

Joseph Greco, Chair

Michelle Kelly, ACST  
Secretary-Treasurer



Sault Ste. Marie  
Committee of Adjustment  
Minutes of Hearing  
July 23, 2025  
Livestreamed

### **Call to Order**

The Chair called the hearing to order at 2:06 p.m.

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

Member Absent: F. Bruni

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: N. Cicchini, 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 June 23, 2025**

Moved by Rossi, seconded by McGregor,

**"THAT** the Minutes of the Committee of Adjustment hearing of June 23, 2025, 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***

- A20/25 Civic No. 481 Northland Road
- A21/25 Civic No. 153 Palace Drive
- A22/25 Civic No. 247 Landslide Road
- B13/25 Civic No. 418 Fourth Line West

**TAB 1**

**Application A20/25-57-(1-59)-2444-R3**

**SHARON ST. PIERRE** is the owner Lot 394, Byrne Subdivision Plan 1M-461, PIN 31510-0032 former Township of St. Mary's being **CIVIC NO. 481 NORTHLAND ROAD**. It is located on the west side of Northland Road between Bloor Street and Kehoe Avenue. It is designated Residential in the Official Plan and is zoned R2, Gentle Density Residential.

**INTENT OF THE APPLICATION:**

The following variances are requested:

|            | <b>By-Law 2005-150 Requires</b>   | <b>Proposed Variance</b>  |
|------------|---|---|
| <b>4.2</b> | <b>Permitted Projections into Required Yards for Decks &amp; unenclosed steps and landings) 2.5m into required front yard</b> | <b>Increase projection of deck to 0.3m from the front property line and the unenclosed steps and landing to the front property line</b> |

**PURPOSE & EFFECT:**

The facilitate the construction of new steps and landing with a short deck extension. Total length is approximately 3.8m. The home was built in 1902 and the front steps projected to the property line. The steps and landing could be replaced if rebuilt in the same footprint without variance approval. The applicant wishes to modernize the aesthetic appeal which necessitates the variance request.

**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.

| <b>Division/Agency</b> | <b>Circulated</b> | <b>Response</b> |
|------------------------|-------------------|-----------------|
| Algoma Public Health   |                   |                 |

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

**Planning** staff do not anticipate any adverse effects with the proposal.

**PUC Distribution Inc. (Water Utility)** had no concerns however advised that the water curb valve must not be covered by the new deck.

**Staff Comments/Recommendations(s)**

That any approval be conditional on the deck not covering the water curb valve.

**Proceedings**

**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. Cicchini.

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 McGregor,

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

- 1. The water curb valve cannot be covered.**

**CARRIED."**

**TAB 2**

**Application A21/25-62-(1-62)-6718-R2**

**STEPHEN & TERRY LYNN HARRIS** are the owners of Lot 201 Forest Heights Subdivision Plan H520, former Township of St. Mary's being **CIVIC NO. 153 PALACE DRIVE**. It is located on the west side of Palace Drive between Passmore Road and Pelican Drive. It is designated Residential in the Official Plan and is zoned R2, Gentle Density Residential.

**INTENT OF THE APPLICATION:**

The following variances are requested:

|            | <b>By-Law 2005-150 Requires</b>   | <b>Proposed Variance</b>  |
|------------|---|---|
| <b>4.2</b> | <b>Permitted Projections into Required Yards for Decks &amp; unenclosed steps and landings) within 1.2m of an interior lot line</b> | <b>Increase deck projection to within 0.2m of the south interior lot line</b> |

**PURPOSE & EFFECT:**

The facilitate the replacement of the existing concrete patio which is 4.87m (16') wide at the front x 4.87m (16') long x 6.7m (22') wide at the rear and replace it with a new wooden deck being approximately 4.87m (16') wide at the front x 6m (20') long x 5.79m (19') wide at the rear. The new deck would be less than 0.45m (1.5') high.

**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.

| <b>Division/Agency</b>          | <b>Circulated</b> | <b>Response</b>    |
|---------------------------------|-------------------|--------------------|
| <b>Algoma Public Health</b>     |                   |                    |
| <b>Bell Canada Right-of-Way</b> |                   |                    |
| <b>Building Division</b>        | <b>X</b>          | <b>No response</b> |
| <b>Canada Post</b>              |                   |                    |

|                                  |   |                    |
|----------------------------------|---|--------------------|
| 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 but wish to remind the applicant that existing grading conditions must be maintained along the gentle swale alongside the southern property line.

**Planning** staff advised that the existing patio spans from the residential dwelling to the south interior property boundary at grade. The proposed deck will span from the residential dwelling to approximately 0.2m (0.6 ft) from the south interior property boundary with a height of 0.45m (1.5 ft) above grade. Essentially, the main difference between the existing and proposed outdoor amenity space is the height of the deck. Planning staff determines that the request is minor in nature conditional upon the proposed deck being unenclosed and unroofed.

#### **Staff Comments/Recommendations(s)**

That any approval be conditional on the deck remaining open and unroofed.

#### **Proceedings**

**Mr. & Mrs. Harris** attended in support of their request.

**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. Cicchini.

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 McGregor, seconded by Rossi,

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

1. **The deck cannot be enclosed and/or roofed.**

**CARRIED."**

**TAB 3**

**Application A22/25-144-(2-50 29994-RA, EM**

**MICHAEL AND AUDREY CAPUTO** are the owners of Pt SE ¼ Section 16 AWS, Lot 48 RCP H742, former Township of Tarentorus identified as **CIVIC NO. 247 LANDSLIDE ROAD**. It is located on the west side of Landslide Road between Fourth Line East and Fish Hatchery Road. It is designated Rural Area in the Official Plan and is zoned RA, Rural Area and EM, Environmental Management.

**INTENT OF THE APPLICATION:**

The following variance is requested:

|              | <b>By-Law 2005-150 Requires</b> | <b>Proposed Variance</b>  |
|--------------|---------------------------------|---|
| <b>8.5.2</b> | Interior side yard 5m           | <b>Reduce north interior side yard to 3m for proposed detached garage only.</b> |

**PURPOSE & EFFECT:**

The facilitate the construction of a 7.315m x 9.75m x 4.8m detached garage. The existing well, septic bed & amenity space located behind the home hampers the ability to move the garage further away from the property line. The proposed side yard reduction will allow the garage to be accessed by the existing driveway.

**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.

| <b>Division/Agency</b>   | <b>Circulated</b> | <b>Response</b> |
|--------------------------|-------------------|-----------------|
| Algoma Public Health     |                   |                 |
| Bell Canada Right-of-Way |                   |                 |

|                                  |   |  |
|----------------------------------|---|--|
| Building Division                | X | No response  |
| Canada Post                      |   |  |
| Conservation Authority           |   | No concerns or objections. Will require site plan review |
| Engineering & Construction       | X | No concerns  |
| Fire Services                    | X | No comments  |
| Legal Department                 | X | No comment   |
| Planning Division                | X | No objections. No adverse impacts anticipated            |
| PUC Distribution Inc. (Electric) | X | No concerns  |
| Public Utilities Comm. (Water)   | X | No concerns  |
| Public Works                     |   |  |

#### **Staff Comments/Recommendations(s)**

No objections and no evidence have been presented to indicate that approval would create any adverse impact.

#### **Proceedings**

**Michael Caputo**, attended in support of his request.

**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. Cicchini.

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 Greco (W),

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

**TAB 4****Application B13/25-136-(2-37)-30188-R1, R3, S319, EM, PR**

**2707728 ONTARIO INC** is the owner of P.I.N 31599-0220 being Part of Section 14, former Township of Korah (Crimson Ridge Golf Course) municipally identified as **CIVIC NO. 418 FOURTH LINE WEST**. It is located on the north side of Fourth Line West between Goulais Avenue and Brule Road. It is designated Rural Area in the Official Plan and is zoned R1, Estate Residential, R3, S319, Low Density Residential with a special exception, EM, Environmental Management PR, & Parks & Recreation.

**Intent of the Application**

The applicant is seeking the Committee's consent to sever a westerly interior strip of land that currently separates Civic No's. 412 Fourth Line West and 424 Fourth Line West and attach it to these parcels as a lot addition.

|                       | Frontage<br>(approximate) | Depth<br>(approximate) | Area<br>(approximate) |
|-----------------------|---------------------------|------------------------|-----------------------|
| <b>Severed Lands</b>  |                           | 1.077m +               | 101.2m <sup>2</sup>   |
| <b>Retained Lands</b> |                           |                        | 129ha                 |

**Purpose & Effect**

The purpose of the application is to bring about the consolidation of Civic No. 412 Fourth Line West with Civic No. 424 Fourth Line West.

**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 response   |
| Canada Post                      |            |               |
| Conservation Authority           | X          | No concerns   |
| Engineering & Construction       | X          | No concerns   |
| Fire Services                    | X          | No comments   |
| 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

There is no new lot creation and as such a parkland levy is not applicable.

### Recommended Conditions to attached to any approval

Transfer/Deed of Land

Certificate Application fee

Reference Plan

PIN abstract and PIN map

Minor Variance application if required

Subsection 50 (3 or 5) of the Planning Act, R.S.O., 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent.

Undertaking to provide a Consolidation Transfer of 412 Fourth Line West, 424 Fourth Line West and the proposed severed parcel

### Proceedings

**Carlo Spadafora**, solicitor with Spadafora, Johnson, Lepore LLP, 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

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 had no objections to the request. Based on all the evidence, the Committee finds that the proposed conveyance would not conflict with any provincial plan or plans, is consistent with any policy statements made under Subsection 3(1) of the Planning Act, is in keeping with the City's Official Plan and Zoning By-law(s), will provide orderly development of the City, and a plan of subdivision is not necessary.

Moved by Greco (W), seconded 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.,

**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. LOT ADDITION/MERGE CLAUSE**

That the parcel intended to be severed be merged on title with the abutting lands to the immediate south, municipally known as **Civic No. 424 Fourth Line West**. Subsection 50 (3 or 5) of the Planning Act, R.S.O., 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent. The Secretary-Treasurer's Certificate shall contain reference to this stipulation.

**3. APPLICATION TO CONSOLIDATE PARCELS**

An Undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows,  
"I undertake on behalf of the Owner, within 10 days of the assignment of a new PIN for the transfer document, to file an application to Consolidate Parcels including the severance land and the abutting land. This consolidation is intended to reinforce the Planning Act stipulation that both parcels have merged on Title and cannot be conveyed separately in the future."

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

**4. CERTIFICATE APPLICATION FEE**

That a certificate application fee be paid to the City Corporation for **each** document presented to the Secretary-Treasurer for certification, at the rate applicable at the time of issuance. (2025 fee is \$240 per document)

**5. 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.

**6. 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.

**7. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION**

That the applicant provides the Secretary-Treasurer with FOUR (4) full size white prints, TWO (2) 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.

**8. PIN ABSTRACT and PIN MAP**

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

**9. 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.

**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 which includes the Form 2 Certificate of Consent. **CARRIED."**

Final date for appeal is **AUGUST 12, 2025**. Procedures for an appeal are set out on the last page of this decision.

**FOREWARNING:**

**THIS** provisional approval does not become effective until the above conditions have been satisfied **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, as amended.**

**TAB 5**

**OTHER BUSINESS**

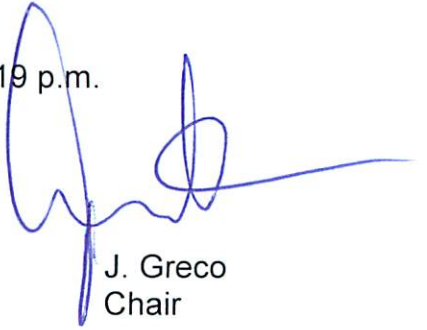
**DATE OF NEXT HEARING – August 20, 2025**

## ADJOURNMENT

Seeing no further business, the Chair adjourned the meeting at 2:19 p.m.

*Michelle Kelly*

Michelle Kelly, ACST  
Secretary-Treasurer



J. Greco  
Chair