete deletion of both what is practically needed for parking, as well as the bylaw requirements for parking.

The variance application should be denied and so should the severance application until the parking requirements for BOTH the new and the old buildings are satisfied. The same standards that are to be met by private developers in our community should be met by municipal and quasi-municipal agencies, such as the DSSAB and the Housing Corporation, because future ownership of any property cannot be guaranteed.

Approving these applications will simply make an existing situation worse.

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
Accessibility Committee	X	Any approval to be conditional on entering into a lease with the owners of 548 Albert St. East to share the barrier free parking spaces illustrated on the site plan to be designed in accordance with by-law provisions
Algoma Public Health	X	No comment, municipally serviced
Bell Canada Right-of-Way	X	No comment
Building Division	X	Any approval resulting in required parking spaces must be in accordance with all other provisions of Section 5 of Zoning By-Law 2005-150, specifically subsection 5.3.5.
Canada Post		
Conservation Authority	X	
Downtown Association	X	
Engineering & Construction	X	The original site plan approval has temporary conditions for the parking lot and sidewalk between the two buildings. Future elevations in the parking area and walkways were to be raised significantly once the existing building was demolished. Confirmation should be provided that the grading and servicing of the parking and walkways will meet current standards if the building is to remain. A site plan amendment may be required.
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	Not supportive of the request as submitted
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	No comment

Planning staff is not supportive of the requested variances as proposed. The request does not meet the four tests of a minor variance, in particular the tests that require the request to be minor and in keeping with the intent of the zoning by-law.

While parking reductions from the zoning by-law have been approved and a parking study is underway there is no precedent for eliminating all the parking requirements on site for a location. Additionally, the provision of barrier free spaces is important for ensuring proper access to sites for those who require these spaces.

Planning would be supportive of a reduction in spaces of 40% as this has been applied in other similar situations where access to alternative transit options is available. A reduction of 40% would see the requirement drop to 2.1 spaces/100m² resulting in a requirement of (2,214m² @ 2.1/100m²) = 45 spaces. As per 5.3.5 of the Zoning By-law these spaces may be located on a neighboring property within 300m of the subject site. Planning recommends that the building owners enter into a lease agreement for a minimum term of 20 years. The existing barrier free spaces will also need to be maintained and can be shared between retained & severed parcels through a similar lease agreement that includes a provision that ensures that these spaces are located on an accessible path of travel with direct access to the sidewalk to the building.

Staff Comments/Recommendations

The agent for two neighbouring property owners' requests that the variance application be refused as not being minor & that the consent application be refused as well until the parking requirements for both the old and new are satisfied in such a way so as to guarantee that the arrangements remain in place for future owners.

The SSMHC proposed new office building site has sufficient parking in place. No variance is requested for this site.

Planning Division staff do not support the request as submitted and recommend amending the request.

Building Division recommends that all parking spaces be in accordance with the provisions of Section 5 of Zoning By-Law 2005-150, specifically subsection 5.3.5

Interested Parties Present

Steven Shoemaker, Solicitor for the applicant attended. He expressed the certainty that the required parking spaces could be found within a 300m² area of the subject property & the required leases would be entered into. He indicated that the prospective purchaser wants assurance that the proposed severance will proceed before they sign a Purchase of Sale Agreement & proceed to secure the parking spaces. He advised the Committee that his client (SSMHC) cannot enter into leases for another property owner, only the prospective owner can do that. For these reasons, he requested that the Committee consider deferring this application to permit the time it will take for the prospective purchaser to secure parking spaces. He opined that a deferral would not have a negative

impact & will assist his clients. If for whatever reason, all seventy-four (74) required spaces cannot be secured, an amended minor variance application would be circulated to the public and staff and subsequently put back on a future Committee agenda. He reiterated that the intent is to secure all the parking spaces required by by-law and when that happens, a variance would not be needed & the application would be withdrawn.

Joseph Fratesi attended in support of his written submission. He opposed a deferral of the minor variance application alone & opined that if a deferral is considered it should be that both the variance and consent applications be deferred together. He opined that deferring both applications would not negatively impact the prospective purchaser's ability to enter into a Purchase of Sale Agreement as it could simply be made conditional on parking. He advised that his daughters know the neighbourhood, having operated their respective businesses on Brock Street for over 20 years & as such are well aware of existing parking issues in the area. He mentioned the relocation of the Mill Mart to the downtown, the development of the Downton Plaza, the weekly garage sale at Westminster Church to illustrate some of the recent changes to the area that have had an impact on parking availability. He was concerned that the availability of community parking in the city parking lots may be negatively impacted. He advised that the neighbours understood that the "old building" would be torn down, only to discover there is a new plan. He advised that he supports the repurposing of the former social services building if in so doing, it doesn't negatively impact available parking. He suggested that the prospective purchaser perhaps look at providing parking at some of the vacant church lots or tearing down some of the boarded up/unused buildings and creating new parking opportunities. He opined that both applications should be deferred until suitable arrangements are known, and are in place which meet the by-law parking provisions.

In rebuttal, Mr. Shoemaker advised that any approval of the consent application could be made conditional on providing parking in accordance with the provisions of the by-law provisions. Those provisions would have to be satisfied by a new owner, or final consent could not happen. As such, he reiterated his request for a deferral of this minor variance request only.

Proceedings

The Chair called for comments. Chair Greco agreed with Mr. Fratesi that in his opinion the requested variance would not meet the test of minor. He also failed to understand why a Purchase of Sale Agreement with conditions related to parking and the proposed consent could not be done if the applications were deferred. The Chair acknowledged that the solicitor has voiced the applicants' willingness to seek out enough spaces wherein a variance would not be required, or if unable to do so secure all spaces, come back to the Committee with an amended request to consider the number of spaces they have secured. Seeing no harm by deferring the application, he indicated that he would not be opposed to a deferral.

Member Bruni agreed with the Chair's comments, adding that he was also concerned with the impact that a reduction might have on the downtown community.

The Chair called for discussion. Seeing no further discussion, discussion was closed, and the Chair called for a motion.

Moved by Bruni, seconded by McGregor,

“RESOLVED THAT further consideration of this application be **DEFERRED SINE DIE** subject to the following condition,

- 1. A new notice of hearing including details of the request, be circulated to the public and staff prior to the application being put on a future Committee of Adjustment agenda for consideration.**

CARRIED.”

TAB 3

➤

Application B6/24-7-(1-2)-1880-C2

SAULT STE. MARIE HOUSING CORPORATION is the owner of **CIVIC NO. 540 ALBERT STREET EAST** further identified as Roll No. 020 038 057 00 0000, PIN 31542-0392 (LT) former Township of St. Mary’s. The property is irregular in shape and abuts McDougald Street to the north, Albert Street East & Brock Street to the east. It is approximately 0.38ha in size. The subject property is designated Commercial in the Official Plan & are zoned C2, Central Commercial Zone.

INTENT OF THE APPLICATION

Subject to final approval of minor variance application **A15/24**, the applicant is seeking the Committee’s consent to sever and convey the “old office site” from the “new office site” together with mutual easements amongst both proposed sites and Civic No. 168 McDougald Street for access/egress purposes. The proposed parcel configuration is

Width (approximate)	Length (approximate)	Area (approximate)
37.20m (sever)	33.91m	0.015ha
85.83m (retain)	30.11m	0.024ha

Easements As Illustrated in Favour of

Civic 168 McDougald Street	Over proposed & retained lands for access/egress to Brock Street
Retained Lands	Over proposed severed lands for access/egress to McDougald Street
Severed Lands	Over proposed retained lands for access/egress to Brock 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.

J. Fratesi, agent for the owners of Civic No. 135 Brock Street, had the following comments. Thank you for taking the time to talk to me about the above applications which

have been filed by Sault Ste. Marie Housing Corporation for its property at 540 Albert Street East. I have spoken to Jeff Barban about these applications as well.

My daughters (Krista Fratesi Williams and Lisa Fratesi Coccimiglio) have owned and operated their small businesses located at 135 Brock Street for over 20 years and have asked me to express their concerns about what the Housing Corporation is asking for. I can only assume that this was not addressed prior to the issue of a permit for the new DSSAB building because the original plan was to take this building down after the new one was completed. This obviously has changed, and the intent is now to keep both buildings and to use both on a long term basis. That being the case, the parking requirements for both buildings, in accordance with the City's bylaws, need to be met. Informal arrangements might provide a practical solution to needed parking but should never be accepted to satisfy parking requirements of the City's bylaws. The Housing Corporation should be held to the same standards as any other property owner. While it's current plans and proposed tenants of the old building might get by on informal parking arrangements, there is no guarantee that the required parking will be available on a long term basis. Things change. Directions change. Ownerships change. That is why we have bylaws that nail down parking.

The whole issue of parking for the Brock Street neighbourhood was very recently discussed in the context of the relocation of the Mill Mart to the neighbourhood, as well as the construction of the new, but controversial Downtown Plaza. Businesses, such as my daughters, are already concerned about the compromises that have already been made to the parking requirements for their neighbourhood.

Reducing the parking requirements for 540 Albert Street East from the bylaw requirement of 74 spaces to 0 cannot be seen as "minor" and should not be the subject of a variance application to the Committee of Adjustments. It is a "major" reduction, an actual complete deletion of both what is practically needed for parking, as well as the bylaw requirements for parking.

The variance application should be denied and so should the severance application until the parking requirements for BOTH the new and the old buildings are satisfied. The same standards that are to be met by private developers in our community should be met by municipal and quasi-municipal agencies, such as the DSSAB and the Housing Corporation, because future ownership of any property cannot be guaranteed.

Approving these applications will simply make an existing situation worse.

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
Accessibility Committee	X	Any approval to be conditional on entering into a lease with the owners of 548 Albert St. East to share the barrier free parking spaces illustrated on the site plan

		to be designed in accordance with by-law provisions
Algoma Public Health	X	No comment, municipally serviced
Bell Canada Right-of-Way		No comment
Building Division	X	Any approval resulting in required parking spaces must be in accordance with all other provisions of Section 5 of Zoning By-Law 2005-150, specifically subsection 5.3.5.
Canada Post		
Conservation Authority	X	
Downtown Association	X	
Engineering & Construction	X	The original site plan approval has temporary conditions for the parking lot and sidewalk between the two buildings. Future elevations in the parking area and walkways were to be raised significantly once the existing building was demolished. Confirmation should be provided that the grading and servicing of the parking and walkways will meet current standards if the building is to remain. A site plan amendment may be required.
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	No objections conditional on an amended and approved variance request.
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	No comment

Staff Comments/Recommendations(s)

Recommended conditions of any approval are,

- Payment of Cash-in-lieu of Parkland
- Payment of Transfer Review 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
- Provide verification which demonstrates that appropriate parking arrangements are in place in accordance with Section 5.3.5 of Zoning By-law 2005-150, to the satisfaction of the Chief Building Official or his designate

Interested Parties Present

Steven Shoemaker, Solicitor for the applicant attended. He expressed the certainty that the required parking spaces could be found within a 300m² area of the subject property & the required leases would be entered into. He indicated that the prospective purchaser wants assurance that the proposed severance will proceed before they sign a Purchase of Sale Agreement & proceed to secure the parking spaces. He advised the Committee that his client (SSMHC) cannot enter leases for another property owner, only the prospective owner can do that. For these reasons, he requested that the Committee consider deferring the variance request and proceeding with consideration of this consent. Mr. Shoemaker noted that approval of this consent is simply provisional approval, it will come with conditions that will have to be met before final consent can be given. He was agreeable to adding a condition that requires that the applicant/purchaser satisfy the Chief Building Official that the arrangements/leases for parking will be in place, are in accordance with the zoning by-law and for a minimum term of 20-years and, provide a notice to that effect to the Secretary-Treasurer.

Joseph Fratesi attended in support of his written submission. He opposed a deferral of the minor variance application alone & opined that if a deferral is considered it should be that both the variance and consent applications be deferred together. He opined that deferring both applications would not negatively impact the prospective purchaser's ability to enter into a Purchase of Sale Agreement as it could simply be made conditional on parking. He advised that his daughters know the neighbourhood, having operated their respective businesses on Brock Street for over 20 years, and as such are aware of existing parking issues in the area. He mentioned the relocation of the Mill Mart to the downtown, the development of the Downton Plaza, the weekly garage sale at Westminster Church to illustrate some of the recent changes to the area that have had an impact on parking availability. He was concerned that the availability of community parking in the city parking lots may be negatively impacted. He advised that the neighbours understood that the "old building" would be torn down, only to discover that there is a new plan. He advised that he supports the repurposing of the former social services building if in so doing, it doesn't negatively impact available parking. He suggested that the prospective purchaser perhaps look at providing parking at some of the vacant church lots or tearing down some of the boarded up/unused buildings and creating new parking opportunities. He opined that both applications should be deferred until arrangements are known, and in place which satisfy the by-law's parking provisions.

In rebuttal, Mr. Shoemaker reiterated his request that this consent application not be deferred and that a decision be rendered.

Proceedings

The Chair called for comments. He opined that a Purchase of Sale Agreement with conditions related to parking and the proposed consent could be done if the applications were deferred. The Chair acknowledged that the solicitor has voiced the applicants' willingness to seek out enough spaces wherein a variance would not be required, or if unable to do so secure all spaces, would come back to the Committee with an amended request to consider the number of spaces they have secured. He saw no harm in considering the consent at this time.

Member Bruni agreed with the Chair's comments.

The Chair called for discussion. Seeing no further discussion, discussion was closed, and the Chair called for a motion.

The Committee, after carefully reviewing the evidence, the illustrations presented, and the submissions made by the parties, finds that the criteria set out in subsection 51(24) of the Planning Act have been satisfied. The Committee notes that planning staff and commenting agencies either support the proposed severance or have no issues with the proposed severance. Based on all the evidence, the Committee finds that the proposed severance does not conflict with any provincial plan or plans, is consistent with any policy statements made under Subsection 3(1) of the Planning Act, is in keeping with the City's Official Plan and Zoning By-law(s), will provide orderly development of the City, and a plan of subdivision is not necessary.

Moved by Bruni, seconded by McGregor,

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance for the parcel 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 two (2) copies 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. 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)

3. PARKLAND LEVY

In accordance with Subsection 51.1(1) of Section 50 of the Planning Act the applicant must pay the Corporation 2% 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.

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. GRADING AND SERVICING OF PARKING AND WALKWAYS

Confirmation be provided that the Director of Engineering or his designate is satisfied that the grading and servicing of the parking and walkways meets current standards.

6. SITE PLAN AMENDMENT

Confirmation be provided that the Director of Planning or his designate has been satisfied that a Site Plan or Site Plan Amendment has been addressed to his satisfaction.

7. SHARED USE OF BARRIER FREE PARKING SPACES ON THE RETAINED LAND

Provide confirmation that a lease agreement has been entered into between the owners of the proposed retained and proposed severed parcels for shared use of the barrier free parking spaces illustrated on the submitted plan.

8. DESIGN OF BARRIER FREE PARKING SPACES

Provide confirmation from Accessibility Coordinator or the Director of Planning that the barrier free parking spaces provided are designed in accordance with by-law provisions.

9. TERM OF LEASE FOR PARKING SPACES

All lease provisions for parking must be for a minimum term of twenty (20) years.

10. PIN ABSTRACT

That a copy of the latest pin abstract for both properties accompany the "electronic registration in preparation documents."

11. MINOR VARIANCE APPLICATION

a) That minor variance application **A15/24** be either withdrawn, or if any of the required parking spaces cannot be secured, that an amended application **A15/24** be placed on the Committee's agenda for consideration prior to final consent and further that conditions attached to any variance approval shall be deemed to be conditions imposed on this consent application and shall be fulfilled within the time frame set out in Section 53(41) of the Planning Act, failing which the consent application shall be deemed to be refused.

(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.

12. 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.

13. 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.

14. 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.

15. 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 **June 5, 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 A16/24-156-(2-47)-23393-RA

DUSTIN & CHRISTINA GRONDIN are the owners of **CIVIC NO. 55 OLD HIGHWAY 17 N** further identified as Pt. Lt 20 RCP H743 former Township of Tarentorus, PT 1, 1R10543 & Lt 19 RCP H743 Tarentorus. It is located on the east side of Old Highway 17 N at the southerly end of the street. The subject property is designated Rural Area in the Official Plan & is zoned RA, Rural Area. It is irregular in shape and is approximately 3.8ha in size.

PURPOSE OF THE APPLICATION:

Subject to final consent approval of application **B7/24**, 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 frontage of the proposed parcel & legitimizing the location of the existing garage on the proposed retained parcel.

	By-Law Requirement 2005-150	Proposed Variance
8.5.2	Minimum required lot frontage 45m	Reduce the minimum required lot frontage for the proposed northerly parcel only, to 13m
	Minimum interior side yard requirement for accessory buildings 5m	Reduce the south interior side yard to 4.6m for the existing 9.29m x 6.15m garage 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.

Division/Agency	Circulated	Response
Algoma Public Health	X	
Bell Canada Right-of-Way		No comment
Building Division	X	No objection

Canada Post		
Conservation Authority	X	
Engineering & Construction	X	No comment
Fire Services	X	No comment
Legal Department	X	Turnaround agreement in process. No additional comment
Planning Division	X	No objection
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	Supportive conditional on the cooperation of the applicant to provide the City with a turnaround

Staff Comments/Recommendations

Planning has no objections to the reduced south side yard for the existing garage and no objections to reducing the lot frontage from 45m to 13m. This location lacks a defined set character of the area, and neighboring lots are inconsistent in shape. The impact of this reduction is not anticipated to have adverse effects as the lot is at the end of a roadway and abuts a non-residential use (golf course). To further develop large parcels variances have been granted for a reduced frontage that will permit access to land that has the potential for development. Planning recommends that should this variance be granted the portion of the parcel with a 13 metre frontage be used for access only.

There was no written 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.

It is recommended that any approval be made conditional upon the applicant entering into a turnaround agreement with the City to the satisfaction of the Director of Public Works or her designate.

Interested Parties Present

H. MacDonald, Solicitor for the applicant was available by telephone. No others recorded.

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 application is minor in nature, desirable for the appropriate development on the subject property noting that the

neighbourhood does not have a defined character, and further opined that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

Moved by McGregor, seconded by Bruni,

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

- 1. A turnaround agreement be finalized with the City Corporation to the satisfaction of the Director of Public Works or her designate.**
- 2. That the use of 13.086m± x 132.195m± commencing at the proposed front property line be restricted to access/egress purposes only.**
- 3. Final consent of application B7/24 must be obtained.**

CARRIED.”



TAB 5

Application B7/24-156-(2-47)-23393-RA

DUSTIN & CHRISTINA GRONDIN are the owners of **CIVIC NO. 55 OLD HIGHWAY 17 N** further identified as Pt. Lt 20 RCP H743 former Township of Tarentorus, PT 1, 1R10543 & Lt 19 RCP H743 Tarentorus. It is located on the east side of Old Highway 17 N at the southerly end of the street. The subject property is designated Rural Area in the Official Plan & is zoned RA, Rural Area. It is irregular in shape and is approximately 3.8ha in size.

INTENT OF THE APPLICATION

Subject to final approval of minor variance application **A16/24**, the applicant is seeking the Committee’s consent to sever and convey a northerly parcel fronting on Old Highway 17 N being approximately 3.02ha in size, for future development purposes. The proposed parcel configurations are,

Width (approximate)	Length (approximate)	Area (approximate)
13.08m (sever)	300m	3.02ha
71.6m (retain)	132m	0.81ha

Public Response

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

Interested Parties Present

H. MacDonald, Solicitor for the applicant was available by telephone. No others recorded.

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		
Building Division	X	No objection
Canada Post		
Conservation Authority	X	
Engineering & Construction	X	X
Fire Services	X	No comment
Legal Department	X	Turnaround agreement in process. No additional comment
Planning Division	X	No objection
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	Supportive conditional on the cooperation of the applicant to provide the City with a turnaround

Staff Comments/Recommendations

There was no written 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.

It is recognized that the variance approval restricts the use of the 13m wide portion of the proposed severed property. Planning staff recommended that any approval be made conditional upon the applicant entering into a turnaround agreement with the City to the satisfaction of the Director of Public Works or her designate.

Recommended conditions of any approval are,

- Payment of Cash-in-lieu of Parkland
- Payment of Transfer Review 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
- Enter into a Turnaround Agreement with the City to be registered on title

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 severances with 2 recommended conditions. 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 McGregor, seconded by Bruni,

"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 two (2) copies 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. 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)

3. 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.

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

That a copy of the latest pin abstract for both properties accompany the “electronic registration in preparation documents”.

6. 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.

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. TURNAROUND AGREEMENT

A turnaround agreement must be entered into to the satisfaction of the Director of Public Works or her designate and registered on the title of the retained land.

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 **June 4, 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 6

Application B5/24-43-(1-50)-7009-C5

3476847 CANADA INC. is the owner of PIN 31532-0035 (LT), former Township of St. Mary's, and municipally identified as **CIVIC NO. 44 GREAT NORTHERN ROAD** aka Cambrian Mall. It is located on the east side of Great Northern Road between Willoughby Street and McNabb Street. The subject property is designated Residential in the Official Plan and is zoned R2, Single Unit Residential.

INTENT OF THE APPLICATION

Subject to final by-law approval of rezoning application B-4-24-Z. OP, the applicant is seeking the Committee's consent to sever and convey a westerly 0.328ha parcel fronting on Great Northern Road and provide an easement for right-of-way purposes in favour of the proposed severed parcel. The proposed parcel & easement configurations are:

Width (approximate)	Length (approximate)	Area (approximate)
62.45m (sever)	59m	0.328ha
349m (retain)	283m	1.7ha
14.9m (southerly easement)	56.8m	0.042ha
7.237m (westerly easement)	58.014m	0.085ha

The intent of the application is to facilitate the relocation of the BMO office from within the Cambrian Mall to the proposed severed parcel & provide a right-of-way over the proposed retained land in favour of the proposed severed parcel.

Public Response

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

Interested Parties Present – no persons recorded.

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		
Building Division	X	No objection, noting several open building permits on this site
Canada Post		
Conservation Authority	X	
Engineering & Construction	X	X
Fire Services	X	
Legal Department	X	No comment
Planning Division	X	No objections
PUC Distribution Inc. (Electric)	X	
Public Utilities Comm. (Water)	X	
Public Works	X	

Planning staff noted that parking for the bank will fall under the Shopping Centre site plan agreement to share parking between all uses on the mall grounds. This is required to ensure that by severing this portion the overall property can maintain the required parking.

Staff Comments/Recommendations(s)

Recommended conditions of any approval are,

- Payment of Cash-in-lieu of Parkland
- Payment of Transfer Review 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

D. S. Urso, agent for the applicant, attended. He advised that a recent rezoning application to permit the intended use of the property was successful and opined that the proposed use structure is characteristic of the current trend for stand-alone banking facilities.

Proceedings

The Chair called for comments. Committee members noted their intent to support the request.

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 Bruni, seconded by McGregor,

"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 two (2) copies 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. 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)

3. PARKLAND LEVY

In accordance with Subsection 51.1(1) of Section 50 of the Planning Act the applicant must pay the Corporation 2% 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.

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

That a copy of the latest pin abstract for both properties accompany the "electronic registration in preparation documents."

6. MINOR VARIANCE APPLICATION

(After Provisional Consent given)

d) 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 **June 4, 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 7

Application B8/24-36-(1-57)-15898-R3

HERBS VILLAS INC (DNM Construction Management Ltd.) is the owner of **CIVIC NO. 210 PITTSBURGH AVENUE** further identified as Lt. 104-110 PL 1598 & part of closed lane, former Township of Korah. It is located on the northeast corner of Pittsburgh Avenue and Young Street. The subject property is designated Residential in the Official Plan & is zoned R3, Low Density Residential. It is irregular in shape and is approximately 3.8ha in size.

INTENT OF THE APPLICATION

The applicant is seeking the Committee’s consent to sever the subject property into three (3) autonomous parcels for future residential development considerations. The proposed parcel configurations are,

Width (approximate)	Length (approximate)	Area (approximate)
27.3m (sever)	42.03m	0.115ha
27.3m (sever)	42.03m	0.115ha
30.6m (sever)	42.03m	0.129ha

Public Response

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

Interested Parties Present – none recorded.

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		

Building Division	X	No objection
Canada Post		
Conservation Authority	X	
Engineering & Construction	X	<ul style="list-style-type: none"> • There is City easement along the back property line • There is only one sanitary lateral to the property. The applicant will be required to install the sanitary and water services for each lot and then re-pave the portion of the road that was excavated during the installation of services. Multiple patches for each service connection will not be acceptable. A servicing agreement may be required. • A lot grading and drainage plan must be completed by a Lot Grading Professional, to ensure that drainage is dealt with appropriately. Lot Grading Professionals must be a Professional Engineer (civil), Architect, or Ontario Land Surveyor, experienced in lot grading design. A drainage agreement may be required. • Municipal Consent permit is required for the construction work in the municipal right-of-way. • No work shall be commenced without the approval of the Director of Engineering or his designate. Any work which requires approvals from the City and the Ministry of the Environment shall not commence until such approvals and agreements are endorsed.
Fire Services	X	
Legal Department	X	No comment
Planning Division	X	No objections
PUC Distribution Inc. (Electric)	X	No concerns

Public Utilities Comm. (Water)	X	No concerns
Public Works	X	No comment

Staff Comments/Recommendations(s)

No evidence of any opposition to the request.

Recommended conditions of any approval are,

- Payment of Cash-in-lieu of Parkland
- Payment of Transfer Review Fee
- Provide a Transfer/Deed of Land for Certificate of Official
- Provide a lot grading and drainage plan completed by a Lot Grading Professional
- Enter into a Drainage Agreement if deemed necessary
- 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

The Chair called for comments. Members Bruni & McGregor both agreed that the proposed parcel configuration was consistent with the neighbourhood development & would be supporting the request with the recommended conditions.

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 severances or have no issues with the proposed severances. Based on all the evidence, the Committee finds that the proposed severances 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 Bruni, seconded by McGregor,

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance for the parcels 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 two (2) copies 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. 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)

3. 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.

4. LOT GRADING AND DRAINAGE PLAN

That the applicant submits a lot grading and drainage plan for approval of the Director of Engineering or his designate, AND THAT drainage facilities be constructed, and easements dedicated as required. (Note: applicant’s solicitor will have to sign off on any easements in Teraview’s Electronic Land Registry system)

5. PIN ABSTRACT

That a copy of the latest pin abstract for both properties accompany the “electronic registration in preparation documents.”

6. MINOR VARIANCE APPLICATION

(After Provisional Consent given)

e) 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 **June 4, 2024**. Procedures for an appeal are set out on the last page of this decision.

WARNING:

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

OTHER BUSINESS

TAB 8

DATE OF NEXT HEARING – June 12, 2024

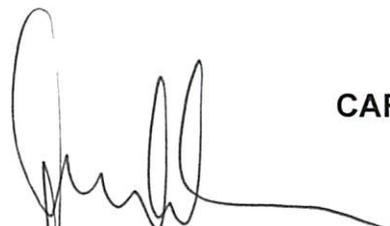
ADJOURNMENT

Moved by McGregor, seconded by Bruni,

"RESOLVED THAT we adjourn at 3:30 p.m.

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer



J. Greco
Chair

CARRIED."