

Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer



**Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
April 29th, 2026
Livestreamed**

Call to Order

The Chair called the hearing to order at 2:03 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: S. Zuppa, 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 April 13th, 2026

Moved by Greco (W), seconded by Rossi,

"THAT the Minutes of the Committee of Adjustment hearing of April 13th, 2026, be approved as circulated. **Carried."**

Disclosure of Pecuniary Interest and the General Nature Thereof

Chair Greco declared a direct pecuniary interest in application A7/26 – Civic No. 83 Wemyss – applicant Gregory Marshall, advising that the applicant is a client of his legal practice. It was noted that Chair Greco will vacate the Chambers during the Committee's consideration of this application.

Notice of Withdrawal or Request for Deferral – none recorded

➤ **Matters To Be Considered**

New Applications

- A7/26 Civic No. 83 Wemyss Street
- A8/26 Civic No. 164 River Road
- B5/26 Civic No. 153 Dacey Road
- B6/26 Civic No. 224 Bennett Boulevard
- B11/26 Civic No. 8 Bluffs Drive East
- B12/26 Civic No. 4 Bluffs Drive East

TAB 1

Chair Greco, having previously declared his pecuniary interest in this application, vacated the Chambers while the Committee considered the request.

Application A7/26-8-(1-16)-2117-R2

GREGORY MARSHALL is the owner of Pt. Sec. 24, former Township of Korah, further described as Lot 13 & Pt. Lot 14, Himes Subdivision Plan 18594, former Township of St. Mary's municipally identified as **CIVIC NO. 83 WEMYSS STREET**. It is located on the south side of Wemyss Street between Euclid Avenue and Pine Street. It is designated Residential in the Official Plan and is zoned R2, Gentle Density.

THE APPLICATION:

The following variance is requested.

	By-Law 2005-150 Requires	Proposed Variance
4.2	A deck may project to within 1.2m of an interior lot line	Increase a deck projection including stairs & landing to the south easterly interior lot line , for a length of 3.289m
	A deck may project to within 3m of a rear lot line	Increase a deck projection including stairs & landing to the westerly rear lot line , for a length of 3.297m

INTENT:

The applicant proposes to construct a 125.5 m² deck including landing and stairs to attach to the rear entrance located on the easterly side of the existing 103-year-old home. The irregular lot configuration, and the location of the home restrict the ability to construct a serviceable landing and staircase and makes it impossible to include a deck addition within the current by-law regulations.

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. No response was received from neighbouring property owners.

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
Building Division	X	
Canada Post		
Conservation Authority	X	
Engineering & Construction	X	
Fire Services	X	No comments or concerns
Legal Department	X	
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 reviewed this application and wish to note: the subject property is constrained by an irregular lot configuration, limiting the ability to provide functional outdoor amenity space in compliance with the Zoning By-law. While the requested setback reduction is significant, it is understood that the applicant is agreeable to limit the height of the deck to less than 0.5 metres above grade. This reduces concerns regarding overlook and visual impact on the immediately adjacent property. In addition, an existing garage/shed on that adjacent property provides visual screening and further mitigates potential privacy impacts.

Staff also note that parts of the area subject to the variance have been used as a patio and amenity space in the past, without apparent adverse impacts.

Planning staff are satisfied that the application meets the four tests of a minor variance and recommend that they be approved, subject to the following conditions:

- That the height of the deck within the area subject to the variance shall not exceed 0.5 metres above established grade, as measured in accordance with the Zoning By-law, excluding any stairs required for access from the dwelling; and
- no roof shall be permitted over the portion of the deck located within the area subject to the variance.

The Secretary-Treasurer confirmed that the applicant has provided new elevation drawings that illustrate his intent to lower the deck as suggested by planning staff. Those illustrations are included in the members' package.

Staff Comments/Recommendations(s)

The applicant has revised his construction plans to satisfy planning staff's request to lower the deck height. No evidence has been provided to suggest that approval would create a negative impact.

It is recommended that the following conditions be attached to any approval.

- 1. That the height of the deck within the area subject to the variance shall not exceed 0.5 metres above established grade, as measured in accordance with the Zoning By-law, excluding any stairs required for access from the dwelling.**
- 2. A roof is not permitted over the portion of the deck located within the area that is subject to the variance.**

Proceedings

Gregory Marshall attended in support of his request. He requested clarification regarding planning staff comment concerning prohibiting a roof.

Steve Zuppa, planning representative, responded that the roof restriction would apply only to the areas that require the variance. The restriction would not apply to the remainder of the deck.

Note: The building permit process will determine what can be accommodated on the remainder of the deck.

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, 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, planning staff statements and all other 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 approval would not create a negative impact. As such, opined that the requested variances are 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 Bruni,

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

- 1. That the height of the deck within the area subject to the variance shall not exceed 0.5 metres above established grade, as measured in accordance with the Zoning By-law, excluding any stairs required for access from the dwelling.**
- 2. A roof is not permitted over the portion of the deck located within the area that is subject to the variance.**

Carried.”

TAB 2

Chair Greco resumed the Chair at 2:13 p.m.

Application A8/26-25-(1-25)-25009-R2

ERGO OFFICE PLUS (Paul Scornaienchi) is the owner of Pt. Lot 10, Rankin River Range Location, Pt. 1, 1R4236, municipally identified as **CIVIC NO. 164 RIVER ROAD**. It is located on the north westerly side of River Road between Murphy Street and Dacey Road. It is designated Residential in the Official Plan and is zoned R2, Gentle Density.

THE APPLICATION:

The following variance is requested.

	By-Law 2005-150 Requires	Proposed Variance
9.6.2	Minimum rear yard setback for 2 storey structure with living unit is 10m	Reduce the minimum rear yard setback for a 2-storey structure with living unit from 10m to 1.8m

INTENT:

The applicant proposes to construct a 76m² (850ft.²) 2-storey structure which will include a second living unit overtop of a 2-car garage. The applicant intends to provide fire rated and factory obscure privacy glass on any openings located on the rear wall of the proposed structure.

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. No response was received from neighbouring property owners.

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
Accessibility Coordinator		
Algoma Public Health		
Bell Canada Right-of-Way		
Building Division	X	Comments below
Canada Post		
Conservation Authority	X	Comments below
Engineering & Construction	X	Comments below
Fire Services	X	No comments or concerns
Legal Department	X	No comment
Planning Division	X	Comments below
PUC Distribution Inc. (Electric)	X	Comments below
Public Utilities Comm. (Water)	X	Comments below
Public Works		

Building Division has no objection to the proposed Minor Variance. However, it is noted that permit 2025-0634 for the replacement of shingles and permit 2022-1105 for the construction of a rear yard deck, remain open for this property and have not yet had any inspections. The inspections must be requested and the work confirmed in compliance with the Ontario Building Code.

Conservation Authority (SSMRCA) advised that based on current regulated area mapping, the lands subject to this minor variance application are not located within a regulated area as defined by O.Reg. 41/24 (i.e., floodplain, erosion hazard, dynamic beach, wetland, or associated allowances). SSMRCA has no concern or objections to this proposed development.

Engineering staff have no concerns. They wished to advise the applicant that there have been drainage issues reported from within this subdivision. If a rear yard swale does not currently exist, one may be required in the future. Existing drainage patterns should be maintained.

Planning staff have reviewed the application and are of the opinion that the variance, as requested, does not satisfy the four tests. The application proposes a detached residential structure in a "garage loft" form, approximately 6.3 metres in height, with a rear yard setback of 1.8 metres, whereas a minimum rear yard setback of 10 metres is required.

Although the applicant has referenced reduced setback requirements applicable to accessory buildings and 1-storey residential buildings, the proposed structure includes a second-storey residential component and represents a more substantial built form. In staff's opinion, the requested relief is excessive and raises concerns regarding privacy, overlook, and compatibility with the residential property to the rear.

While some reduction to the required rear yard setback may be appropriate in this context, staff are of the opinion that 1.8 metres is not appropriate given the scale and residential

nature of the proposed structure. Although the proposed height of 6.3 metres is somewhat lower than that of a typical two-storey dwelling, the building remains sufficiently substantial in massing to warrant greater separation from the rear lot line.

A minimum rear yard setback of 3.0 metres is considered more appropriate, as it:

- provides a more meaningful buffer to the rear lot line,
- better reflects the building's scale, massing and purpose,
- reduces reliance on existing vegetation and other mitigation measures alone to address compatibility concerns; and
- represents a more moderate departure from the Zoning By-law while still allowing the structure to function appropriately for residential and garage purposes.

Staff also note that existing mature vegetation along the rear lot line provides additional screening between the properties. While this assists in mitigating impacts, staff are of the opinion that an appropriate built-form setback should be maintained regardless of whether such screening remains over time.

Accordingly, Planning staff would support an amended application that proposes a minimum rear yard setback of 3.0 metres, with appropriate conditions such as no windows or other openings being permitted on the wall facing the rear lot line; and restricting the height of the structure to not exceed 6.5 metres above established grade.

In the absence of these revisions, staff would not support the application as submitted.

PUC Distribution Inc. (Electric Utility) had no concerns with the proposed variance. However, wished to advise that if the electrical service requires an increase in size or relocation, please consult their Conditions of Service (www.puc.ca) and contact PUC Engineering early in the planning process.

Public Utilities Commission (Water Utility) had no concerns with the proposed variance. However, the Owner must engage the services of a Professional Engineer licensed in the Province of Ontario or persons qualified under the Ontario Building Code to verify if their existing water service is adequate to supply the necessary water demand for the proposed additional unit. PUC must be provided with written confirmation from the Engineer confirming the outcome of their analysis. If the owner wishes to replace their water service, please contact the PUC Engineering Department at 705-759-6576 to coordinate the water service requirements.

Summary/Comments/Recommendations(s)

Planning staff opine that the request fails the 4 tests of a minor variance and as such do not support the request.

Planning staff would be supportive of an amended request to reduce the minimum rear yard setback for a 2-storey structure with an upper-level living unit from **10m** to **3.0m** conditional on,

- 1. windows and/or other openings are prohibited on the wall facing the rear lot line; and,**

- 2. the height of the structure cannot exceed 6.5 metres above established grade, as measured in accordance with the Zoning By-law and generally in accordance with the plans submitted with the application.**

Proceedings

Paul Scornaienchi attended in support of his request. He preferred a reduction to 1.8m, as it provides better access to the proposed 2 car garage. To increase the proposed setback to 3m or greater would involve changing the footprint and interior design of the proposed structure and in all likelihood reduce it to a single car garage. After some discussion he understood that a reduction to 1.8m was not supported. He asked if he would have to come back with another application if the building design is changed to which the Secretary-Treasurer advised that provided the building footprint is not larger than what has been illustrated and any conditions that may be attached to any approval are met, a new application should not be necessary. Mr. Scornaienchi then requested that the Committee consider the 3m setback as recommended and supported by planning staff.

When asked to clarify his position, Steve Zuppa, planning representative, advised that any decision on this application is not precedent setting. Each application is based on its own merit. The fact that big trees along the rear lot line provide a visual screen and these mature trees are owned and controlled by the applicant supports his position. The applicant has control over them, and they should be maintained in such a manner so as to continue to provide this buffer. He stated that the proposed building is a little smaller than a typical 2-storey building. He opined that the massing is similar to a garage. While it is a little above the intent for a second unit, it supports the city's intensification goals.

The Chair called for comments,

Member Rossi stated that he was not supportive of a reduction to 1.8m. He opined that it was a significant reduction and would prefer to see something in the area of a 5m setback.

Member McGregor opined that the request to reduce the rear yard setback to 1.8m was not minor and she would not support it.

Member Bruni was not supportive of a 1.8m setback and cautioned the Committee on the precedent that might be set in supporting a 3m setback.

Chair Greco stated that mitigating factors such prohibiting windows, doors or other openings on the rear wall of the proposed building and the visual screening provided by the mature trees help him to overcome his initial misgivings about a 3m setback. He reiterated planning comments with respect to decisions on applications based on their own merits and that they are not precedent setting.

The Chair called for discussion.

Member McGregor indicated that she would be supportive of a 3m setback. Seeing no further discussion, the Chair closed discussion & called for a motion.

Application B5/26-33-(1-36)-15887-R2, R3, R4

DANIEL FREMLIN HOLDINGS INC. is the owner of Pt. Lt 9 RCP H715, Pt 2 1R6097; Pts. 2, & 3, 1R13989; and municipally identified as **CIVIC NO. 153 DACEY ROAD**. It is located on the southerly side of Dacey Road between Hardwood Street and Chambers Avenue. The subject property is designated Residential in the Official Plan and is zoned R2, Gentle Density, R3, Low Density Residential & R4, Medium Density Zone with a special exception.

INTENT:

The applicant is seeking the Committee's consent to sever and convey the westerly portion of the subject property fronting on Dacey Road which includes the former school, for future development considerations.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Severed Lands	81.5m	70m	0.57ha
Retained Lands	20.52m	irregular	2.77ha

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	Comments below
Canada Post		
Conservation Authority	X	Not in a regulated area so no concerns.
Engineering & Construction	X	No objections. See additional comments below
Fire Services	X	No comments or concerns
Legal Department	X	No comment
Planning Division	X	No objections. See additional comments below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns

Decision

All written submissions relating to this application made to the Committee of Adjustment before its decision, 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, planning staff statements and all other comments received, it is the opinion of the Committee that a reduction to 1.8m does not meet the four tests under Section 45(1) of the Planning Act.

The Committee is agreeable to considering a 3m rear yard setback.

Moved by Rossi, seconded by Bruni,

“RESOLVED THAT in accordance with Section 45(2) of the Planning Act this application to reduce the rear yard setback to 1.8m is **Rejected.** **Carried.”**

The Committee is satisfied that the amended 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 approval would not create a negative impact. It is the opinion of the Committee that this amended request meets all four tests under Section 45(1) of the Planning Act.

Moved by McGregor, seconded by Greco (W),

“RESOLVED THAT in accordance with Section 45(2) of the Planning Act this application be amended to **Reduce** the minimum rear yard setback for a 2-storey structure with a living unit from **10m** to **3m** and that this amended request be **Approved** subject to the following conditions,

- 1. Windows and/or other openings are prohibited on the wall facing the rear lot line; and,**
- 2. The height of the structure cannot exceed 6.5 metres above established grade, as measured in accordance with the Zoning By-law and generally in accordance with the plans submitted with the application.**
- 3. The mature trees & vegetation along the rear lot line must be maintained and/or replaced with mature trees & vegetation to maintain the existing buffer.**

Carried.”

Public Works		No comments
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Building Division has no objection; conditional upon the finalization of the following permits found to be open as of today at the address. Permit # 2023-0046, 2023-0188, 2023-0950, 2023-0951

Engineering does not object to this severance. We do, however, have the following conditions for Final Consent:

- An existing Site Plan Agreement is registered on this property and will have to be amended to reflect the severance. The applicant should enter into a new Site Plan Agreement to be registered on the severed portion.
- A grading plan prepared by a professional engineer should be submitted to the satisfaction of the Director of Engineering or their designate. Drainage should be contained within each property's limits. Should it cross a shared property line prior to direction to the municipal right of way, a Drainage Agreement may be required. An Operation and Maintenance Agreement is also recommended to determine cost and responsibility for shared services.
- Environmental Compliance Approval (ECA) is required when two or more properties share a stormwater management system. If this has not already been completed, an ECA may be required. This process is independent of the municipality.

Potential property owners should be made aware of the following:

- There appears to be a rear yard swale along the northwestern property line of the severed property benefiting the neighboring property to the north on Dacey Road. Existing drainage patterns should be maintained.
- An existing private easement is located within the retained portion of the property and to the rear of the severed portion of the property, traveling northwest to southeast and containing a 300mm diameter PVC storm main and 200mm diameter sanitary main.

Planning staff have no objections to this application and note the following:

- The lands are currently subject to a site plan agreement that originally contemplated a unified, phased development. That said, Planning staff are satisfied that the resulting parcels can function independently, as each has separate servicing connections and separate access to a public road.
- Planning supports Engineering's recommended condition that the existing Site Plan Agreement must be amended to reflect the severance.
- Future development on the severed parcel will be subject to site plan control.

Staff Comments

There were no objections to the request. No evidence was brought forward to suggest that approval would create a negative impact. The request conforms with the Zoning By-law and the Official Plan.

Recommended conditions to be attached to any approval are:

1. Transfer/Deed of Land
2. Parkland Levy
3. Certificate application & review fee
4. Reference plan
5. Lot Grading and Drainage Plan and Agreement if deemed required
6. Operation and Maintenance Agreement
7. Environmental Compliance Approval (ECA) is required when two or more properties share a stormwater management system. If this has not already been completed, an ECA is required.
8. Amending the existing Site Plan Agreement
9. PIN abstract and PIN map
10. Minor Variance Application (if required)
11. Undertaking to provide advisements to potential purchasers
12. Discharge of Charge/Mortgage
13. Partial discharge of Charge/Mortgage
14. Payment of municipal taxes
15. Copy of receipted electronic transfer

PROCEEDINGS

There was no representation in attendance on behalf of the applicant.

The Chair called for comments.

Ken Barkley, an easterly neighbouring property owner at 134 Hardwood Street attended and wanted to know what the plan was for the school. To which the Chair advised that currently there is no change of use intended however if there was to be, it would have to comply with what the zoning by-law allows, or an application would have to be approved to change the use. When asked, Mr. Barkley was advised that the severance of the school has nothing to do with the residential use on the retained lands.

Mark Robert, a rear property owner at 93 MacMurray Avenue attended. He opined that the neighbourhood is an older generation and does not understand the language contained in the public notice. He advised that he would have appreciated it if a map had been enclosed with the public notice as he did not understand what was happening. He indicated had a big concern with drainage

The Chair called for discussion. It was noted that severance of the school property has no impact on the ongoing development of the retained land as evidenced in staff support of the severance.

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. They noted that while the attending neighbours have concerns about the development underway on the proposed retained lands, those matters are not relative to this application. Based on all the evidence, the Committee finds that the request 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 Bruni, seconded by McGregor,

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance of the parcel 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. The *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 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. (2026 fee is \$245 per document)

4. 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 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. PARCEL REGISTRATION ABSTRACT and PIN MAP

That a copy of the current parcel registration and PIN map for the subject property and for the property that benefits from the lot addition conveyance accompany 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. LOT GRADING AND DRAINAGE PLAN

That the applicants submit a lot grading and drainage plan for approval of the Director of Engineering or his designate, AND THAT drainage facilities be constructed, and easements dedicated as required. The owners/applicants shall bear all legal and survey costs. A Drainage Agreement must be entered into if determined by the Director of Engineering or their designate, as necessary.

(Note: applicant's solicitor will have to sign off on any easements in Teraview's Electronic Land Registry system)

8. OPERATION AND MAINTENANCE AGREEMENT

An Operation and Maintenance Agreement must be entered into to the satisfaction of the Director of Engineering or his designate wherein cost and responsibility for shared services is set out.

9. ENVIRONMENTAL COMPLIANCE APPROVAL (ECA)

If not already completed, an ECA will be required for the satisfaction of the Director of Engineering or their designate.

10. SITE PLAN AGREEMENT

The existing site plan agreement must be amended and a new site plan agreement entered into for the severed parcel to the satisfaction of the Director of Engineering.

11. 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.

12. 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.

13. 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.

14. UNDERTAKING TO ADVISE POTENTIAL PURCHASERS

- The There appears to be a rear yard swale along the northwestern property line of the severed property benefiting the neighboring property to the north on Dacey Road. Existing drainage patterns should be maintained.
- An existing private easement is located within the retained portion of the property and to the rear of the severed portion of the property, traveling northwest to southeast and containing a 300mm diameter PVC storm main and 200mm diameter sanitary main.

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 Receipted Electronic Transfer document including the Form 2 for Consent.

Carried."

Final date for appeal is **MAY 18, 2026**. 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

Application B6/26-22-(1-22)-13986-I

THE TRUSTEES OF THE EMMANUEL UNITED CHURCH OF THE UNITED CHURCH OF CANADA are the owners of Pt of Pt Sec 3 St. Mary's except Pts 1-3, 1R2611, S/T

T164996 & municipally identified as **CIVIC NO. 224 BENNETT BOULEVARD**. It is located on the northwest corner of Bennett Boulevard and Boundary Road. The subject property is designated Residential in the Official Plan and is zoned I, Institutional & is subject to site plan control.

PURPOSE & EFFECT:

To sever and convey a northeasterly parcel fronting on Boundary Road together with easement(s) for ingress/egress purposes and potential servicing where required, to facilitate the construction of an ambulance bay. It is understood that previous approval of application B7/25 will not be acted on.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Severed Lands	41.95m (Boundary Rd)	50m	0.22ha
Retained Lands (irregular shape)	51.16m (Boundary Rd)	115.824 (Bennett Blvd)	1.03ha
Ingress/Access & Servicing Easements	In gross as required, to be determined		

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.

Mr. Tim Reece of 141 Greenview Court attended and questioned how dust control would be managed particularly if a driveway abutting Bennett Boulevard is to be used. He advised that in the past the abandoned pole mentioned in planning staff comments serviced a portable. The portable has been removed as has services to the pole.

Mr. Douglas King, owner of the northerly abutting property at 15 Chartwell attended advising that he currently has a view of the church parking lot from his backyard. He was supportive of the previous request to front the ambulance bay on Bennett Boulevard as it was further away from his home. With the change in the proposed building location to now be at his rear yard, he opined the use will now have a negative impact on his property. He cited noise from ambulances coming and going all hours of the day and night and their sirens as factors that will negatively impact the enjoyment of his rear yard and disturb sleep. He questioned how big the building would be and how many bays it would have. Mr. King advised that he would have appreciated if a map had been provided with the public notice.

In response, Chair Greco advised that the Committee can only consider the request before them that being a severance of land. The use is a permitted use, advising that any development is subject to regulations set out in the zoning by-law. Any non-compliance to those regulations would be subject to Committee of Adjustment approval of a minor variance application. If an application is filed for a variance(s), neighbours would once

again be circulated, and they would have an opportunity to ask questions similar to those of today and express their support or objection at the public hearing.

The Secretary-Treasurer advised those in attendance and the viewing audience that the public notice invites interested parties who want more information, drawings, and illustrations etc. to contact staff. It also provides the contact staff person's direct phone number and email address.

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	
Canada Post		
Conservation Authority	X	Not regulated and not a significant DWSP threat activity.
Engineering & Construction	X	See comments below
Fire Services	X	No comments or concerns
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		No comments

Engineering's conditions for Final Consent include the following:

- A grading and servicing plan prepared by a professional engineer should be submitted to the satisfaction of the Director of Engineering or their designate. Drainage should be contained within property limits. Should it cross a shared property line prior to direction to the municipal right of way, a Drainage Agreement may be required.
- The addition of new driveway entrances from the roadway are subject to the approval of the Director of Engineering or their designate. Any work within the municipal right-of-way will require municipal consent. Reconstruction of the roadway should be completed using only a single asphalt patch and target only two cut lines. Pipe, bedding and asphalt joint specifications as well as restoration details for said work should be provided.

Potential property owners should be made aware of the following:

- There appears to be a rear yard swale along the northern property line benefiting neighboring properties on Chartwell Drive. Existing drainage patterns should be maintained.

- There are no sanitary or storm service laterals that service this property; however, there are sewer mains within the roadway where new laterals can connect to.
- There is an 1800mm diameter concrete storm main between the property and sanitary mains that may pose a challenge when installing the sanitary lateral.
- An existing storm easement is located within the retained portion of the property and to the rear of the severed portion of the property, traveling north to south and containing a 900mm diameter concrete storm main.
- There appears to be an abandoned pole located in the middle of the severed portion of the property that may need to be removed. It is unclear which, if any utility company owns this.

Staff Comments

Staff were supportive of the request. The request conforms with the Zoning By-law and the Official Plan.

Recommended conditions to be attached to any approval are:

1. Transfer/Deed of Land
2. Parkland Levy
3. Certificate application & review fee
4. Reference plan
5. Lot Grading and Drainage Plan and Agreement if deemed required
6. PIN abstract and PIN map
7. Minor Variance Application (if required)
8. Undertaking to provide advisements to potential purchasers
9. Discharge of Charge/Mortgage
10. Partial discharge of Charge/Mortgage
11. Payment of municipal taxes
12. Copy of receipted electronic transfer

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 concerns with the proposed severance. The Committee notes that the participation of the 2 neighbouring property owners while appreciated unfortunately were by-law issues and not germane related to potential development of the property and were not specific to the consent request. They noted that the proposed use is a permitted use for the subject property. Based on all the evidence, the Committee finds that the requested 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 that a plan of subdivision is not necessary.

Moved by Rossi, seconded by 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 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.

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

2. PARKLAND LEVY

In accordance with Subsection 51.1(1) of Section 50 of the Planning Act the applicant must pay the Corporation 2% 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 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 2% 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. (2026 fee is \$245 per document)

4. SERVICING

That such servicing easements as may be required for utilities and ingress/access purposes shall be granted to the appropriate authority. The owners/applicants shall bear all legal and survey costs.

5. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with THREE (3) full size white prints, ONE (1) 11 X 14 copy 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. PARCEL REGISTER and PIN MAP

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

7. MINOR VARIANCE APPLICATION

(After Provisional Consent given)

- b) 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. UNDERTAKING

- An undertaking must be provided wherein the property owners agree to advise perspective purchasers of the following.
 - The addition of new driveway entrances from the roadway are subject to the approval of the Director of Engineering or their designate. Any work within the municipal right-of-way will require municipal consent. Reconstruction of the roadway should be completed using only a single asphalt patch and target only two cut lines. Pipe, bedding and asphalt joint specifications as well as restoration details for said work should be provided.
- An undertaking must be provided wherein the property owners agree to advise perspective purchaser of the following.
 - There appears to be a rear yard swale along the northern property line benefiting neighboring properties on Chartwell Drive. Existing drainage patterns should be maintained.
 - There are no sanitary or storm service laterals that service this property; however, there are sewer mains within the roadway where new laterals can connect to.
 - There is an 1800mm diameter concrete storm main between the property and sanitary mains that may pose a challenge when installing the sanitary lateral.
 - An existing storm easement is located within the retained portion of the property and to the rear of the severed portion of the property, traveling north to south and containing a 900mm diameter concrete storm main.

9. LOT GRADING AND DRAINAGE PLAN

That the applicants submit a lot grading and drainage plan for approval of the Director of Engineering or his designate, AND THAT drainage facilities be constructed, and

easements dedicated as required. The owners/applicants shall bear all legal and survey costs.

(Note: applicant's solicitor will have to sign off on any easements in Teraview's Electronic Land Registry system)

10. 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.

11. 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.

12. PREVIOUS CONSENT DECISION NULL AND VOID

That the owners provide the Secretary-Treasurer with a letter confirming that a previous application on this property, namely application B7/25, is to become null and void upon approval of this application.

13. PAYMENT OF MUNICIPAL TAXES

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

14. 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, Certificate of Consent.

Carried."

Final date for appeal is **MAY 21st, 2026**. 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.**

Application B11/26-136-(2-37)-32742-R3, S319

TRUDY ROCCHETTA is the owner of PTS 2 and 3, 1R13944; municipally identified as **CIVIC NO. 8 BLUFFS DRIVE EAST**. It is located on the south side of Bluffs Drive East approximately 17.09m from the Crimson Ridge Drive and Bluffs Drive East intersection. The subject property is designated Rural Area in the Official Plan and is zoned R3, S319 Low Density Residential Zone with a special exception.

INTENT:

The intent of the application is to correct a title error arising from the inadvertent conveyance of Part 2, 1R13944 to the abutting property when it was Part 4, 1R13944 that should have been conveyed. Subsequently a deed to correct this was registered without consent and thereby constitutes a breach of the Act. The validation certificate will fulfil the objective of the original consent approval met (B13/21), permit the breach to be rectified and correct title.

Notice of public hearing is not required.

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	X	No objections
Engineering & Construction	X	No concerns.
Fire Services	X	No comments or concerns
Legal Department	X	
Planning Division	X	No concerns
PUC Distribution Inc. (Electric)	X	
Public Utilities Comm. (Water)	X	
Public Works		

Staff Comments

There are no objections to the request. No evidence was presented to suggest that approval would create a negative impact. The request conforms with the Zoning By-law and the Official Plan

Recommended conditions to be attached to any approval are:

1. Transfer/Deed of Land
2. Certificate application & review fee
3. Reference plan
4. PIN abstract and PIN map
5. Copy of receipted electronic transfer

Proceedings

Matthew Battisti, Solicitor for the applicant attended and described the conveyancing history of the subject property.

The Chair called for comments.

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

Moved by Greco (W), seconded by Rossi,

“RESOLVED THAT *provisional* consent is **AUTHORIZED** for **Validation of Title** for the parcel 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 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. The 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 2026 is \$245 per document)

3. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with ONE (1) full size white print, 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.

4. PARCEL REGISTRATION & PIN MAP

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

5. PAYMENT OF MUNICIPAL TAXES

That the Secretary-Treasurer is provided with confirmation of payment of all current and outstanding taxes to the date of final consent including any local improvement charges, if applicable.

6. 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 **MAY 18, 2026**. 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 6

Application B12/26-136-(2-37)-32741-R3, S319

SARA BULLOCK is the owner of Part Lot 2, 1M592; municipally identified as **CIVIC NO. 4 BLUFFS DRIVE EAST**. It is located on the southeast corner of Crimson Ridge Drive and Bluffs Drive East. The subject property is designated Rural Area in the Official Plan and is zoned R3, S319 Low Density Residential Zone with a special exception.

INTENT:

The intent of the application is to correct a title error arising from the inadvertent conveyance of Part 2, 1R13944 to the subject property when it was Part 4, 1R13944 that should have been conveyed. Subsequently a deed to correct this was registered without consent and thereby constitutes a breach of the Act. The validation certificate will fulfil the objective of the original consent approval met (B13/21), permit the breach to be rectified and correct title.

Notice of public hearing is not required.

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	X	No objections
Engineering & Construction	X	No concerns.
Fire Services	X	No comments or concerns
Legal Department	X	
Planning Division	X	No concerns
PUC Distribution Inc. (Electric)	X	
Public Utilities Comm. (Water)	X	
Public Works		

Staff Comments

There are no objections to the request. No evidence was presented to suggest that approval would create a negative impact. The request conforms with the Zoning By-law and the Official Plan

Recommended conditions to be attached to any approval are:

1. Transfer/Deed of Land
2. Certificate application & review fee
3. Reference plan
4. PIN abstract and PIN map
5. Copy of receipted electronic transfer

Proceedings

Matthew Battisti, Solicitor for the applicant attended and described the conveyancing history of the subject property.

The Chair called for comments.

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

Moved by Greco (W), seconded by Rossi,

“RESOLVED THAT *provisional* consent is **AUTHORIZED** for **Validation of Title** for the parcel 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 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. The 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 2026 is \$245 per document)

3. REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION

That the applicant provides the Secretary-Treasurer with ONE (1) full size white print, 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.

4. PARCEL REGISTRATION & PIN MAP

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

5. PAYMENT OF MUNICIPAL TAXES

That the Secretary-Treasurer is provided with confirmation of payment of all current and outstanding taxes to the date of final consent including any local improvement charges, if applicable.

6. 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 **MAY 18, 2026**. 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.*

OTHER BUSINESS - none

DATE OF NEXT HEARING – May 27th, 2026

ADJOURNMENT

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

Moved by Rossi, seconded by Bruni,

“RESOLVED THAT this meeting adjourn at 3:19 p.m.,

Carried.”

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer

M. Greco for.

J. Greco
Chair