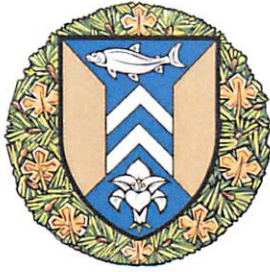


**Joseph Greco, Chair**

**Michelle Kelly, ACST**  
Secretary-Treasurer



**Sault Ste. Marie  
Committee of Adjustment  
Minutes of Hearing  
MARCH 5, 2025  
Livestreamed**

*Chair Greco attempted several times to participate by Zoom unfortunately the Zoom link kept dropping. Member McGregor was asked to assume the role of Chair.*

### **Call to Order**

The Acting Chair called the hearing to order at 2:14 p.m.

Members' Present: M. McGregor, Acting Chair  
F. Bruni  
A. Rossi

Members Absent: J. Greco, Chair  
W. Greco

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: S. Marchese, Planning Representative

The Secretary-Treasurer confirmed that a quorum was present.

### **Opening Remarks**

Acting Chair McGregor welcomed the participants & introduced the Committee & staff

### **Land Acknowledgement – Secretary-Treasurer**

### **Approval of Minutes**

Moved by Rossi, seconded by Bruni,

**"THAT** the Minutes of the February 25, 2025, Committee of Adjustment hearing be approved as circulated. **CARRIED."**

**Disclosure of Pecuniary Interest and General Nature Thereof** - None recorded.

**Applicant/Agent/Staff Advisement of Withdrawal or Request for Deferral** - none

**Matters Circulated but Not Appearing on the Agenda** - none

## Matters To Be Considered

### ***New Applications***

- A4/25 - Civic No. 964 Goulais Avenue
- B3/25 - Civic No. 104 Old Goulais Bay Road
- B4/25 - Civic No. 78 Old Goulais Bay Road

### ***Deferred Applications***

- New Applications

### **TAB 1**

#### **Application A4/25-107-(1-123)-20182-RA**

**KIMBERLY ERB** is the owner of **CIVIC NO. 964 GOULAIS AVENUE**. It is located on the east side of Goulais Avenue between Third Line West and Fourth Line West. It is designated Rural Area in the Official Plan and is zoned RA, Rural Area.

#### **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>	<b>Minimum interior side yard 5m</b>	<b>Reduce the south interior side yard to 3.85m for the proposed 7.62m x 13.46m storage building only.</b>

#### **PURPOSE & EFFECT:**

To facilitate the construction of an accessory building on the recently poured pad.

#### **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 objection
Canada Post		
Conservation Authority	X	No concerns or objections.

		Site plan review & potential permit needed prior to development
Engineering & Construction	X	No comment
Fire Services	X	No comment
Legal Department	X	No comment
Planning Division	X	Comments below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works		

**Planning** staff noted that the proposed variance seeks a relatively small reduction to the interior side yard setback of the property for the storage unit only, the rest of the side yard will still be set at the requirements of the zoning by-law. The purpose of the setback is to prevent encroachment on neighboring properties. Given the location of this property there is a buffer of trees between the properties that can minimize the effect of this reduction. Planning staff are of the opinion that the impact of this requested variance is minor and meets the requirements of the four tests of a minor variance.

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

No evidence has been presented that suggests that approval would create a negative impact. Planning staff point out that the existing buffer of trees minimizes the effect of the requested reduction.

#### **Proceedings**

Steve Willis, agent for the applicant attended.

The Acting Chair called for comments. None recorded.

The Acting Chair called for discussion, seeing none, discussion was closed.

#### **Reasons for Decision**

In making this decision, the Committee of Adjustment has taken into consideration all relevant materials including information provided by the applicant, plans submitted, and staff and agency comments. The members have unanimously determined that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

#### **Decision**

Moved by Bruni, seconded Rossi:

**"RESOLVED THAT** we approve this application, and the minor variance applied for is hereby **AUTHORIZED,** **CARRIED."**

**TAB 2****Application B3/25-111-(1-126)-32732-RA, M2, EM**

**ORLANDO & MICHELE BATTISTI** are the owners of **CIVIC NO. 104 OLD GOULAIS BAY ROAD**. It is located on the east side of Old Goulais Bay Road between Third Line Third Line East and Fourth Line East. It is designated Residential in the Official Plan and is zoned RA, Rural Area, M2, Medium Industrial & EM, Environmental Management.

**PURPOSE & EFFECT:**

To convey an interior parcel of land and **attach it to Civic No. 78 Old Goulais Bay Road**, as a lot addition.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
<b>Severed Lands</b>	n/a	60.96m ±	0.535ha ±
<b>Retained Lands</b>	20.479m	irregular	18.31 ha

**Public Response**

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

**Technical Review: Circulated Departments & Agencies**

As part of the application review, this proposal was circulated to the following internal departments and external agencies for their review.

Division/Agency	Circulated	Response
Algoma Public Health	X	
Bell Canada Right-of-Way		
Building Division	X	No objections
Canada Post		
Conservation Authority	X	
Engineering & Construction	X	No comment
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)**

The application is to add to an existing lot only and as such cash-in-lieu would not be collected. Staff do not object to the request. The following conditions are recommended for any consent approval.

- Payment of Transfer Review Fee
- Provide a Transfer/Deed of Land for Certificate of Official
- Provide reference plan.
- Provide PIN abstract & PIN map.
- Minor Variance application approval if required.
- Discharge of Charge/Mortgage
- Partial Discharge of Charge/Mortgage
- Payment of Taxes
- Subsection 50 (3 or 5) of the Planning Act will apply
- A consolidation transfer will be required
- Proposed severed parcel must merge with Civic No. 78 Old Goulais Bay Road

### **Proceedings**

Michele Battisti attended.

The Acting Chair called for comments. None recorded.

The Acting Chair called for discussion, seeing none, discussion was closed.

### **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 either support the proposed severance or have no issues with the proposed severance. Based on all the evidence, the Committee finds that the proposed severance does not conflict with any provincial plan or plans, is consistent with any policy statements made under Subsection 3(1) of the Planning Act, is in keeping with the City's Official Plan and Zoning By-law(s), will provide orderly development of the City, and a plan of subdivision is not necessary.

Moved by Rossi, seconded Bruni,

**"RESOLVED THAT** *provisional* consent is **AUTHORIZED** for the severance and conveyance for the parcel of land described in the application, subject to the following conditions which must be, in the opinion of the Secretary-Treasurer, *complied with within 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 land to the immediate west, municipally known as **Civic No. 78 Old Goulais Bay Road**. 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 (Part of PIN *insert number*) and the abutting land (PIN *insert number*). This PIN 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. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION**

That the applicant provides the Secretary-Treasurer with THREE (3) 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.

**6. PIN ABSTRACT and PIN MAP**

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

**7. MINOR VARIANCE APPLICATION**

(After Provisional Consent given)

- a) That a minor variance application is received and approved by the Committee of Adjustment to recognize any applicable deficiencies on the subject lands, including finalization of conditions imposed thereto.

**8. DISCHARGE OF CHARGE/MORTGAGE**

That any Charge/Mortgage affecting the subject property is discharged and a copy of the Discharge of Charge/Mortgage be provided to the Secretary-Treasurer.

**9. PARTIAL DISCHARGE OF CHARGE/MORTGAGE**

That the Secretary-Treasurer is provided with one (1) copy of the Discharge of Charge/Mortgage documents for the parcel for which the Consent relates to, and the Discharge refers to for certification. Certificate of Official must be registered with the Discharge of Charge/Mortgage documents. A Solicitor's undertaking must be provided to the Secretary-Treasurer undertaking to register the Discharge and to provide the Secretary-Treasurer with a copy of the registered documents.

**10. PREVIOUS CONSENT DECISION CANCELLED**

That confirmation be provided wherein consent application **B14/02** has been cancelled.

**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 **MARCH 25, 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.**  
1990, as amended.

### **TAB 3**

#### **Application B4/25-111-(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.

Section 53(45) allows for an application to 'cancel' a previously received consent. Notice to other parties or commenting agencies is not required. The Committee's decision is not appealable.

#### **PURPOSE & EFFECT:**

The subject property previously received unstipulated consent under application B14/02. The owners are seeking the Committee's consent to Cancel the previous consent to enable the proposed severed parcel requested in application **B3/25** to merge with the subject property, as lot addition.

The decision whether for or against is not appealable.

Recommended conditions of any approval are,

- Provide a Transfer of Land or Notice for a Cancellation Certificate of Official
- Provide payment of Transfer fee (2025 fee is \$240) per transfer
- Provide a current PIN abstract & PIN map.
- Payment of Taxes

**Public Response** is not required in an application for Cancellation of Consent.

**Technical Review** by internal or external agencies is not required

#### **Staff Comments/Recommendations**

Section 53(45) permits the cancellation of a previous consent provided it is for lot addition purposes only. Approval of this application will enable the requested conveyance of land which is the subject of consent Application B3/25, to attach to this parcel as a lot addition.

#### **Proceedings**

Michele Battisti attended.

The chair asked if there were any questions/comments from Committee Members. Seeing none, the discussion was closed.

#### **Reasons for Decision**

The Committee was satisfied that the intent of Section 53(45) of the Planning Act would be met with approval of this request.

#### **Decision**

Moved by Rossi, seconded by Bruni,



**“RESOLVED THAT** *provisional consent* **is AUTHORIZED** for the cancellation of consent application **B14/02**, subject to the following conditions which must be, in the opinion of the Secretary-Treasurer, complied with within two years from the date of this written decision failing which consent shall be deemed to be refuse.

**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 and Certificate of Official must be registered with the “electronic registration transfer.

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

**2. CERTIFICATE APPLICATION FEE**

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

**3. PIN ABSTRACT & PIN MAP**

That a copy of the latest PIN abstract & PIN map accompanies the “electronic registration in preparation documents.”

**4. 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.

**5. RECEIPTED ELECTRONIC TRANSFER**

A copy of the receipted electronic transfer/notice be provided to the Secretary-Treasurer within 30 days of registration in the Land Registry/Land Titles Office & prior to the issuance of any Building Permits.

**CARRIED.”**

**Other Business**

**TAB 4**

The Secretary-Treasurer acknowledged that all members have completed the AODA & OHRC training modules.

**DATE OF NEXT HEARING – April 2, 2025**

## ADJOURNMENT

Moved by Rossi, seconded by Bruni,

"RESOLVED THAT we adjourn at 2:24 p.m.

CARRIED."

*Michelle Kelly*

Michelle Kelly, ACST  
Secretary-Treasurer

*Melinda McGregor*

M. McGregor  
Acting Chair