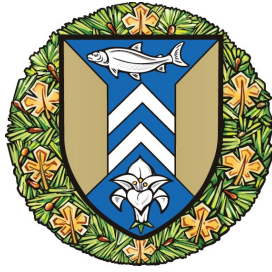


The Corporation of the
City of Sault Ste. Marie



Committee of Adjustment
August 20, 2025
2:00 P.M.
Council Chambers
Livestreamed

AGENDA

Hearings viewed live on the City's YouTube channel.

<https://www.youtube.com/user/SaultSteMarieOntario>

Call to Order

- **Land Acknowledgement**
- **Approval of the Minutes of July 23, 2025**
- **Disclosure of Pecuniary Interest and the General Nature Thereof**
- **Notice of Withdrawal or Motion for Deferral**
- **Matters To Be Considered**

New Applications

- A23/25 Civic No. 31 Talon Avenue
- A24/25 Civic No. 220 Greenfield Drive
- A25/25 Civic No. 245 Millcreek Drive

➤ **Other Business**

➤ **Adjournment**

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer

TAB 1

Application A23/25-68-(1-43)-5686-R1

KAYLEE MOORE & ALEXANDER KEHRER-SIMPSON are the owners of Lot 13, Neelands Subdivision Plan H469, former Township of Rankin identified as **CIVIC NO. 31 TALON AVENUE**. It is located on the north side of Talon Avenue between Teal Avenue and Queen Street East. It is designated Rural Area in the Official Plan and is zoned R1, Estate Residential.

INTENT OF THE APPLICATION:

The following variances are requested to facilitate the demolition of the existing fire damaged home and the subsequent construction of a new 2-storey home complete with an attached garage and porch.

	By-Law 2005-150 Requires	Proposed Variance
9.5.2	12m Front yard	Reduce front yard to 10m
	10m Rear yard	Reduce rear yard to 1.3m
	3.5m Interior side yard	Reduce west interior side yard to 0.75m

EFFECT OF THE APPLICATION:

The requested reductions will permit the existing foundation to be used to support much of the proposed new construction without interfering with the existing septic system.

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

Public Works		
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Engineering staff had no objections provided all existing grading conditions are maintained, and the proposed work does not affect the functionality of exiting drainage swales.

Planning staff had the following comments.

The applicants are proposing to reconstruct a 2-storey dwelling using the existing foundation of a 1-storey home that was damaged by fire. The existing foundation does not meet the more stringent 10m rear yard setback required for a 2-storey dwelling.

Front and Interior Side Yard Setbacks:

The immediate neighbourhood is primarily zoned R1 but is characterized by smaller lot sizes compared to other R1-zoned neighbourhoods elsewhere in the City. Many homes in the area predate current zoning standards and have similar legal but non-conforming setbacks.

The requested interior side yard setback variance, the encroachment of the garage is similar to the carport that has existed since the 1960's. There are numerous garages nearby that do not meet current setback requirements, and in some cases seem to be closer to the lot lines than 0.75m. Similarly, the requested front yard setback variance is consistent with established building lines and existing conditions on the street. As such, these variances are in character with the neighbourhood and are supportable.

Rear Yard Setback:

The rear yard setback request is more substantial, particularly for the proposed covered porch. The 2-storey rebuild reduces the rear setback to approximately 4m at the north-east corner due to the existing foundation's location. The foundation is oriented at a slight angle to the lot lines, meaning the setback gradually increases towards the northwest corner of the building to approximately 6m. The covered porch would further reduce the rear yard to 1.3m, an 8.7m reduction from the required 10m. This further reduction is substantial and not minor in nature.

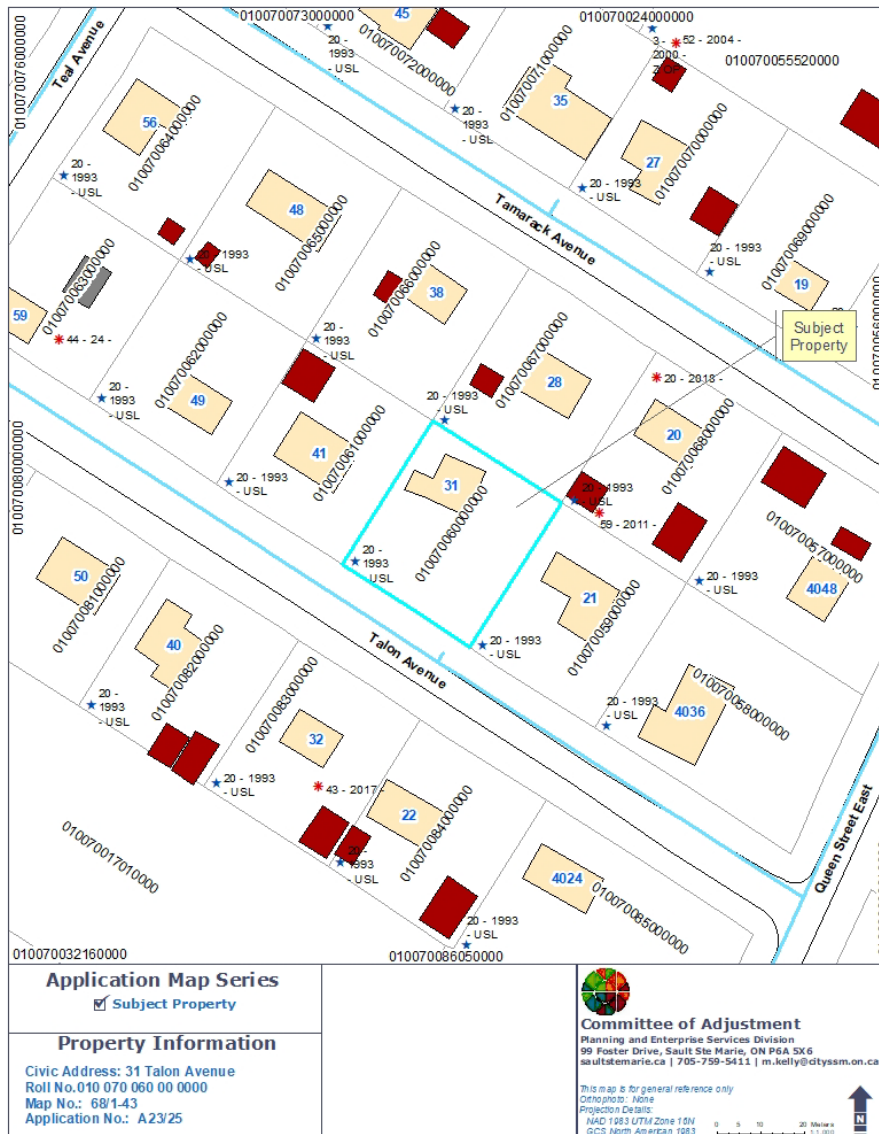
As such, there is a need to balance the applicant's interest in rebuilding their home and the maintenance of privacy with the adjacent yard. To mitigate the impact on the adjacent property, Planning recommends that the rear yard setback not be reduced below the current foundation line, meaning the covered porch should not extend beyond the existing rear building wall. Planning also recommends that the applicant preserve the mature vegetation at the rear of their property to help soften this impact and provide natural screening. This approach supports the owner's reasonable use of their property while balancing privacy and neighbourhood aesthetics.

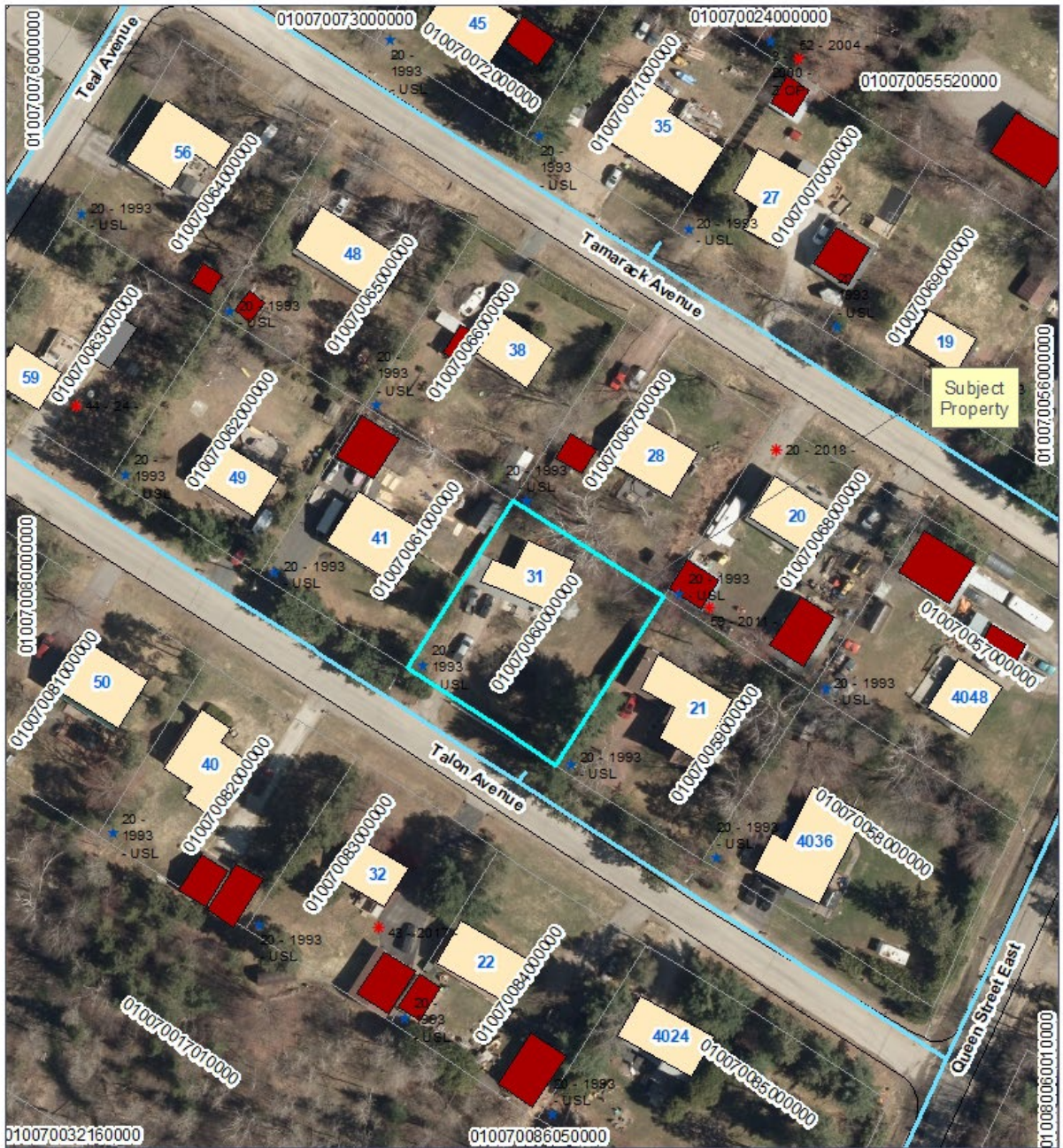
Staff Comments

Staff support the application with the exception of the rear yard setback as it relates to the proposed covered porch.

Recommended Conditions of any approval are:

1. The proposed covered porch may not extend beyond the existing rear building wall.
2. All existing grading conditions must be maintained so as not to negatively impact the functionality of the existing drainage swales.





<p>Application Map Series</p> <p><input checked="" type="checkbox"/> Subject Property</p>	<div data-bbox="998 1545 1421 1780">  <p>Committee of Adjustment Planning and Enterprise Services Division 99 Foster Drive, Sault Ste Marie, ON P6A 5X6 saultstemarie.ca 705-759-5411 m.kelly@cityssm.on.ca</p> <p><small>This map is for general reference only Orthophoto: None Projection Details: NAD 1983 UTM Zone 18N GCS North American 1983</small></p> <div data-bbox="1177 1753 1421 1780">  </div> </div>
<p>Property Information</p> <p>Civic Address: 31 Talon Avenue Roll No. 010 070 060 00 0000 Map No.: 68/143 Application No.: A23/25</p>	

TAB 2

Application A24/25-110-(1-125)-33493-R2

KRYSTINA DRAGER is the owner of Lot 5, Phase 1 Castle Heights Subdivision Plan 1M600, former Township of Korah identified as **CIVIC NO. 220 GREENFIELD DRIVE**. It is located on the south side of Greenfield Drive approximately 40m west of the Greenfield Drive/Konkin Avenue intersection. It is designated Residential in the Official Plan and is zoned R2, Gentle Density Residential.

INTENT OF THE APPLICATION:

The following variance is requested to facilitate the construction of a 1.8m high fence in the required front yard abutting Greenfield Drive.

	By-Law 2005-150 Requires	Proposed Variance
7.2	Maximum fence height in the required front yard 0.9m	Increase maximum height of a fence in the required front yard to 1.8m

EFFECT OF THE APPLICATION:

This vacant lot abuts property to the rear of 100 Beaumont Drive. Ms. Drager shares an ownership interest in 100 Beaumont Drive. The subject property currently acts as an expanded rear yard to 100 Beaumont Avenue. The applicant is requesting permission to permission to enclose the 7.5m required front yard abutting Greenfield Drive with a 1.8m high privacy fence.

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.

Neighbouring property owners at 212 & 219 Greenfield Drive, 92, 96, 104 & 108 Beaumont Avenue & 50, & 54, Konkin Avenue each submitted the following comments in support of the application.

I understand that the applicant is requesting permission to construct a 1.8-metre privacy fence along the north frontage and west side of the vacant lot, which is now being used as an extension to their backyard.

As a neighbouring property owner, I have no objection to this request. I believe that:

- The proposed fence will not negatively impact the appearance of the neighbourhood.
- The fence will help provide privacy and security without affecting traffic visibility or pedestrian access.
- It represents a reasonable improvement to the property and will not adversely affect surrounding homes or the community.

I fully support this request and encourage the Committee to approve the application.

Technical Review: Circulated Departments & Agencies

As part of the application review, this proposal including a summary provided by the applicant 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 objections
Canada Post		
Conservation Authority		
Engineering & Construction	X	No response
Fire Services	X	No comments
Legal Department	X	See comments below
Planning Division	X	See comments below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works		

Planning staff have the following comments.

The applicant uses the subject property as a de facto backyard space to their home at 100 Beaumont Avenue. As this property is within a plan of subdivision, it will remain a separate lot and will not be merged with 100 Beaumont Avenue unless a Deeming By-law is passed by Council to remove the lots from their respective subdivisions.

1.8m (6') fences are not permitted in the required front yard of a residential lot. Planning staff is of the opinion that this application does not meet the four tests of a minor variance. Specifically:

The variance does not maintain the general intent and purpose of the Zoning By-law:

The Zoning by-law limits fence heights in front yards to 0.9m to maintain open streetscapes, preserve visibility and sightlines, and ensure neighbourhood consistency. The by-law must be applied based on the subject property's legal frontage and zoning designation, not temporary or informal uses. The use of the lot as a rear yard is not sufficient grounds to exempt it from front yard fence height requirements.

A residential dwelling could be built as-of-right on the subject property, fronting onto Greenfield Drive. Approving this variance will allow for a 1.8m fence in the required front yard of a future home, which is an outcome not consistent with the character of this area. Approval would set a precedent for the area, potentially leading to other applications for 1.8m fences in front yards further eroding the character and openness of the streetscape.

Furthermore, a 1.8m fence in the required front yard would negatively impact the adjacent lot at 216 Greenfield Drive by obstructing visibility and limiting driveway placement options for a future residential structure.

The variance is not desirable for the appropriate use of the land, nor does it maintain the general intent of the Official Plan:

Vacant residential lots in subdivisions are intended to be developed for housing that is complementary to the neighbourhood pattern, including appropriate front yards. They are not intended to be fenced off as private extensions of neighbouring properties.

Permitting a 1.8m fence in the required front yard of a vacant residential lot encourages underutilization of planned development areas. It may disincentivize the lot's future development and introduce an inconsistent land use pattern within the subdivision. This is contrary to the City's goals for efficient land use and residential intensification.

While the applicant may consider the proposed fence as a logical extension of the fence at 54 Konkin Avenue, it is important to clarify that 54 Konkin is a corner lot, and its fencing is located on the exterior side yard and rear yard, not the front yard. Furthermore, Planning staff understand that there are issues with the location of this fence, and thus, it should not be used to justify the placement of a front yard fence on the subject property.

The variance is not minor in nature:

The increase from 0.9m to 1.8m represents a 100% increase in height, which is significant both numerically and visually. Being a prominent, solid wood fence along a residential street frontage, it would be visually intrusive and precedent-setting in an area where this is not typical.

As previously stated, the fence will negatively impact the west-adjacent property by limiting visibility and options for a future driveway.

For these reasons, Planning staff are of the opinion that this application does not meet the four tests of a minor variance and does not recommend its approval.

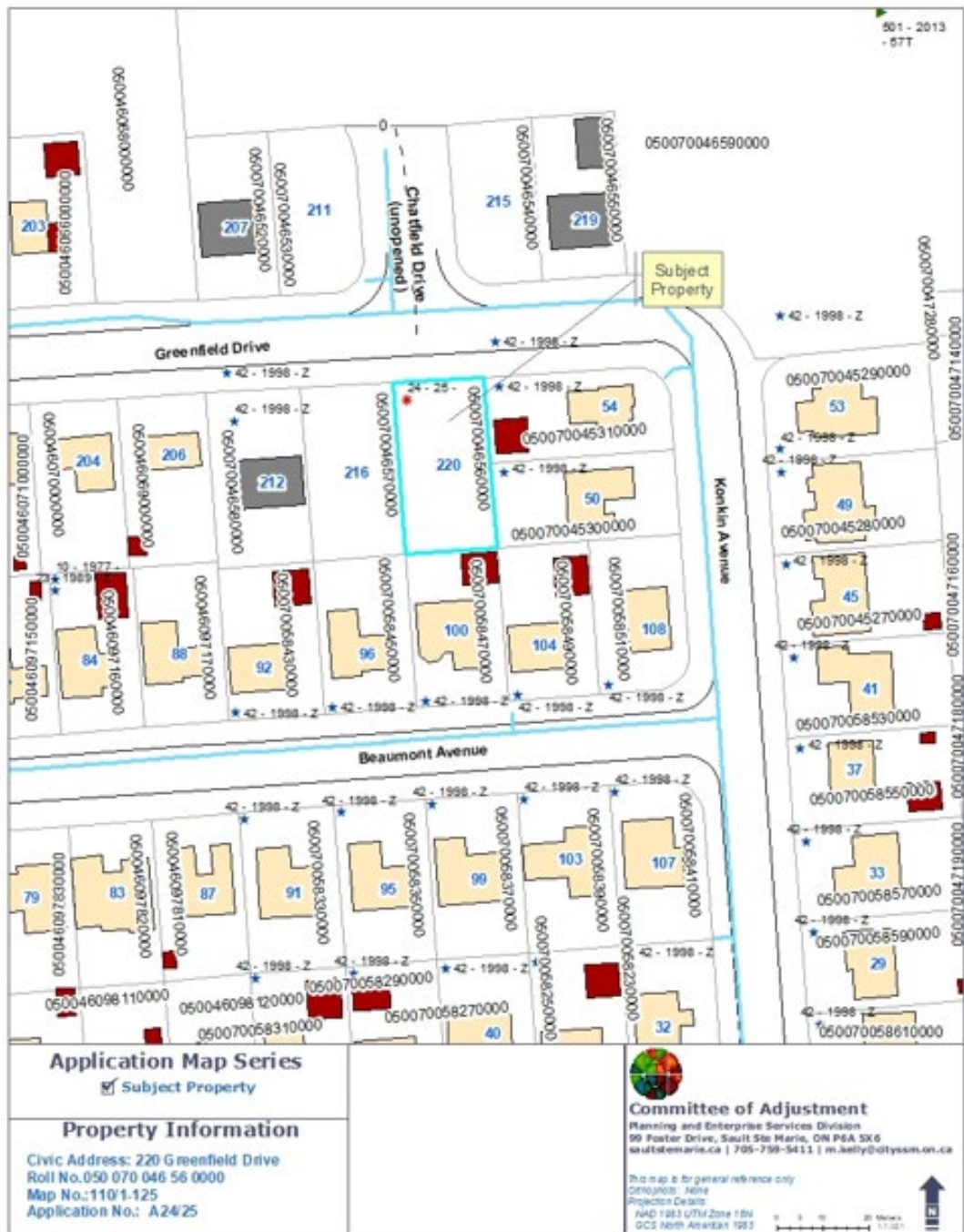
Legal Department staff advised that the applicant's application materials reference is made to an existing fence at 325 Millcreek/46 Millstream as being similar to this request. This example should not be used as a precedent/example as we have identified an issue with it and are now in the process to rectify this issue.

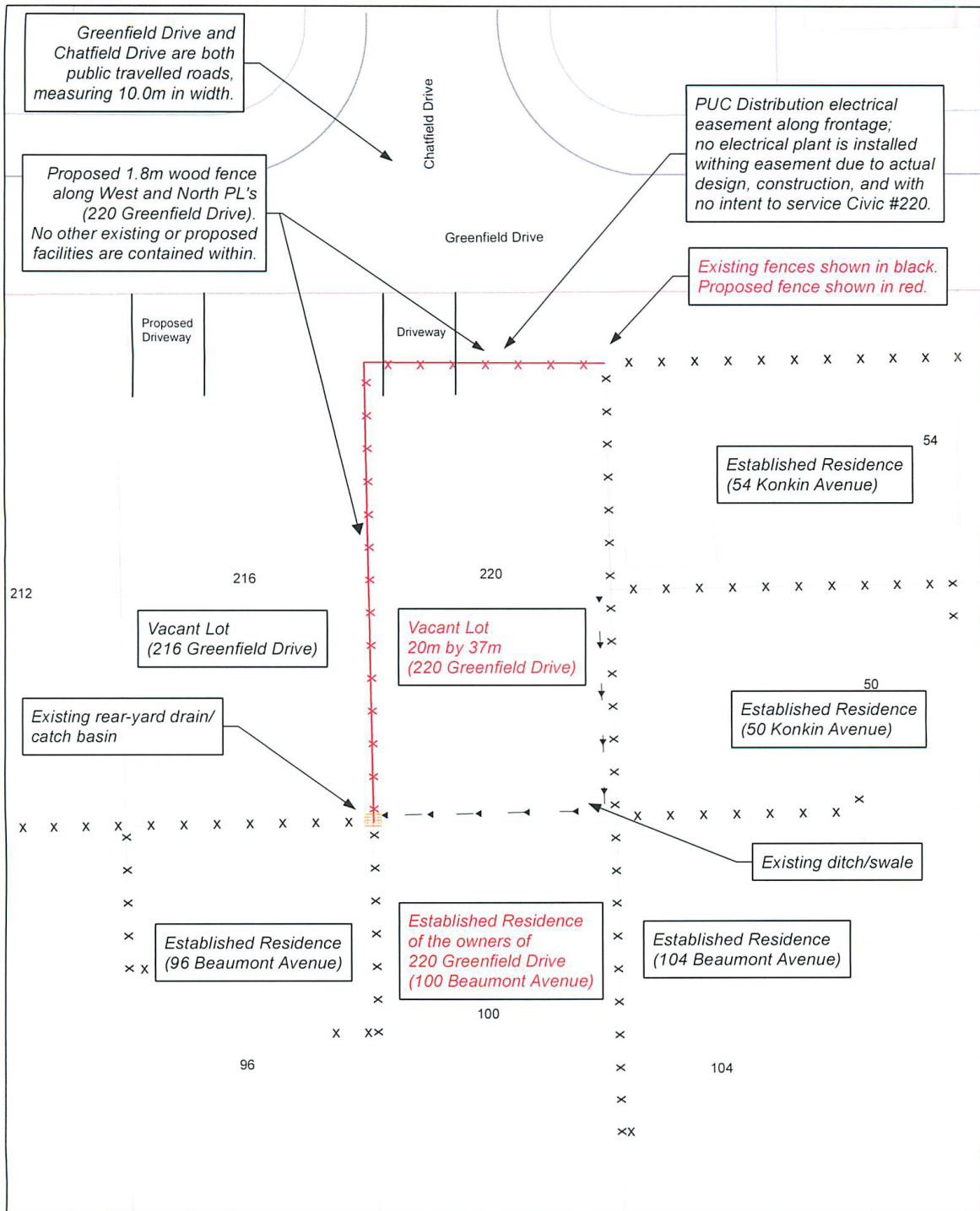
Staff Comments/Recommendations(s)

In accordance with Planning Act provisions, the request needs only fail one of the four tests for a minor variance for the application to fail. The request must meet all four tests to be approved.

Planning staff opine that the request fails all four tests of a minor variance and do not recommend its' approval.

The Committee has been provided with a copy of the applicant's submission summary package for their consideration.





Notes.

100 Beaumont Avenue and 220 Greenfield Drive are owned by the same individuals. 220 Greenfield Drive was purchased to be effectively an extension of 100 Beaumont Avenue and will be treated as the backyard of the Beaumont property. No structures (aside from a fence) will be erected on the Greenfield property. Buildings on adjacent properties shown on sketch.



MINOR VARIANCE APPLICATION SKETCH 220 GREENFIELD DRIVE

DRAWN BY: M. TOMAS DATE: 2025-07-12

DRAWING No.:

REV

220 GREENFIELD MV

0

Application A25/25-86-(1-96)-31737-R2

DAVID & LORI WEST are the owners of PIN 31523-0142 LT 20, Millcreek Heights Subdivision, Plan 1M539, former Township of Rankin identified as **CIVIC NO. 245 MILLCREEK DRIVE**. It is located on the north side of the west leg of Millcreek Drive. It is designated Residential in the Official Plan and is zoned R2, Gentle Density Residential.

INTENT OF THE APPLICATION:

The following variance is requested to facilitate the construction of a 3.048m x 4.87m x 3.67m shed to be in a part of the required easterly exterior side yard.

	By-Law 2005-150 Requires	Proposed Variance
9.1.7	All accessory buildings must be in the rear yard	
9.6.2	Exterior side yard 4m	Reduce easterly exterior side yard to 1.2m for proposed shed only

EFFECT OF THE APPLICATION:

The subject property is a corner lot and as such the rear yard amenity space is exposed to the abutting street right-of-way. To provide some privacy, the applicants wish to construct the above noted shed in the northeast corner of the subject property, within the required exterior side yard setback.

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	X	X
Building Division	X	No objections
Canada Post	X	No concerns
Conservation Authority		
Engineering & Construction	X	See comments below
Fire Services	X	No comments
Legal Department	X	No comment
Planning Division	X	See comments below
PUC Distribution Inc. (Electric)	X	No concerns

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

Engineering staff have no concerns. However, the property owner should be aware of the drainage agreement in place protecting the swale along the rear property line that discharges to a catch basin I the boulevard. All existing grading conditions are to be maintained, and the proposed work shall not affect the functionality of existing drainage swales.

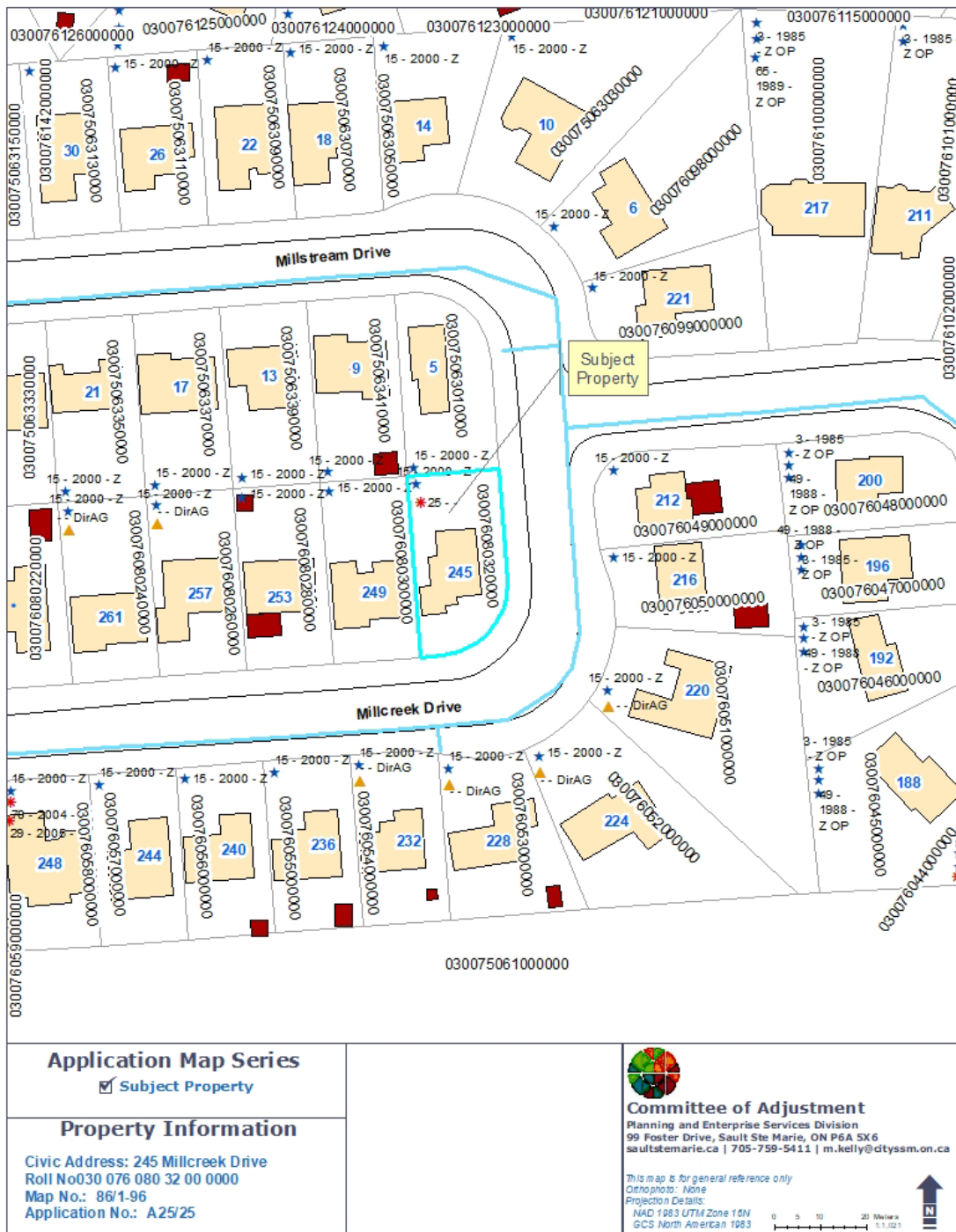
Planning staff have no objections to this application.

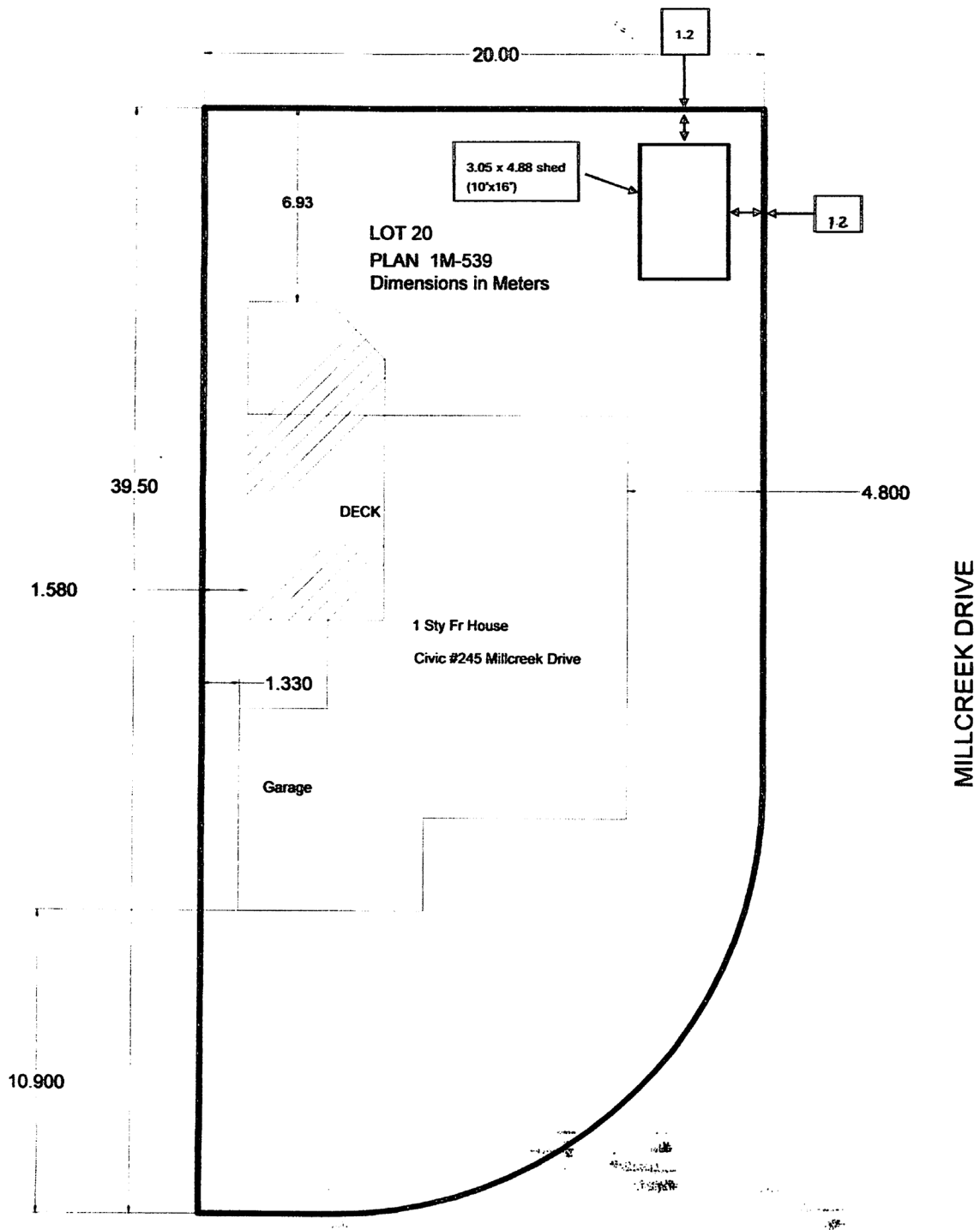
- The City-owned boulevard on Millcreek Drive is relatively wide, measuring approximately 5m from the road edge to the subject property's exterior side yard lot line. As a result, the shed will be approximately 6.2m from the curb.
- While accessory buildings are not permitted in exterior side yards as they can impact visibility for traffic and pedestrians, the location of this particular shed is not anticipated to obstruct sightlines. This is due to the configuration of the roads, lots, and the driveway to the north.
- Canada Post mailboxes are located adjacent to the proposed shed location. It is understood that Canada Post has no objections to the placement of the shed; therefore, Planning staff are satisfied that it will not interfere with the use of the mailboxes.
- As such, the requested exterior side yard reduction meets the 4 tests of a minor variance.

Staff Comments/Recommendations(s)

No objections or evidence has been received to suggest that approval would create any adverse impact.

Planning staff are satisfied that the request meets all four tests of a minor variance.





DeltaCad DEMO

OTHER BUSINESS

TAB 4

DATE OF NEXT HEARING – September 17, 2025

ADJOURNMENT

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer