

Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer



Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
June 25, 2025
Livestreamed

Call to Order

The Chair called the hearing to order at 2:05 p.m.

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

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: S. Marchese, Planning Representative

The Secretary-Treasurer confirmed that a quorum was in attendance.

Opening Remarks

Chair Greco welcomed the participants & introduced the Committee & staff

Land Acknowledgement – Secretary-Treasurer

Approval of Minutes of May 28, 2025

Moved by Rossi, seconded by Bruni,

"THAT the Minutes of the May 28, 2025, Committee of Adjustment hearing be approved as circulated. **CARRIED."**

- **Disclosure of Pecuniary Interest and the General Nature Thereof** - none recorded
- **Notice of Withdrawal or Request for Deferral**

➤ **Matters To Be Considered**

New Applications

- A10/25 Civic No. 88 Birkshire Place
- A15/25 Civic No. 78 Old Goulais Bay Road
- A16/25 Civic No. 251/259 Great Northern Road
- A17/25 Civic No. 16 Findlay Drive
- A18/25 Civic No. 210 Pittsburgh Avenue
- A19/25 Civic No. 238 Old Goulais Bay Road
- B8/25 Civic No. 1292 Great Northern Road
- B12/25 Civic No. 216 Town Line

TAB 1

Application A10/25-114-(1-129)-29454-R1

JAMES BOSEOVSKI & HANRI CONNETTE FALKSON are the owners Lot 32, Plan 1M-461, PIN 31510-0032 being **CIVIC NO. 88 BIRKSHIRE PLACE**. It is located on the south side of the north leg of Birkshire Place. It is designated Rural Area in the Official Plan and is zoned R1, Estate Residential.

INTENT OF THE APPLICATION:

The following variances are requested:

	By-Law 2005-150 Requires	Proposed Variance
9.1.7 E	Swimming pools and hot tubs are permitted in a rear yard only	Permit 10.06m X 4.42m pool to be in the east side yard 3.42m from the property line
9.5.2	Required side yard 3.5m	Reduce east side yard to 3.4m for a 2.44m x 3.66 cabana/mechanical room
	Required minimum front yard setback 12m	Reduce front yard setback for detached garage to 8.9m

PURPOSE & EFFECT:

The irregular shape of the subject property together with the existing residential development restricts where design features and outdoor amenities can be located. The proposed features are intended to enhance the development of the property.

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.

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 objection
Bell Canada Right-of-Way		
Building Division	X	No response
Canada Post		
Conservation Authority	X	See response below
Engineering & Construction	X	
Fire Services	X	No comments or concerns
Legal Department	X	No comment
Planning Division	X	
PUC Distribution Inc. (Electric)	X	See comments below
Public Utilities Comm. (Water)	X	No concerns
Public Works		

Engineering staff had no comment, however, wished to remind the owner they shall not alter any natural drainage features, nor block or obstruct drainage from neighboring lands, as outlined in the subdivision agreements. It is also noted that the owner has taken the road widening provisions into consideration as seen in the site plan.

Planning staff advised the subject property is a larger lot in a generally forested area. The request to move the pool to the east yard is supportable given that it will be enclosed with a fence that will ensure privacy is maintained and to keep access limited to the owner. A .1m reduction in the required side yard for a mechanical room is considered minor and should not impact the neighbours. Given that the lot does have significant tree coverage, this will reduce the impact of having the garage closer to the street. The impact is minimal, and this is considered a minor request. These requests do not conflict with the Official Plan. The variances that are requested change the requirements of the Zoning Bylaw, however, maintain the intent of the provisions that they are seeking relief. Planning has no objections

Conservation Authority advised that the subject property is located within an area that is regulated regarding: O. Reg. 41/24: Prohibited Activities, Exemptions and Permits under the Conservation Authorities Act, R.S.O. 1990, c.27.

All proposed developments on this property require a site plan to be submitted to SSMRCA to assess permitting requirements. SSMRCA does not have any concerns or objections with this COA Variance application.

PUC Distribution Inc. (Electric Utility) had no concerns. They noted that their records show the underground electrical service to 88 Birkshire Pl. may pass under the proposed 12'x16' shed location. PUC does not allow buildings over electrical services. It is recommended to receive locates and then potentially daylight the electrical service to determine its exact location before finalizing the proposed shed location.

Staff Comments/Recommendations(s)

That any approval be conditional on the owner/applicant providing confirmation that the underground electrical service does not pass under the proposed 12' x 16' shed/garage, prior to the issuance of a building permit.

Proceedings

Connette Falkson attended and was supportive of staff's recommendation.

The Chair called for comments, none recorded.

The Chair called for discussion.

Seeing none, the Chair closed discussion & called for a motion.

Decision

All written submissions relating to this application made to the Committee of Adjustment before its decision and any oral submissions made at the public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

The Committee accepts the planning evidence of Mr. Marchese.

The Committee after considering the submissions put forward and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained. The Committee is of the opinion that the requested variance is minor in nature in this instance.

It is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

Moved by Rossi, seconded by McGregor,

"RESOLVED THAT in accordance with Section 45(2) of the Planning Act this application be **Approved** subject to the following condition.

1. **THAT** the owner obtain confirmation that the underground electrical services do not pass under the proposed 12' x 16' shed to the satisfaction of the Chief Building Official or his designate, prior to the issuance of a building permit for this structure.

CARRIED."

TAB 2

Application A15/25-11-(1-126)-31626-R1

MICHELE & JULIE BATTISTI are the owners of **CIVIC NO. 78 OLD GOULAIS BAY ROAD**. It is located on the east side of Old Goulais Bay Road between Third Line East and Fourth Line East. It is designated Residential in the Official Plan and is zoned R1, Estate Residential.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, to permit the construction of an 8.53m x 7.92m x 8m detached garage to be located in the front yard approximately 9m from the front property line and approximately 1.75m from the south side yard.

The following variances are requested:

	By-Law 2005-150 Requires	Proposed Variance
9.5.2	Front yard setback 12m	Reduce front yard setback to 9m
	South interior side yard setback 3.5m	Reduce south interior side yard setback to 1.75m
9.5.3.2	Maximum height for an accessory building is 6m	Increase the maximum height of an accessory building to 8m

PURPOSE & EFFECT:

The proposed increase in height is intended to enhance the aesthetics of the garage & complement the existing house & maintain a consistent design. The proposed side yard reduction is intended to better align the garage with the layout of the property.

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.

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	
Canada Post		

Conservation Authority	X	No objections. See comments below
Engineering & Construction	X	See comment below
Fire Services	X	No concerns
Legal Department	X	No comments
Planning Division	X	See comments below
PUC Distribution Inc. (Electric)	X	See comments below
Public Utilities Comm. (Water)	X	No concerns
Public Works		

Engineering staff noted that the applicant has taken the additional road widening requirement into consideration.

Planning staff acknowledged that the three variances requested are seeking reductions to the established bylaw standards for yard setbacks and accessory buildings. The variances are to assist with the construction of a detached garage. These are large lots in an area of the city that start to transition to becoming more rural. Reducing the front yard setback to 9m from 12m is not expected to cause conflicts on the property and is considered minor. However, Planning will recommend the front yard setback be reduced to 9m for the garage only to ensure additional structures are not built along this setback. Additionally, the reduced south interior side yard will move the building closer to the neighbouring property but still far enough from other structures that it should have little impact. Planning will be recommending that there be no south facing windows on the garage. Finally, the request to build an 8ft accessory building is not foreseen to have an impact on the neighbour given the lot sizes and distances between structures, however, does reinforce the recommendation of not having south facing windows to ensure privacy is maintained.

These variances do not conflict with the Official Plan, the intent of the Zoning By-law is maintained as the provisions seeking relief are to ensure there are no impacts on neighbours as well as maintain fire separations, and adequate setback from the road. None of these are impacted by these requested variances and locating a garage separate from a dwelling unit can increase aesthetics and site circulation on a property. These variances are considered desirable for the property and minor in nature.

Planning has no objections to the variances, however, recommends a condition that no windows face the southern wall of the garage and that the reduced front yard setback be reduced for the accessory building only.

Conservation Authority advised that the subject property is located within an area that is not regulated regarding: O. Reg. 41/24: Prohibited Activities, Exemptions and Permits under the Conservation Authorities Act, R.S.O. 1990, c.27.

All proposed developments on this property require a site plan to be submitted to SSMRCA to assess permitting requirements. SSMRCA does not have any concerns or objections with this COA Variance application.

PUC Distribution Inc. (Electric Utility) noted that their records show the underground electrical service to 78 Old Goulais Bay Road may pass under the proposed garage location. PUC does not allow buildings over electrical services. It is recommended to receive locates and then daylight the electrical service to determine its exact location before finalizing the proposed garage location. A revised electrical service is an option at the expense of the owner if it is determined the existing service passes under the proposed garage location and the owner wishes to relocate their service. It is recommended that the owner contact PUC Engineering to discuss further.

Staff Comments/Recommendations(s)

That any approval be made conditional on the following.

1. Windows are prohibited on the southern exterior wall of the garage,
2. That the reduced front yard setback applies to the proposed accessory building only,
3. That any approval be conditional on the owner/applicant providing confirmation that the underground electrical service does not pass under the proposed garage, prior to the issuance of a building permit.

Proceedings

Michael Battisti attended and was supportive of staff's recommendation.

The Chair called for comments, none recorded.

The Chair called for discussion.

Seeing none, the Chair closed discussion & called for a motion.

Decision

All written submissions relating to this application made to the Committee of Adjustment before its decision and any oral submissions made at the public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

The Committee accepts the planning evidence of Mr. Marchese.

The Committee after considering the submissions put forward and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained. The Committee is of the opinion that the requested variance is minor in nature in this instance.

It is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

Moved by Greco (W), seconded by Bruni,

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

2. **THAT** windows are prohibited on the southern exterior wall of the garage.
3. **THAT** the reduced front yard setback applies to the proposed accessory building only.
4. **THAT** the owner obtain confirmation that underground electrical services do not pass under the proposed garage to the satisfaction of the Chief Building Official or his designate, prior to the issuance of a building permit for this structure.

CARRIED.”

TAB 3

Application A16/25-60-(1-60)-6503/12895-C4

CATALINA MOTEL LIMITED is the owner of **CIVIC NO. 251-259 GREAT NORTHERN ROAD** further identified as Lt. 47 and L 48 RCP H660, former Township of St. Mary's, PIN 315570059 & 31570060. It is located on the southwest corner of Northern Avenue and Great Northern Road. The subject property is designated commercial in the Official Plan & is zoned C4, General Commercial & is subject to site plan control. It is irregular in shape and while originally developed as two independent properties, they have since merged and are considered one contiguous property.

INTENT OF THE APPLICATION:

The applicant has withdrawn a request for a variance to Section 5.7 of By-law 2005-150.

The following variances are requested:

	By-Law 2005-150 Requires	Proposed Variance
13.5.1	No dwelling units are permitted on the ground floor	Permit dwelling units on the ground floor of a legally existing building.
13.5.2	Landscaped open space requires 50% of the required front yard	Reduce required front yard landscaped open space to 14%
13.5.2	Exterior side yard 6m	Reduce exterior side yard from 6M to 4.9m

PURPOSE & EFFECT:

To permit the proposed conversion of the existing single storey motel to a three (3) storey, 33-unit transitional housing development.

The Secretary-Treasurer reminded all in attendance that the application is not a matter or question of use. The residential use proposed is a permitted use, however, the Zoning

By-law does not permit dwelling units on the ground floor of an existing building. Hence the need for variance approval to permit dwelling units on the ground floor. Had the applicant chosen to continue operating a motel on the ground floor and locating residential dwelling units above the ground floor they would be permitted as of right to do so.

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.

Mike Braykovich submitted the following email on behalf of Green North Developments, the owner of several neighbouring properties, and read as follows.

On behalf of Green North Developments, owners of nearby lands including the Quattro Hotels property, we are submitting this formal objection to any proposed variance, adjustment, redevelopment, or renovation being considered for the above-referenced property. This objection is being submitted late due to a failure in the notification process.

The Quattro Hotels location, which is directly affected, did not receive notice of the application. In addition, Centennial Developments and Investments, the adjoining landowners, were not notified, nor was their tenant, Broker Link, who occupies the property as a tenant of Centennial. These omissions are unacceptable and represent a serious procedural flaw. These omissions are unacceptable and represent a serious procedural flaw.

The subject property is located at one of the most visible and high-traffic intersections in Sault Ste. Marie. Ingress and egress throughout the various sections and intersections along Great Northern Road are already congested and problematic. Adding further density to this area will increase traffic volume, worsen backups, and contribute to safety hazards for both drivers and pedestrians.

Of equal concern is the nature of the proposed development, which appears to resemble transit-oriented row housing. Similar developments in other parts of the city, including along Wellington Street East, have been associated with increased loitering, vagrancy, and the presence of drug paraphernalia on public sidewalks and streets. This type of outcome is wholly inappropriate for a location of such significance in the city, and particularly troubling given its proximity to the Soo Pee Wee Arena, one of the busiest minor hockey venues in the region, frequented by families and young children. Given the lack of proper notice and the concerns described above, we respectfully request that the Committee,

- Defer or reject the application until full and proper notification has been completed,
- Require a complete traffic and access impact assessment for Great Northern Road and nearby intersections,
- Carefully consider the long-term planning and community safety implications of introducing a use that is incompatible with the surrounding area.

We appreciate your attention to these concerns and trust that due consideration will be given to the broader implications of this proposal.

Jerry Stefanizzi, an interested party submitted the following email.

I wanted to formally object to the variance on the basis that the housing being considered does not fit into the neighbourhood. I am also unclear on how this fits into the Official Plan for the City.

There needs to be more public consultation before such a change is made to the neighborhood.

Lastly, the Notice that is being provided is not enough. Sixty meters of neighboring notice is insufficient for a change of this magnitude.

Fausto DiTommaso of 27 Great Northern Road, owner of several neighbouring properties, attended and opined that the additional units being proposed will add to the existing traffic burden at the second busiest corner in the city. He advised that it will be impossible for vehicles exiting the property to turn left onto Great Northern Road or to enter or exit the property from Northern Avenue. He requested that a decision be deferred until a traffic study is done and the results are made known.

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	
Bell Canada Right-of-Way		
Building Division	X	See comments below
Canada Post	X	
Conservation Authority	X	No concerns or objections
Engineering & Construction	X	No objections. See note below
Fire Services	X	No comments
Legal Department	X	See comment below
Planning Division	X	See comments below
PUC Distribution Inc. (Electric)	X	No concerns. See comments below
Public Utilities Comm. (Water)	X	No concerns. See comments below
Public Works	X	

Building Division staff advised that they have some concerns with the parking dimensions being proposed on the west side of the property. *This comment is no longer applicable as an updated parking design confirms that parking regulations have been met.*

The minimum dimensions for aisle width and curb to curb widths, as per our section 5.0 of our Zoning By-law 2005-150, are 6.71m and 12.5m, respectively. The proposed dimensions do not meet these minimums. *This comment is no longer applicable as an updated parking design confirms that the regulations mentioned have been met.*

Also, if there are to be 25 dwelling units or more, a loading space will be required and dimensioned as per section 6.0 of the Zoning By-law. *This comment is an advisement; an updated parking design confirms that the proposed loading space is in compliance.*

Engineering staff had no objections but wished to advise the owner that should development plans change wherein the existing building was demolished in order to construct a new building, the city would be interested in acquiring a portion of the property along the northern property line. This would enable enhancements to be made to the intersection of Northern Avenue East and Great Northern Road.

Legal Department staff advised that there is a licence of occupation with the previous owners for the gazebo. The gazebo must be removed, or the licence continued with the new owners.

Planning staff advised that the variances requested are to facilitate the conversion of the existing motel into an affordable, transitional housing development. These are self-contained units with kitchens, bathrooms and built-in washer and dryers, which align with an apartment building more than a rooming house. This property has functioned as an accommodation service historically, and the addition of ground-floor residential would be complementary to the existing use. With the changes to the building, it will negate the legal non-conforming conditions that permit the existing building to be located where it is at on the property.

Looking at each variance individually:

Permit dwelling units on the ground floor of a legally existing building.

This variance is supported by the Official Plan where existing Commercial buildings may be converted to residential given that the aesthetics of the ground floor will need to be sympathetic to the surrounding commercial landscape. In this instance privacy on the ground floor is a key component and ensuring such features as minimized windows that can be seen in are a priority. To ensure this Planning will be requesting a condition of approval that façade renderings be submitted to the approval of the Planning Director or their Designate to ensure these elements are implemented. A minor variance has the ability to request relief from the Zoning Bylaw when there is a practical use for the land that supports the local context. In this setting, creating a vibrant mixed-use area that supports the adaptive reuse of an existing building will benefit the primarily commercial-based activity in the area. In this instance, the variance does uphold the intent of the zoning bylaw. This is considered desirable as it will bring additional affordable housing units to the City and in an area where they have access to key amenities. The request is asking to convert an existing accommodation service into ground floor residential, this is more similar to an operations change than a use change and will have little impact on how the building interacts with the surrounding area and is therefore considered minor.

Landscaped open space reduction.

The Official Plan speaks to the importance of landscaping along this corridor of the City. A reduction in landscaping quantity can be offset by an increase in quality. In order to

maintain this provision of the Official Plan, a condition for enhanced landscaping will be recommended. The intent of the zoning bylaw is to create an attractive space that supports the commercial corridor and creates a vibrant area. This will also be achieved through the condition for enhanced landscape which will serve as a buffer between the road and the building. This is desirable as it creates an option to maintain the existing building while still achieving the goal of an attractive front yard. The request is considered minor as the impact of the solution versus the requirement is minimal.

Exterior side yard reduction

This request is supported through the Official Plan provision on Affordable Housing by providing for alternative development standards such as reduced lot frontages, setbacks, and parking requirements. A reduction down to 4.9m from 6m will still allow adequate space from the building to the street, and as it already exists, there is no significant impact from this variance. The Zoning Bylaw aims to ensure there is adequate space between the building and the street. While this distance will be reduced, the condition of enhanced landscaping will help to offset the lowered side yard that is being requested. This is desirable for the area as it assists in utilizing an existing building and improving the surrounding landscape of the property.

When determining whether the variances as a whole are minor, one has to consider the impact of the variances to determine whether they are major or minor. These variances are to permit residential units on the ground floor of a building that is already providing accommodations in this location, two variances to restore the equivalent of legal non-conforming status on the existing building. In total the impact is minor, and for those reasons Planning supports this application with the recommended conditions that renderings to the satisfaction of the Director of Planning or their designate be submitted, as well that the site have enhanced landscaping on its exteriors side and front yard which can be administered at the Site Plan Control stage.

PUC Distribution Inc. (Electric Utility) noted that a swing calculation may be required with the new height the additional stories will be adding to the building. The single phase primary overhead distribution line feeds a privately owned pole in the Southwest corner of the property. There is a transformer and secondary riser on this pole which then feeds the underground service to the building. This may result in the need to relocate this line or upgrade to an underground service from the street.

Further to the above, if an electrical service upgrade is deemed required due to loading, please contact PUC Engineering early in the planning process.

Public Utilities Commission (Water Utility)

No concerns with the proposed variances. An Application for General Water Service is required to be submitted to PUC for the building expansion.

Staff Comments/Recommendations(s)

1. Façade renderings be submitted to the satisfaction of the Director of Planning or his designate prior to issuing a building permit.

2. Enhanced landscaping to be provided on the exterior side and front yard to the satisfaction of the Director of Planning or his designate prior to issuing a building permit.
3. The existing gazebo must be removed, or the licence of occupation with the City be continued with the new owners, to the satisfaction of the City Solicitor prior to the issuance of a building permit.

Proceedings

Chris Rancourt, agent for Missanabie Cree Business Limited Partnership, attended and explained the term “transitional housing”, advising that it is affordable housing intended to fit the unique needs of their membership. It is not a half-way house, it is not an addiction centre and is not a shelter. Missanabie Cree First Nations supports their membership in finding affordable housing. Unfortunately, the current wait list for long-term affordable housing is 2 years. This development will assist their members while they wait. The proposed units would operate similarly to apartments, however, are considered medium term i.e. only until a long-term housing solution becomes available. For example, an expectant mother who lives on one of the reserves that doesn't have ready access to hospital or medical care finds herself transferred to the Sault for specialized care, she or her family member would have the option of staying at this development until they are able to return to their home. Similarly, a member going through cancer treatment at SAH could stay here until their treatment is complete. This facility would also provide medium-term housing for First Nation members waiting to secure long-term housing. He emphasized that the development is not intended for transient accommodation. In response to comments concerning traffic, he advised that the site will be designed so as to only permit entering from Northern Avenue with no exit option. He also advised that there will be a professional property management team in place and a support person will work from this site to answer questions and connect members with various support services.

The Chair called for comments. The Chair asked the planning representative if there were any similar instances of ground floor residential units on Great Northern Road. The representative was not aware of any. The Chair asked Mr. Marchese to explain his reference to an operations change as opposed to a use change. To which he responded, it now operates as a residential use albeit a motel, & a residential use is proposed, as opposed to a commercial use such as a convenience store operation. The Chair asked if a traffic study had been done to which the Secretary-Treasurer advised that Public Works & Traffic and Engineering did not request a traffic study and had no objections to the application.

The Chair called for discussion.

Seeing none, the Chair closed discussion & called for a motion.

Decision

All written submissions relating to this application made to the Committee of Adjustment before its decision and any oral submissions made at the public hearing, held under the

Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

The Committee accepts the planning evidence of Mr. Marchese.

The Committee after considering the submissions put forward and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained. The Committee is of the opinion that the requested variance is minor in nature in this instance.

It is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

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. **THAT** façade renderings be submitted to the satisfaction of the Director of Planning or his designate prior to issuance of a building permit.
2. **THAT** enhanced landscaping to be provided in the exterior side yard and the front yard to the satisfaction of the Director of Planning or his designate prior to issuance of an occupancy permit.
3. **THAT** the existing gazebo be removed, or the licence of occupation with the City be continued with the new owners, to the satisfaction of the City Solicitor prior to the issuance of a building permit.
4. **THAT** the variance approval for residential units on the ground floor is for medium-term residential units only.

CARRIED."

TAB 4

Application A17/25-19-(1-17)-31055-R2

RANDY & DEBBIE FAWCETT are the owners of **CIVIC NO. 16 FINDLAY DRIVE**. It is located on the east side of Findlay Road between Forest Avenue and The Drive. It is designated Residential in the Official Plan and is zoned R2, Gentle Density Residential.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, to increase the maximum height of a fence.

The following variances are requested:

	By-Law 2005-150 Requires	Proposed Variance
7.2	Maximum fence height 1.8m	Increase maximum fence height in the north side yard to 2.133m

PURPOSE & EFFECT:

The subject property is approximately 0.5m lower than the northerly adjacent property. As a result, a 1.8m high fence will not provide sufficient privacy. The additional 0.3m increase in height will assist in this regard.

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.

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		
Bell Canada Right-of-Way		
Building Division	X	No objections
Canada Post		
Conservation Authority		
Engineering & Construction	X	No concerns
Fire Services	X	No comment
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		

Staff Comments/Recommendations(s)

No evidence has been presented to date to indicate that approval of this request would have a negative impact.

Proceedings

Randy Fawcett, applicant, was in attendance.

The Chair called for comments, none recorded.

The Chair called for discussion.

Seeing none, the Chair closed discussion & called for a motion.

Decision

All written submissions relating to this application made to the Committee of Adjustment before its decision and any oral submissions made at the public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

The Committee after considering the submissions put forward and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained. The Committee is of the opinion that the requested variance is minor in nature in this instance.

It is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

Moved by Rossi, seconded by McGregor,

"RESOLVED THAT in accordance with Section 45(2) of the Planning Act this application be **Approved**.

CARRIED."

TAB 5

Application A18/25-36-(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 following variances are requested:

	By-Law 2005-150 Requires	Proposed Variance
2.30	Front Lot Line is determined as the shortest lot line on a corner lot (Young Street)	Permit/Deem front lot line to be the longest lot line on a corner lot (Pittsburgh Avenue) in this instance. only.
4.14.12	No building permit shall be issued where a consent application is pending	Permit building permits to be issued with the understanding that Consent Application B13/24 will not be acted upon and will be allowed to lapse.

PURPOSE & EFFECT:

To allow the construction of the remaining six (6) townhouse units to proceed.

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.

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		
Bell Canada Right-of-Way	X	
Building Division	X	No objections
Canada Post	X	
Conservation Authority	X	No concerns or objections
Engineering & Construction	X	See comments below
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	No objection. See comments below
PUC Distribution Inc. (Electric)	X	No comment
Public Utilities Comm. (Water)	X	No comment
Public Works		

Engineering & Construction advised that there is a City easement along the proposed rear property line.

Should Application B13/24 not be acted upon, there will be 9 units in total on this property. The Sault Ste. Marie Sewer-Use By-Law requires a development with 4 or more units to have a Stormwater Analysis be performed to ensure post-development flow does not exceed pre-development.

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.

It has been noted that Municipal Consent permits for work on the municipal right-of-way have already been submitted, and work is ongoing.

Planning staff advised that while the Zoning By-Law stipulates that the front lot line shall be the shortest lot line on a corner lot, this provision does not always reflect the functional front lot line. In this instance, the development fronts Pittsburgh Avenue and by redesignating the front lot line, it will reflect the multiple dwelling units that are being proposed at this time. Planning has no objection.

Staff Comments/Recommendations(s)

This 9-unit development was reviewed as part of the consent-to-server process. However, now that the applicant wishes to abandon the provisional consent approval given in application B13/24, all nine units will now be on one lot. As a result, several regulations/obligations must now be addressed through conditions.

The following conditions are recommended for any approval.

1. A Stormwater Analysis must be conducted to ensure post-development flow does not exceed pre-development to the satisfaction of the Director of Engineering or his designate prior to the issuance of a building permit.
2. 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. All to the satisfaction of the Director of Engineering or his designate.

Proceedings

Matthew Battisti, solicitor with Wishart Law attended on behalf of the owners.

The Chair called for comments, none recorded.

The Chair called for discussion.

Seeing none, the Chair closed discussion & called for a motion.

Decision

All written submissions relating to this application made to the Committee of Adjustment before its decision and any oral submissions made at the public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

The Committee accepts the planning evidence of Mr. Marchese.

The Committee after considering the submissions put forward and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained. The Committee is of the opinion that the requested variance is minor in nature in this instance.

It is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

Moved by Rossi, seconded by Bruni,

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

1. **A Stormwater Analysis must be conducted to ensure that post-development flow does not exceed pre-development to the satisfaction of the Director of Engineering or his designate prior to the issuance of a building permit.**
2. **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. All to the satisfaction of the Director of Engineering or his designate.
CARRIED.”**

TAB 6

Application A19/25-125-(1-140)-28313-R1

DEREK & LAUREN MORGAN are the owners of **CIVIC NO. 238 OLD GOULAIS BAY ROAD**. It is located on the east side of Old Goulais Bay Road between Third Line East and Fourth Line East. It is designated Residential in the Official Plan and is zoned R1, Estate Residential.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, to permit the construction of a 7.3m x 8.5m x 6m detached garage to be located 1.2m from the south property line.

The following variances are requested:

	By-Law 2005-150 Requires	Proposed Variance
9.5.2	South interior side yard setback 6m	Reduce south interior side yard setback to 1.2m

PURPOSE & EFFECT:

The septic bed located on the north side of the property directly across from the proposed garage location together with a stamped concrete patio limits the possibility of placing the garage further away from the south property line. The proposed location will allow 3 mature trees located to be preserved. The reduced setback will enable direct access to the garage from the existing driveway. A mature cedar hedge row established along the south property line provides a buffer.

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.

Anton Schoahs and Rachel Reiter, the southerly abutting property owners, advised that their well water is on the north side of their property. The garage build request by the neighbour would have the cement pad and building 9 metres from their well cap piping. It is critical that our well water is not affected by this new build request nor by activity in/by the new build. They further advised that they will be monitoring their water tests carefully through Algoma Public Health and the Public Health Ontario laboratory. Snow removal was discussed with the owner who stated that snow will not be directed on to 230 Old Goulais Bay Road.

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		
Bell Canada Right-of-Way		
Building Division	X	
Canada Post		
Conservation Authority	X	See comments below
Engineering & Construction	X	
Fire Services	X	
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	X	No comments

Conservation Authority advised that the subject property is located within an area that is **NOT** regulated regarding: O. Reg. 41/24: Prohibited Activities, Exemptions and Permits under the Conservation Authorities Act, R.S.O. 1990, c.27.

All proposed developments on this property require a site plan to be submitted to SSMRCA to assess permitting requirements. SSMRCA does not have any concerns or objections with this COA Variance application.

Planning staff advised that the applicant is requesting relief from an interior side yard setback as a result of a constraint on the property. The request does not conflict with the Official Plan. The intent of the Zoning-Bylaw is maintained as the request does not negate the protections that interior side yard setbacks provide. The request is considered desirable as it allows for the efficient use of the lot and still maintains privacy from the neighbour's property. There is a visually screened space created by the greenery between the properties. This request is minor in nature. Planning has no objections.

Staff Comments/Recommendations(s)

Staff have no objections to the request. The southerly abutting property owner provided a cautionary notice regarding any potential impact to his well water system.

Proceedings

Matthew Battisti, solicitor with Wishart Law attended on behalf of the owners.

The Chair called for comments, none recorded.

The Chair called for discussion.

Seeing none, the Chair closed discussion & called for a motion.

Decision

All written submissions relating to this application made to the Committee of Adjustment before its decision and any oral submissions made at the public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

The Committee accepts the planning evidence of Mr. Marchese.

The Committee after considering the submissions put forward and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained. The Committee is of the opinion that the requested variance is minor in nature in this instance.

It is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

Moved by Bruni, seconded by Greco (W),

"RESOLVED THAT in accordance with Section 45(2) of the Planning Act this application be **Approved**.

CARRIED."

TAB 7

Application B8/25-127-(1-142)-15688-HZ

ROCCHETTA HOLDINGS CORPORATION is the owner of **CIVIC NO. 1292 GREAT NORTHERN ROAD**. It is located on the southeast corner of Great Northern Road and Fourth Line East. It is designated Commercial in the Official Plan and is zoned HZ, Highway Zone & is subject to site plan control.

PURPOSE & EFFECT:

To sever and convey 1292 Great Northern Road from 1284 Great Northern Road for future, commercial development purposes.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Severed Lands	21.18m	78m	0.165ha
Retained Lands	52.38m	Irregular	0.42ha

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.

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	See comments below
Canada Post		
Conservation Authority	X	No objections. See comments below
Engineering & Construction	X	See comments below
Fire Services	X	No comments
Legal Department	X	No comment
Planning Division	X	No objection
PUC Distribution Inc. (Electric)	X	See comments below
Public Utilities Comm. (Water)	X	See comments below
Public Works	X	No response

Building Division staff recommended that any approval be conditional on providing spatial separation calculations to the Building Division for review to confirm compliance to the Ontario Building Code for allowable unprotected openings to the buildings, for both the main building located on 1292 Great Northern Road and the main building located on 1284 Great Northern Road.

As per GIS there is one sewer lateral service for both properties. The Engineering Division's comments for the sewer service should be taken into consideration.

There is an active building permit for new roof framing for the building located on 1292 Great Northern Road.

Conservation Authority advised that the subject property, Civic No. 1292 Great Northern Road, is located within an area that is regulated regarding: O. Reg. 41/24: Prohibited Activities, Exemptions and Permits under the Conservation Authorities Act, R.S.O. 1990, c.27. All proposed developments on this property require a site plan to be submitted for review and may require a permit from SSMRCA. SSMRCA does not have any concerns or objections with this consent application.

Engineering staff recommend that the Owner confirm the location of existing servicing prior to final approval to ensure an easement is not required.

PUC Distribution Inc. (Electric Utility)

PUC Distribution Inc. currently has a primary overhead line, with two poles and their respective anchors, servicing the subject two properties. Please see GIS image attached with the primary overhead power line depicted by the dashed red line. There are two options detailed.

Option 1: PUC Distribution Inc. would require easements from both property owners at the cost of the property owners. PUC would also need proof of an easement between property owners from 1284 Great Northern Rd. in favour of 1292 Great Northern Rd. as the service to 1292 Great Northern Rd. crosses the property of 1284 Great Northern Rd.

Option 2: Upgrading of the electrical services to both properties. There are multiple options for upgrading the electrical services. It is recommended that the owners contact PUC Electrical Engineering to discuss.

Public Utilities Commission (Water Utility)

Our records indicate that one water service from the watermain on Great Northern Road services both buildings on the subject property. Prior to severance, the water supply between the buildings must be disconnected and separate water services must be provided to the severed property and retained property from the watermain on Great Northern Road. Please contact PUC Engineering to discuss water servicing options.

Staff Comments/Recommendations(s)

Recommended conditions of any approval are,

- Payment of 2% 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
- Provide confirmation that the Chief Building Official or his designate is satisfied that spatial separations are in compliance between the main buildings on both the proposed severed and retained parcels.
- Provide electrical servicing to both parcels to the satisfaction of PUC Service's Manager, Electrical Engineering or his designate. This may include easements from both property owners at the owner's expense and/or proof of existing easements.
- Provide separate water servicing to the proposed severed and proposed retained parcels to the satisfaction of PUC Service's Manager, Electrical Engineering or his designate.
- Payment of Property Taxes.

Proceedings

The applicant was unable to attend but could be reached by telephone.

The Chair called for comments, none recorded.

The Chair called for discussion.

Seeing none, the Chair closed discussion & called for a motion.

Moved by Rossi, 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 a two years from the date of this Decision failing which consent shall be deemed to be refused* in accordance with Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended;

1. TRANSFER/DEED OF LAND

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

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

2. PARKLAND LEVY

In accordance with Subsection 51.1(1) of Section 50 of the Planning Act the applicant must pay the Corporation 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 to be 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. (2025 fee is \$240 per document)

4. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with Four (4) full size white prints, TWO (1) 11 X 14 copies and ONE (1) digital copy of a deposited plan of reference prepared by an Ontario Land surveyor registered in the Province of Ontario and bearing the seal of the Land Registrar depicting the entire land which conforms substantially with the application as submitted. At least one copy of a plan of reference

must indicate any easement/right-of-way and the locations and dimensions of all buildings and structures on the subject property and their distance to property lines.

5. PIN ABSTRACT and PIN MAP

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

6. 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.

7. SPATIAL SEPERATION CONFIRMATION

Provide confirmation that the Chief Building Official or his designate is satisfied that spatial separations are in compliance between the main buildings on both the proposed severed and retained parcels.

8. PUC DISTRIBUTION INC. (Electrical)

Provide confirmation that PUC Electrical Engineering is satisfied that appropriate arrangements are in place for servicing both parcels, including easements where necessary.

9. PUBLIC UTILITIES COMMISSION (Water Utility)

Provide confirmation that PUC Engineering is satisfied that appropriate arrangements are in place for water servicing for both proposed parcels.

10. 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.

11. 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.

12. 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.

13. 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. **CARRIED."**

Final date for appeal is **July 15, 2025**. 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 8

Application B12/25-520-(2-20)-33485-RA

CHRISTIAN OUELLET is the owner of **CIVIC NO. 216 TOWN LINE ROAD** in the former Township of Awenge. It is located on the northeast corner of Town Line Road and Herkimer Street. It is designated Rural Area in the Official Plan and is zoned RA, Rural Area.

PURPOSE & EFFECT:

To sever and convey a 1.11ha parcel of land located at the southerly corner of the subject property to create one additional rural area lot for residential development purposes.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Severed Lands	91.440m	121.922m	1.11ha
Retained Lands	99.313m	782.772m	13.4ha

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.

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
Canada Post		
Conservation Authority	X	No objections. See comments below
Engineering & Construction	X	See comments below
Fire Services	X	No comments or concerns
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	X	

Conservation Authority advised that the subject property is located within an area that is regulated regarding: O. Reg. 41/24: Prohibited Activities, Exemptions and Permits under the Conservation Authorities Act, R.S.O. 1990, c.27. All proposed developments on this property require a site plan to be submitted for review and may require a permit from SSMRCA. SSMRCA does not have any concerns or objections with this consent application.

Engineering staff advised that a new driveway culvert permit may be required. Staff recommend that consideration be given to requiring the following;

1. That the applicant deed, at no cost to the municipality, a corner rounding where the severed parcel abuts Herkimer Street, to the satisfaction of the Commissioner of Engineering and Planning or his designate.

Staff Comments/Recommendations(s)

Recommended conditions of any approval are,

- Payment of 5% 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 Property Taxes
- Provide an undertaking where in confirmation of an independent working well servicing the proposed severed parcel will be submitted to the Chief Building Official or his designate, prior to the issuance of an occupancy permit for any dwelling unit.
- That the applicant deed, at no cost to the municipality, a corner rounding where the severed parcel abuts Herkimer Street, to the satisfaction of the Commissioner of Engineering and Planning or his designate.

Proceedings

Christian Ouellet was in attendance.

The Chair called for comments, none recorded.

The Chair called for discussion.

Seeing none, the Chair closed discussion & called for a motion.

Moved by Bruni, 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 a two years from the date of this Decision failing which consent shall be deemed to be refused* in accordance with Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended;

1. TRANSFER/DEED OF LAND

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

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

2. PARKLAND LEVY

In accordance with Subsection 51.1(1) of Section 50 of the Planning Act the applicant must pay the Corporation 5% cash-in-lieu of land for park purposes or other public recreational purposes for **each** additional lot being created because of this consent to the satisfaction of the Secretary-Treasurer.

If deemed to be 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. (2025 fee is \$240 per document)

4. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with Four (4) full size white prints, TWO (1) 11 X 14 copies and ONE (1) digital copy of a deposited plan of reference prepared by an Ontario Land surveyor registered in the Province of Ontario and bearing the seal of the Land Registrar depicting the entire land which conforms substantially with the application as submitted. At least one copy of a plan of reference must indicate any easement/right-of-way and the locations and dimensions of all buildings and structures on the subject property and their distance to property lines.

5. PIN ABSTRACT and PIN MAP

That a copy of the current pin abstract accompanies 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. INDEPENDENT WORKING WELL

Provide an undertaking where in confirmation of an independent working well servicing the proposed severed parcel will be submitted to the Chief Building Official or his designate, prior to the issuance of an occupancy permit for any dwelling unit.

8. CORNER ROUNDINGS

That the applicant deed, at no cost to the municipality, a corner rounding on the southerly end of the "severed" parcel where it abuts Herkimer Street, together with a completed land transfer tax affidavit & PIN, to the satisfaction of the Commissioner of Engineering and Planning or his designate.

9. 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.

10. 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.

11. 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.

12. RECEIPTED ELECTRONIC TRANSFER

That the Solicitor for the Owner give a written undertaking to provide to the Secretary-Treasurer within 30 days of registration in the Land Registry/Land Titles Office & prior to the issuance of any Building Permits, a copy of the Receipted Electronic Transfer document including the Form 2 for Consent. **CARRIED."**

Final date for appeal is **July 15, 2025**. 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.**

DATE OF NEXT HEARING – July 23, 2025

ADJOURNMENT

Seeing no further business, the Chair adjourned the meeting at 3:19 p.m.

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer

J. Greco / mk
J. Greco
Chair