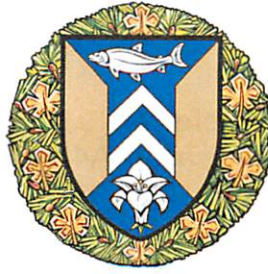


Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer



**Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
January 21, 2026
Livestreamed**

Call to Order

The Chair called the hearing to order at 2:09 p.m.

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

Member Absent:

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 members & staff present

Land Acknowledgement – Secretary-Treasurer

Approval of Minutes of December 10, 2025

Moved by Rossi, seconded by Greco (W),

"THAT the Minutes of the Committee of Adjustment hearing of December 10, 2025, be approved as circulated. **Carried."**

Disclosure of Pecuniary Interest and the General Nature Thereof

Member Greco (W) upon realizing that as an HSCSB board member, he had an indirect pecuniary interest in application A2/26, and left the Council Chambers at 2:28 p.m.

Notice of Withdrawal or Request for Deferral

A request for a further deferral of application A41/25 was requested. There was no objection.

Moved by Greco, seconded by Rossi,

"**THAT** consideration of application A41/25, Civic No. 86 Knox Avenue be deferred to on or about January 21, 2026, **Carried.**"

A request to defer application A1/26 was requested. There was no objection to a deferral.

Moved by Rossi, seconded by Bruni,

"**THAT** consideration of application A41/25, Civic No. 86 Knox Avenue be deferred to February 4th, 2026, **Carried.**"

Matters To Be Considered

New Applications

- A2/26 Civic No. 48 Oryme Avenue
- B1/26 Civic No. 1274/1276 Queen Street East

TAB 2

Application A2/26-60-(1-60)-6655-R2

HURON-SUPERIOR CATHOLIC DISTRICT SCHOOL BOARD is the owner of Pt Lt 24 RCP H732, former Township of St. Mary's identified as **CIVIC NO. 48 ORYME AVENUE**. It is located on the north side of Oryme Avenue approximately 70m east of the Reid Street intersection. It is designated Residential in the Official Plan and is zoned R2, Gentle Density.

THE APPLICATION:

The following variances are requested.

	By-Law 2005-150 Requires	Proposed Variance
9.6.1	PERMITS an elementary school use	INCLUDE <i>a furniture and supplies depot and repair shop for school materials to be carried on within the building as an accessory use</i>

INTENT:

To augment the use of the existing building and HSCDSB resources.

BACKGROUND:

Although the school is a permitted use in the By-law, the storage of school furniture and supplies and a repair shop for school related materials is not expressly defined. The

applicant is requesting a variance to include this use with the understanding that there will be no outdoor storage on the property.

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	
Legal Department	X	No comment
Planning Division	X	No objections, see comments below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	

Planning staff advised that the application passes the four tests of a minor variance described in Section 45 of the Ontario Planning Act. The proposed use of the subject property will be supporting in nature and supplementary to HSCDSB's current operations. Furthermore, there will be less impact on the surrounding area in terms of noise and traffic, compared to when the site functioned as an elementary school. Planning Staff have no objections to the proposed application.

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.

Proceedings

The applicant's agent was not in attendance and attempts to reach him by phone were unsuccessful.

The Chair was advised that there was an objector in attendance.

The Chair asked if the Committee wished to proceed and allow the objector an opportunity to speak. The Committee chose to proceed & the Chair called Ms. Linklater to the podium.

Consideration had commenced when Member Greco (W), realized that he had an indirect pecuniary interest in the application advising that he is an HSCDSB

board member. Upon declaration, he left the Council Chambers at 2:38 pm., while the Committee continued on with their consideration of the request.

Sandra Linklater of 171 Elmwood Avenue attended and opined that approval of this request will set a precedent. She stated that there would no ability to control who moved into the building or who purchased the property if it were to be sold. She asked what is to stop an industrial use from moving in? Would the use of the building be increased with this request or will it remain the same? She was concerned about the existing traffic situation, and most concerning is the fact that transports and other delivery & passenger vehicles are now using Elmwood Avenue regularly to get off of Great Northern Road. She believed that adding to the permitted scope of work would mean an increase in area traffic between Elmwood Avenue and Oryme Avenue. She advised that this practice results in an increase in noise, dust & other environmental issues. She was concerned about the impact adding this use would have to the property values in the area. She did not agree with the Planner's position that the proposal would have less noise impact than when the school functioned as a school and added that the sound of children laughing & playing is more pleasant to hear than what is proposed. She advised that the School Board has done nothing to beautify the area. She was disturbed with the fact that a tall outside light is located on the subject property which shines directly into her home, She questioned why it was necessary and asked if it could be lowered.

The Chair called for comments.

The Chair advised that the request does not in itself warrant a traffic study. She was asked if she had brought her concerns to the City's attention, she had not. It was suggested that she speak to staff at Public Works Department on Sackville Road about her concerns.

The Secretary-Treasurer pointed out that the request limits the proposed use to school materials. Any other use, such as industrial mentioned by Ms. Linklater, would not benefit from the variance.

Member Bruni questioned the ability to measure what impact the proposed use would have on traffic, acknowledging that there are several multi-unit residential buildings in the area and a care facility. Between tenants, staff, and guests he questioned how it could be determined that the proposed use would add an unreasonable amount of traffic so as to require a traffic study.

Member Rossi opined that a deferral does not hurt anyone.

When asked by the Committee, Ms. Linklater advised that she had no objection to a deferral and would prefer to hear from the agent.

The Chair called for further discussion.

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

Moved by Bruni and Seconded by Greco (J).

“RESOLVED THAT in accordance with Section 45(2) of the Planning Act this application be **Approved**; the motion did not carry and as such the motion resulted in a tie vote. As a result, the motion was **Lost**.”

Motion by McGregor, seconded by Rossi, A,
“RESOLVED THAT further consideration of this application be **DEFERRED** to February 4, 2026 to permit the applicant’s agent an opportunity to speak to the request and Ms. Linklater’s concerns;
Carried.”

TAB 2

Application B1/26-10-(1-6)-417-R2, S388

1274 QUEEN STREET EAST LIMITED & 1276 QUEEN STREET EAST LIMITED are the owners of PIN 31522-0177, municipally identified as **CIVIC NO. 1274 & 1276 QUEEN STREET EAST**. It is located on the north easterly side of Queen Street East between Churchill Boulevard and Lake Street. The subject property is designated Residential in the Official Plan and is zoned R2, Gentle Density.

PURPOSE OF THE APPLICATION

The applicants are seeking the Committee’s consent to **sever and convey each residential development independent of the other, together with an easement** along the length of the easterly wall of the existing building at Civic No. 1274 Queen Street in favour of the easterly property being Civic No. 1276 Queen Street East **for access/egress purposes**.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Severed Lands	28.884m	45.747m	689m ²
Severed Lands	28.884m	45.747m	689m ²
Easement	1.44m	9.77m	14.06m ²

BACKGROUND:

Under Planning Act provisions related to common and complete ownership the subject properties inadvertently merged on the passing of a previous owner.

The intent is to return the two properties to their original autonomous state as established in 1959 and legalize access/egress over that portion of the paved driveway of Civic 1276 Queen Street East which encroaches onto Civic No. 1274 Queen Street East.

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

Planning staff advised that the proposed severance of the subject property meets the Lot Area and Frontage requirements for the Gentle Density (R2) Zone described in Section 9.6.2 of Zoning By-law 2005-150. Planning Staff has no objects to the proposed application.

BACKGROUND/STAFF COMMENTS

The request simply re-establishes the autonomous nature of two existing properties & legitimizes the use over the paved driveway encroachment. Since it is an advertent merge and no new lot creation is proposed, collecting cash-in-lieu for park purposes would not be appropriate. While each property has its own PIN description, which may have been sufficient for registration, because an easement is also requested a reference plan will have to be provided. There have been no objections to the request to sever and/or the request for an easement.

Recommended conditions of any approval are,

- Provide Transfer/Deed of Land together with Easement for Certificate of Official
- Payment of Transfer Review Fee for each Transfer presented
- Provide draft copy of proposed reference plan for approval prior to registration
- Provide copies of registered reference plan
- Provide digital copy of registered reference plan
- Provide current PIN abstract & PIN map
- Discharge or Partial of Charge/Mortgage is required
- Payment of Taxes
- Undertaking to provide a registered copy of Transfers

PROCEEDINGS

Nelson Soares attended in support of his request.

The Chair asked if the applicant had any new information to provide. He did not.

The Chair called for comments, seeing none,

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

FINDINGS

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 requests 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.

DECISION

Moved by Rossi, seconded by Greco (W).

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance of the parcel(s) of land described in the application, subject to the following conditions which must be, in the opinion of the Secretary-Treasurer, completed within two-years from the date of giving of the formal notice of this Decision failing which consent shall be deemed to be refused/lapsed in accordance with Section 53(41) 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 for review for issuance of a Certificate of Official. The Said 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 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 2026 is \$245 per document)

3. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with FOUR (4) full size white prints, ONE (1) 11 X 14 copy, & 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.

4. PIN ABSTRACT & PIN MAP

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

5. 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.

6. 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 or written acknowledgement that the holder of the Charge/Mortgage is satisfied with the Consent being finalized.

7. 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.

8. 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.

9. 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 **February 10th, 2026**. 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. **ALL conditions must be fulfilled within two years of the date of giving of the formal Notice of Decision, failing which this application shall thereupon be deemed to be refused. Section 53(4), The Planning Act R.S.O., 1990.**

Member Greco (W) returned to the Council Chambers.

TAB 4

OTHER BUSINESS

An election was held for Chair for 2026.

Member Joseph Greco was elected Chair for 2026.

Moved by Greco (W), seconded by Rossi,
“**RESOLVED THAT** the election ballots be destroyed,

Carried.”

DATE OF NEXT HEARING – February 4th , 2026

ADJOURNMENT

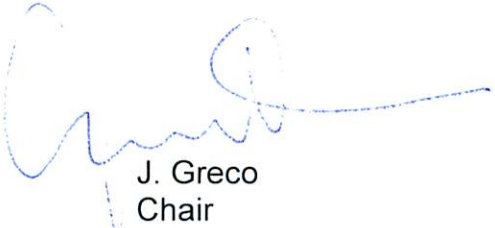
Seeing no further business, the Chair called for a motion to adjourn.

Moved by Rossi, seconded by McGregor,
“**RESOLVED THAT** this meeting adjourn at 2:56 p.m.,

Carried.”

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer


J. Greco
Chair