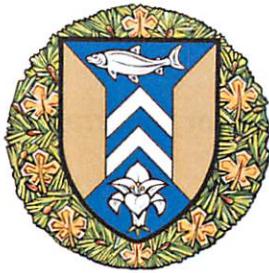


Joseph Greco, Chair
Michelle Kelly, ACST
Secretary-Treasurer



Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
November 12, 2025
Livestreamed & Zoom

Call to Order

The Chair called the hearing to order at 2:00 p.m.

Members' Present: M. McGregor, Acting Chair
F. Bruni (by Zoom)
W. Greco
A. Rossi (by Zoom)

Member Absent: J. Greco

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: S. Zuppa, Planning Representative

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

Opening Remarks

Acting Chair, McGregor welcomed the participants & introduced the Committee members & staff present

Land Acknowledgement – Secretary-Treasurer

Approval of Minutes of October 15, 2025

Moved by Rossi, seconded by Greco, (W),

"THAT the Minutes of the Committee of Adjustment hearing of October 15, 2025, be approved as circulated.

CARRIED."

➤ Disclosure of Pecuniary Interest and the General Nature Thereof

- Member Bruni disclosed an indirect pecuniary interest in applications A33/25, A34/25 & A35/25 concerning Civic No. 1109, 1117 & 1125 Pine Street advising that he is an extended family member of the applicants who have a direct pecuniary interest in these applications.

- **Notice of Withdrawal or Request for Deferral** – none recorded
- **Matters To Be Considered**

New Applications

- A32/25 Civic No. Third Line East
- A33/25 Civic No. 1125 Pine Street
- A34/25 Civic No. 1117 Pine Street
- A35/25 Civic No. 1109 Pine Street
- B17/25 Civic No. 626 Fifth Line East

TAB 1

Application A32/25-103-(1-117)-12281-RA

NANCY MADSEN & THE ESTATE OF IAN MADSEN are the owners of Lot 42, Plan H735 former Township of Tarentorus, **CIVIC NO. 1543 THIRD LINE EAST**. It is located on the south side of Third Line East between Black Road and the dead end of Third Line East. It is designated Rural Area in the Official Plan and is zoned RA, Rural Area.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, to facilitate the construction of a 7.3m x 7.92m x 7m detached, barn style garage.

The following variances are requested:

	By-Law 2005-150 Requires	Proposed Variance
9.1.5	Maximum garage height 6m	Increase maximum permitted height for a garage to 7m for upper-level storage only.

PURPOSE & EFFECT:

The proposed garage is intended to replace a garage that was destroyed by fire. The design of the proposed new structure will include an upper-level storage area and is not intended as living unit space.

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 concerns
Legal Department	X	No comment
Planning Division	X	Supportive
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns.
Public Works	X	No comment

Planning staff have no objection to this application. Several garages on this street exceed 6m in height, and in the Rural Area Zone, accessory buildings may be up to 8m. The requested height is therefore consistent with the established and permitted character of the neighbourhood.

The proposed garage will be partially screened from neighbouring dwellings by mature vegetation and existing accessory buildings. No unacceptable overlook or privacy impacts are anticipated.

Planning staff are satisfied that this proposal meets the four tests of a minor variance and recommend its approval.

Staff Comments/Recommendations(s)

There is no objection to the request. No evidence was submitted to suggest that approval would create an adverse impact.

Proceedings

There was no representation in attendance.

The Chair called for comments, seeing none

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.

The Chair called for a motion.

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 2

Member Bruni, having previously declared an indirect pecuniary interest in these applications, did not participate in the Committee's deliberation of these matters.

Application A33/25-71-(1-76)-11672-R4,s313

Application A34/25-71-(1-76)-33492-R4,s313

Application A35/25-71-(1-76)-33491-R4,s313

1000865908 ONTARIO INC. is the owner of Pt. Section 32 former Township of Tarentorus, further described as Parts 2, 3, 4, 5, 6 & 7, 1R14237 and identified as **CIVIC NO's. 1109 PINE STREET, 1117 PINE STREET & 1125 PINE STREET**. These adjoining properties and are located on the west side of Pine Street commencing approximately 60m south of the Second Line East & Pine Street intersection. They are designated Residential in the Official Plan and are zoned R4, s313, Medium Density Residential with a special exception.

INTENT OF THE APPLICATION:

Relief is requested from the provisions of By-law 2005-150, as amended, to permit a covered roof over the proposed underground parking ramp to cross the common property line between Civic No's 1109 & 1117 Pine Street. As well, relief is sought to standardize the size of the balconies on floors 2 through 6 to match the ground floor decks on the existing & proposed 6 storey, 47-unit apartment buildings currently under construction.

The following variances are requested:

	By-Law 2005-150 Requires	Proposed Variance
4.2	Maximum balcony projection into any yard 1.5m	Increase maximum permitted balcony projection into any yard to 2.43m for floors 2 through 6.
9.8.2	Interior side yard 7.5m	Reduce the south interior side yard to 0.0m for 1117 Pine Street for the proposed shared covered ramp only. Reduce the north interior side yard to 0.0m for 1109 Pine Street for the proposed shared covered ramp only.

PURPOSE & EFFECT:

The roof covering is intended to protect the underground parking ramp from hazardous weather conditions such as rain, snow, and ice. The balconies & decks are intended to provide equivalent outdoor amenity space for all units & enhance the aesthetic design of each building.

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 objection
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	Supportive
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works		

Planning staff support these applications and are satisfied that they meet the four tests. The requested variances are desirable for the subject properties, as the proposed ramp covering will enhance safety, and the enlarged balconies will provide additional amenity space for residents.

Staff Comments/Recommendations(s)

There is no objection to the request. No evidence was submitted to suggest that approval would create an adverse impact.

Proceedings

The applicant's solicitor was available by telephone if needed.

The Chair called for comments, seeing none

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 Greco (W),

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

TAB 3

Application B17/25-504-(2-62)-31755-RA

ED LOFSTROM is the owner of Pt of Sec 8 RP being Part 1, 1R10856, former Township of Tarentorus being **CIVIC 626 FIFTH LINE EAST**. It is located on the northeast corner of Great Northern Road and Fifth Line East. It is designated Rural Area in the Official Plan and is zoned RA, Rural Area subject to Site Plan Control.

INTENT OF THE APPLICATION:

To sever and convey a northeasterly parcel of land in the following manner.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Severed Lands	61.8m (5 th Line E)	170.75mm	0.951ha
Retained Lands	103.82m (5 th Line E)	irregular	2.19ha

PURPOSE AND EFFECT:

To create (1) one additional lot for future residential development purposes

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	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	X	See comments below

Planning staff have reviewed this application and provided the following comments:

- The property is designated under Site Plan Control.
- The consent application conforms to the Rural Area policy, which permits the creation of up to two new lots in addition to the retained parcel. Planning staff note that this application represents the second and final lot that may be created from the subject property under the current policy. Accordingly, no further lot creation will be permitted without an amendment to the Official Plan, which may not be supported by Planning staff.
- Great Northern Road is a Connecting Link. Any new driveway accessing Great Northern Road requires approval from the Director of Engineering. Alternatively, access may be provided via an easement over private property to Fifth Line East, as noted in the Engineering comments.
- About 35m of the west side of the severed parcel lies within the 500m landfill influence area (MECP Guideline D-4). As such, occasional odours are possible. Planning

recommends that residential buildings should be located at least 35m from the west lot line.

- The nearby Agawa Canyon Railway may result in noise/vibration impacts. To mitigate this, Planning recommends that residential buildings not be located within 70m of the railway right-of-way.
- Retaining existing vegetation will help buffer potential odour and noise impacts.

Planning recommends approval of the consent, subject to the following conditions:

- The Director of Engineering supports a new driveway on Great Northern Road, OR the applicant secures a private easement providing access to Fifth Line East.
- A treed buffer along the west and east property lines is retained to a minimum depth of 15 metres.
- The Owner shall submit revisions to the approved site plan for the retained land to the satisfaction of the Director of Planning, to reflect the new lot configuration resulting from the severance.

Engineering has reviewed this application and has the following comment:

- Although the City makes every effort to control odour as part of landfill operations, odours may be noticeable from time-to-time.
- Due to the close proximity of Great Northern Road and Agawa Canyon Railroad, noise pollution may be noticeable from time-to-time.
- For this property to have access from Great Northern Road a culvert permit and municipal consent permit may be required.
- Due to the high speed and volume of traffic on Great Northern Road, it is recommended that the Owner pursue an access easement to Fifth Line East.
- Municipal water and sanitary services are not available for this property. Algoma Public Health (APH) approval may be required for the installation of a septic system.
- It is recommended that the severed lands be subject to site plan control to address matters such as entrance location, drainage, etc.
- It is recommended that the severed lands be subject to site plan control to address matters such as entrance location, drainage, etc.
- It is recommended that the severed lands be subject to site plan control to address matters such as entrance location, drainage, etc.

Public Works recommends that the severed lands be subject to site plan control to address matters such as entrance location, drainage, etc.

Staff Comments/Recommendations(s)

Engineering, Planning & Public Works staff have recommended several conditions that have been incorporated in my recommendations below. Planning staff have also recommended that residential buildings be located at least 35m from the west lot line. They also recommend that residential buildings not be located within 70m of the railway right-of-way. These are for your consideration as well.

Recommended conditions of any approval are,

- A Municipal Consent Permit must be obtained for a driveway off Great Northern Road, OR
- A right-of-way easement must be obtained over private property to access Fifth Line East
- Provide confirmation that the Planning Director or his designate is satisfied with any amendments that may be required to the existing site plan
- Payment of 5% Cash-in-lieu of Parkland for each new lot created
- Payment of Transfer Review Fee
- Provide a Transfer/Deed of Land for Certificate of Official
- Provide a draft reference plan for approval prior to registration
- Provide a full-size white reference plan once registered plan.
- Provide a digital copy of the registered reference plan
- Provide confirmation from the Chief Building Official or his designate that each unit will be provided separate electrical and water services
- Provide PIN abstract & PIN map.
- Minor Variance application approval if required
- Discharge of Charge/Mortgage
- Partial Discharge of Charge/Mortgage
- Payment of Taxes
- Provide a copy of the registered Transfer/Deed of Land
- Provide comments from Algoma Public Health stating that both the part to be transferred and the part to be retained are capable of supporting a sewage disposal system

Proceedings

Ed Lofstrom, attended in support of his application. When asked, he advised that he was okay with the recommended conditions save and except the request for a potential right-of-way easement. He explained that in 2022 he had obtained municipal consent to establish a driveway from Great Northern Road. He understood that as a condition of approval of this application he would have to provide a current approval.

The Chair called for comments, seeing none

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. Based on all the evidence, the Committee finds that the proposed severance does not conflict with any provincial plan or plans, is consistent with any policy statements made under Subsection 3(1) of the Planning Act, is in keeping with the City's Official Plan and Zoning By-law(s), will provide orderly development of the City, and a plan of subdivision is not necessary.

Moved by Bruni, seconded Greco (W),

"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 TWO (2) 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. 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.

8. 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.

9. MUNICIPAL CONSENT PERMIT

That a current Municipal Consent permit for access from Great Northern Road be obtained.

10. CULVERT PERMIT

That a culvert permit be obtained for entrance to the proposed parcel prior to the issuance of a building permit.

11. BUFFER

Retain a treed buffer along the west and east property lines to the satisfaction of the Director of Planning or his designate.

12. SITE PLAN AGREEMENT

Where deemed necessary, amend the existing Site Plan Agreement for both the proposed retain parcel and the proposed severed parcel to include consideration for prescribed setbacks for the residential dwelling with the 500m landfill influence area and the railway right-of-way in mind, to the satisfaction of the Director of Planning or his designate.

13. SEPTIC SYSTEM

A letter from Algoma Public Health must be submitted to the Secretary-Treasurer indicating that an on-site septic system can be supported on the severed and retained lots.

14. PAYMENT OF MUNICIPAL TAXES

The owner shall provide to the Secretary-Treasurer confirmation of payment of all current and outstanding taxes to date of consent including any local improvement charges, if applicable.

15. RECEIPTED ELECTRONIC TRANSFER

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

CARRIED.”

Final date for appeal is **December 2, 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 4

OTHER BUSINESS - Proposed 2026 Hearing Schedule

- For consideration and comment

DATE OF NEXT HEARING – December 10, 2025

ADJOURNMENT

Moved by Rossi, seconded by Greco (W),

“RESOLVED THAT the meeting be adjourned at 2:30 p.m.,

CARRIED.”

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer

M. Kelly

Mr. M. McGregor
Acting Chair