

Joseph Greco, Chair

Michelle Kelly, ACST  
Secretary-Treasurer



Sault Ste. Marie  
Committee of Adjustment  
Minutes of Hearing  
May 27<sup>th</sup>, 2026  
Livestreamed/Zoom

### Call to Order

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

Members' Present: A. Rossi, Acting Chair  
J. Greco, via Zoom  
M. McGregor

Member Absent: W. Greco & F. Bruni

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: S. Marchese, Planning Representative

The Secretary-Treasurer advised that Chair Greco was out of the country and attending by Zoom. As such Member Rossi will sit as Acting Chair. She confirmed that a quorum was in attendance.

### Opening Remarks

Acting Chair Rossi welcomed the participants & introduced the Committee members & staff present.

### Land Acknowledgement – Secretary-Treasurer

#### Approval of Minutes of April 29<sup>th</sup>, 2026

Moved by McGregor, seconded by Greco (J),

“**THAT** the Minutes of the Committee of Adjustment hearing of April 29<sup>th</sup>, 2026, be approved as circulated. **Carried.**”

### Disclosure of Pecuniary Interest and the General Nature Thereof – none recorded

#### Notice of Withdrawal or Request for Deferral

- A12/26 – Ritacco – 552 Third Line W a variance was not needed.
- B10/26 – Samo – 380 Farwell Terrace
  - Moved by McGregor, seconded by Greco,
  - ‘**THAT** this application be deferred “sine die” to permit the further discussions with PUC; **Carried.**”

➤ **Matters To Be Considered**

***Deferred Applications***

***New Applications***

- A9/26 Civic No. 4 Vera Street
- A10/26 Civic No. 140 Black Road
- A11/26 Civic No. 97 White Oak Drive East
- A13/26 Civic No. 1200 Old Garden River Road
- A14/26 Civic No. 809 Sunnyside Beach Road
- B10/26 Civic No. 380 Farwell Terrace

**TAB 1**

**Application A9/26-47-(1-54)-17915-R2**

**DEBORAH SMITH** is the owner of Lot 11, RCP H722 being Part 3, 1R1197, former Township of St. Mary's municipally identified as **CIVIC NO. 4 VERA AVENUE**. It is located on the east side off Vera Avenue directly across from the Vera Avenue and Adeline Avenue "Y" intersection. It is designated Residential in the Official Plan and is zoned R2, Gentle Density.

**THE APPLICATION:**

The following variance is requested.

	<b>By-Law 2005-150 Requires</b>	<b>Proposed Variance</b>
<b>9.1.5</b>	Minimum distance from side lot line <b>1.2m</b>	<b>Reduce</b> the minimum distance for a carport from the north side lot line from <b>1.2m to 0.3m</b>

**INTENT:**

The applicant proposes to construct an 8.53m x 3.73m carport to be attached to the north side of the existing home.

**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	
Canada Post		
Conservation Authority	X	No concerns or objections
Engineering & Construction	X	No concerns. Existing drainage patterns must be maintained
Fire Services	X	No comments or concerns
Legal Department	X	
Planning Division	X	No objections
PUC Distribution Inc. (Electric)	X	No concerns. The electric meter cannot be located within the carport and must be relocated before the carport is built
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	No comment

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

There are no objections to the request. No evidence has been submitted to suggest that approval would create a negative impact.

The following condition must be attached to any approval.

1. Confirmation from PUC Distribution Inc. must be provided to the Building Division advising that they are satisfied with the electric meter relocation, prior to the issuance of a building permit .

**Proceedings**

Debbie Smith attended and when asked, she had nothing further to add.

**The Chair called for comments, none recorded.**

**The Chair called for discussion.**

Member McGregor indicated that she would be supportive of the request.

**Decision**

All written submissions relating to this application made to the Committee of Adjustment before its decision, 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 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. It is the opinion of the Committee that this request meet all four tests under Section 45(1) of the Planning Act.

Moved by McGregor, seconded by Greco,

**“RESOLVED THAT** in accordance with Section 45(2) of the Planning Act this application be amended to **APPROVED**, subject to the following condition;

- 1. **Confirmation from PUC Distribution Inc. must be provided to the Building Division advising that they are satisfied with the electric meter relocation, prior to the issuance of a building permit.** **Carried.”**

**TAB 2**

**Application A10/26-30-(1-34)-15738-M2**

**SUNCOR ENERGY INC.** is the owner of Pt. Lt 1 Concession 3, former Township of St. Mary’s, Pt 1, 1R1880 except Pt. 2, 1R11687, municipally identified as **CIVIC NO. 140 BLACK ROAD**. It is located on the southeast corner of Black Road and McNabb Street. It is designated Industrial in the Official Plan and is zoned M2, Medium Industrial Zone.

**THE APPLICATION:**

The following variances are requested.

	<b>By-Law 2005-150 Requires</b>	<b>Proposed Variance</b>
<b>14.2.2</b>	<b>75% of the required front yard (Black Road) must be landscaped open space</b>	<b>Reduce the minimum landscaped open space in the required front yard from 75% to 45%</b>
	<b>75% of the required exterior side yard (McNabb Street) must be landscaped open space</b>	<b>Reduce the minimum landscaped open space in the exterior side yard from 75% to 60%</b>

**INTENT:**

Originally the subject property was two independently developed parcels. The by-law in effect at that time did not require landscaping. The two properties were recently consolidated to facilitate the proposed construction of a new truck cardlock facility on the westerly portion of the property. The re-development of the site to accommodate the new facility is subject to current by-law regulations which include landscaping. The landscaped open space requested would result in an increase from that which currently exists.

**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
Accessibility Coordinator		
Algoma Public Health		
Bell Canada Right-of-Way		
Building Division	X	No response
Canada Post		
Conservation Authority	X	
Engineering & Construction	X	No comment
Fire Services	X	No comments or concerns
Legal Department	X	No comment
Ministry of Transportation	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	No response

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

While there are no objections to the request, Planning staff have provided conditional support for the application. They recommend that the following conditions be attached to any approval.

1. That enhanced landscaping is provided to the satisfaction of the Director of Planning.
2. That the enhanced landscaping be included on an updated site plan to the satisfaction of the Director of Planning.

### **Proceedings**

**Blair Gagnon**, acting as agent attended through Zoom. He summarized the historical development of the subject property up to and including the proposed new development together with an electronic visual presentation. He explained that while they propose an increase in landscaping along the Black Road frontage from that which existed, they are unable to meet the requirement without significantly reducing the safe maneuvering of large trucks crossing the site to exit on McNabb Street. He further explained that the conveyance to the city of a 5m strip of property across the exterior yard for future road widening purposes, reduced the available area to landscape, bearing in mind that sufficient space is needed to maneuver large trucks crossing the site to exit the site on McNabb Street. Mr. Gagnon noted that the properties across the road have little to no landscaping. He opined that the addition of a 1.5m landscape shrubbery strip along the McNabb Street exterior side would provide the separation sought by planning staff between the development and the Hub Trail.

Mr. Gagon opined that the variances requested meet the four tests of a minor variance required for approval.

**The Chair called for comments, none recorded.**

**The Chair called for discussion.**

Member McGregor indicated that she was supportive of the application. Seeing no further discussion, 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 the opinion of the Committee 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,

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

- 1. That enhanced landscaping be provided to the satisfaction of the Director of Planning **and that it be included on an updated site plan;** **Carried.”**

**TAB 3**

**Application A11/26-59-(1-74)-19079-M2**

**657401 ONTARIO INC. (Gennaro Biasucci)** is the owner of Lot 4, Commerce Park Subdivision Plan H565, former Township of Tarentorus, municipally identified as **CIVIC NO. 97 WHITE OAK DRIVE EAST**. It is located on the south side of White Oak Drive East approximately 92m west of Sackville Road. It is designated Industrial in the Official Plan and is zoned M2, Medium Industrial.

**THE APPLICATION:**

The following variances are requested.

	<b>By-Law 2005-150 Requires</b>	<b>Proposed Variance</b>
<b>14.2.2</b>	A minimum front yard of <b>15m</b>	<b>Reduce</b> the required front yard from <b>15m to 7.6m</b> for the proposed addition only.
	A minimum interior side yard of <b>5m</b>	<b>Reduce</b> the west interior side yard from <b>5m to 0.46m</b> to be in-line with the existing building only
<b>4.1.3 14.2.2</b>	A minimum interior side yard of <b>5m</b>	<b>Reduce</b> the west interior side yard from <b>5m to 1.9m</b> for the proposed 18.28m x 24.384m storage building only

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**INTENT:**

The applicant proposes to construct a 54.8 m<sup>2</sup> front addition to the existing building and also construct a new 446m<sup>2</sup> storage building, in the rear yard.

**ZONING HISTORY:**

When the property was developed in 1979 it was zoned B5 which required a 4.57m (15') front yard and did not require a side yard setback. Years later, the zoning of this area was changed to M2. The setbacks regulations that apply today are greater than those that applied when the property was originally developed.

**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
Accessibility Coordinator		
Algoma Public Health		
Bell Canada Right-of-Way		
Building Division	X	No objection. See additional comments below
Canada Post		
Conservation Authority	X	
Engineering & Construction	X	No concerns
Fire Services	X	No comments or concerns
Legal Department	X	
Planning Division	X	No objections. See comments below
PUC Distribution Inc. (Electric)	X	No concerns. The existing electrical service is in the rear lot and may need to be relocated depending on proximity to the proposed storage building. Contact PUC to review.
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	

**Building Division** staff advised that the proposed variances seem fairly minor overall and make sense considering the age of the existing development and the zoning standards that were in place when the building was originally constructed. We do not have any objection to the application but wish to advise the applicant of the following.

With the reduced west interior side yard setback for the new storage building, they will want to make sure drainage, snow storage, maintenance access, and any impacts to the neighboring property are considered moving forward. With that being said, our by-law complaint tracking system does not show any past issues in this regard. In addition, a building permit application should include spatial separation calculations to confirm that the allowable openings comply with code requirements and help reduce the risk of fire spreading from inside the building to adjacent properties. The exterior wall construction, cladding materials, and required fire-resistance ratings should also be reviewed to make sure they meet OBC requirements for limiting fire spread along the outside of the building, especially near windows and other openings.

**Planning** staff have no objections. The request legitimizes a pre-existing setback for the building. The request for a front extension still keeps the building in character with other properties in the area. The proposed building in the back requests a reduction in the side yard setback, given that the existing building is significantly closer to the lot line, it is not expected to cause any new impacts on the adjacent property.

**Staff Comments/Recommendations(s)**

There are no objections recorded to date.

PUC recommends that the applicant contact them to confirm whether or not the existing electrical service needs to be relocated.

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

1. **That the applicant provides Building Division with confirmation from PUC Distribution that they are satisfied with the location of the electrical service.**

**Proceedings**

**Carmin Biasucci**, agent for the applicant (father) was in attendance. He advised that the PUC has been on site and appeared satisfied with the existing service.

**The Chair called for comments**, none recorded.

**The Chair called for discussion.**

Member McGregor indicated that she would be supportive of the variances requested. Seeing no further discussion, 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 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,

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

1. **THAT** Building Division permit staff receive confirmation from PUC Distribution Inc. (electric) that they are satisfied with the location of the electrical service **PRIOR** to the issuance of a building permit.
2. **THAT** the front yard setback be amended from **7.6m to 6.1m** as illustrated on the submitted and circulated plan, **Carried.”**

**TAB 4**

**Application A13/26-130-(1-45)-7332-RA**

**PETER & MARIANNE REYNOLDS** are the owners of Pt. Lt 8 & all of Lt 11, PL H736, Pt 1, 1R6855, former Township of Tarentorus, municipally identified as **CIVIC NO. 1200 OLD GARDEN RIVER ROAD**. It is located on the north side of a northerly leg of Old Garden River Road north of the Landslide Road intersection. It is designated Rural Area in the Official Plan and is zoned RA, Rural Area.

**THE APPLICATION:**

The following variance is requested.

	<b>By-Law 2005-150 Requires</b>	<b>Proposed Variance</b>
<b>8.2.2</b>	<b>No accessory buildings are permitted in the required 7.5m front yard setback</b>	<b>Permit a 119m<sup>2</sup> detached garage to be located in the required front yard 4.5m from the front property line</b>
<b>9.1.4</b>		
<b>9.6</b>		

**INTENT:**

The applicant proposes to construct an 119m<sup>2</sup> detached garage in the required front yard 4.5m from the front property line and 1.2m from the west property line at its closest point.

**Public Input**

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

**Technical Review: Circulated Departments & Agencies**

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

<b>Division/Agency</b>	<b>Circulated</b>	<b>Response</b>
Building Division	X	

Canada Post		
Conservation Authority	X	See comments below
Engineering & Construction	X	See comments below
Fire Services	X	No comments or concerns
Legal Department	X	No comment
Planning Division	X	See comments below
PUC Distribution Inc. (Electric)	X	No concerns. If the additional load from the proposed garage requires an upgrade to existing service, reach out to PUC Engineering to allow for review and coordination.
Public Utilities Comm. (Water)	X	No concerns
Public Works		

Sault Ste. Marie Region Conservation Authority advised that based on current regulated area mapping, the lands subject to the proposed consent application **are located within a regulated area** as defined by O. Reg. 41/24 (i.e., floodplain, erosion hazard, dynamic beach, wetland, or associated allowances).

A detailed site plan and permit application are required to be submitted to SSMRCA for the proposed development to construct a 119m<sup>2</sup> detached garage in the required front yard 4.5m from the front property line and 1.2m from the west property line at its closest point, as circulated. The Sault Ste. Marie Region Conservation Authority has no concerns or objections to the Minor Variance application.

**Engineering** staff acknowledge that this application is not supported by Planning and offered the following comments for current and future consideration:

Building a garage in a wet area or on fill may require additional geotechnical and/or foundation engineering during the building permit stage. Any new building must be designed and constructed so that it does not negatively impact adjacent properties, particularly with respect to drainage. Measures such as eavestroughs and controlled downspout discharge may be required to direct roof runoff away from neighbouring lands.

In addition, a setback of 1.2 m from the property line is very limited where surface drainage features, such as swales, may be needed to manage runoff. The absence of roadside ditches also suggests there may be no adequate outlet for surface water, which increases the risk of drainage impacts to adjacent properties.

**Planning** staff is not supportive of this request as proposed. When determining a minor variance there is a four-part test that must be satisfied fully in order for a request to be recommended. The request generally maintains the intent and purpose of the Official Plan and the policies contained within it.

The second requirement is that the variance must be minor in nature. While Planning acknowledges that the proposed relief is modest in numerical terms, staff are not satisfied

that the reduction is minor in relation to the intended function of the required front yard. Given recent updates to the Zoning By-Law Planning is not in a position to endorse a setback of this size but would be open to considering a smaller setback reduction that maintains the primary goals of having a front yard setback.

When examining the intent of the Zoning By-Law it is quite explicit that no accessory structures may be in the 7.5m front yard setback. This variance would reduce the setback significantly and does not preserve the space as intended.

An existing garage and the foundation from a previous garage along this spur of Old Garden River abide by the setback measures for accessory structures. This helps to create a consistent streetscape and keeps both the front of the lot open while ensuring the principal dwelling is the main structure on the site.

While necessity is not a test of a minor variance, staff note that the lot appears capable of accommodating a detached garage outside of the required front yard, which makes it difficult to conclude that encroaching into the area protected by this provision of the Zoning-By Law is appropriate.

When finally evaluating desirability, similar reasons arise that include the encroachment of a front yard, interfering with the prominence of the main dwelling, and while this is a small spur off of the main part of Old Garden river Road, this does not reflect the character of the neighbourhood when compared to other houses on this stretch. Planning maintains an openness to considering a smaller reduction than what is proposed.

Should an approval be granted Planning recommends that access should only be permitted from the Eastern portion of the property.

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

Planning staff do not support the request and opine that 3 of the tests fail.

Engineering staff cautioned on the potential need for additional geotechnical and/or foundation engineering that will be required during the building permit stage if the proposed site is a wet area or if fill has been brought in. They also expressed concern about the negative impact a 1.2m side yard setback would have on the abutting property.

Recommended conditions for any approval,

1. Access is only permitted from the Eastern portion of the property.

#### **Proceedings**

**Peter Reynolds** attended in support of his request. He advised that the city planner had been out to visit the site. He opined that their discussions went well and as such was surprised that the planner did not support the request. In Mr. Reynolds' opinion, the proposed location would not impair the street scape. He advised that fill has not been brought onto the property so there should be no need for a geotechnical and/or foundation

engineering. He has had concrete people come to the site and they would have no issues putting a garage pad on the current soil. It is difficult to move the garage further back as it would then project out in front of his neighbour's house. It is his intent to fit the garage with eavestrough, and drainage directed onto the subject property. He advised that water on the property drains to the river. He questioned how his neighbour on the west side could build a garage in the front yard and his neighbour on the east side could build his garage close to the property line. Mr. Reynolds closed his comments advising that he is only seeking a 3m reduction to the front yard setback.

The **Secretary-Treasurer** explained that the request before the Committee is not to seek a variance to the front yard setback. Further advising that a garage is prohibited/not permitted in the required front yard. The relief being sought is to permit a garage to be located in the required front yard where it is expressly prohibited.

When asked how he could avoid the expense of another application, he was advised to meet with building division permit staff who would confirm the setback and height requirements with him. As long as he meets those requirements there should be no need for a variance application.

**The Chair called for comments, none recorded.**

**The Chair called for discussion.**

Member McGregor agreed with Planning staff that the request does not meet all four tests as is required for approval under the Planning Act.

Seeing no further discussion, 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, have been, on balance, taken into consideration by the Committee of Adjustment as part of their 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 of the opinion that this request does not meet all four tests under Section 45(1) of the Planning Act.

Moved by McGregor, seconded by Greco,

**“RESOLVED THAT in accordance with Section 45(2) of the Planning Act this application fails and the request is REJECTED, Carried.”**

**TAB 5**

**Application A14/26-216-(518)-32644-R1**

**JULIAN & BELINDA CHIN** are the owners of Lt 3, Sunnyside Beach Subdivision, Pl 1M557, S/T an easement in gross over Pt 46 as in AL44604, former Township of Parke,

municipally identified as **CIVIC NO. 809 SUNNYSIDE BEACH ROAD**. It is located on the southerly side of Sunnyside Beach Road and abuts Lake Superior. It is designated Rural Area in the Official Plan and is zoned R1, Estate Residential.

**THE APPLICATION:**

The following variances are requested.

	<b>By-Law 2005-150 Requires</b>	<b>Proposed Variance</b>
<b>9.5.2</b>	A minimum required front yard of <b>12m</b>	<b>Reduce</b> the required front yard from <b>12m to 4.1m</b>

**INTENT:**

The applicant proposes to construct an 80.27m<sup>2</sup> two-storey, carriage house (second dwelling unit) in the required front yard setback 4.1m from the front property line. The ground floor will be a garage, and a living unit will occupy the upper level.

**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
Building Division	X	See comments below
Canada Post		
Conservation Authority	X	No objections. They will require a detailed site plan review and permit application.
Engineering & Construction	X	No concerns
Fire Services	X	No comments or concerns
Legal Department	X	No comment
Planning Division	X	See comments below
PUC Distribution Inc. (Electric)	X	See comments below
Public Utilities Comm. (Water)	X	No concerns
Public Works		PWT support Planning's position as the close proximity to the property line could cause maintenance challenges.

**Building Division** staff advised that the proposed structure would be very close to the road. The proposed carriage house also adds a full second dwelling unit with additional plumbing fixtures, kitchen, bathroom, laundry/mechanical demands, and separate living load. Prior to approval/building permit, confirmation should be provided that the existing

private septic system is adequately sized for the additional fixture load/bedroom count, or whether or not a new/expanded sewage system design will be required. Confirmation should also be provided that the existing water supply, electrical service, panel capacity, and any required utility upgrades are adequate to service the additional dwelling unit.

**Planning** staff cannot support the requested variances as proposed. As the proposal includes a living unit above the garage, the building must be assessed as a residential structure for zoning purposes rather than solely as an accessory garage structure. When evaluating the four parts of a minor variance, this creates issues with the test.

The Official Plan speaks to the creation of Additional Dwelling Units and granting zoning flexibility to permit these units, however consideration must be given for the zoning provisions in a given zone. The Official Plan speaks further that alternative development standards be considered to accomplish this goal. While the Official Plan contains policies supporting additional dwelling opportunities and zoning flexibility, those policies do not automatically grant reliefs to all forms of development. The proposal must still maintain the general intent and purpose of the Official Plan, including policies related to appropriate development and compatibility with the surrounding rural context.

The Zoning By-Law requires a 12m setback for units in an R1 Zone, Estate Residential Zone. This zone is considered the most restrictive of residential zones, and the front yard requirements are intended to maintain spacious setbacks and rural character in these areas. A reduction to 4.1 metres for the front yard setback is not consistent with the provisions of this zone, according to the zoning by-law.

The test of whether this is a minor request also fails both in the total distance reduction and the impact on the neighbourhood. When reviewing properties in this area, the minimum distance for a structure is approximately 8.5 metres from the property line. The requested variance would reduce the required front yard from 12m to 4.1m, a decrease of 7.9m, representing a reduction of approximately 66%. In Planning Staff's opinion, the variance is not minor in either numerical or land use terms as the street has relatively consistent setbacks in line with the zoning by-law along the street and the requested relief would change the appearance of the streetscape.

The final test of a minor variance requires that this variance be desirable for the appropriate development or use of the land, building, or structure. The Official Plan provisions supporting additional dwelling units are geared towards the urban environment. The subject property is located on the fringes of the Municipality beyond the Urban Settlement Area. Staff also note that the proposed two-storey form increases the visual presence of the building at the reduced setback, which intensifies the streetscape impact. While the goal is to build additional housing in the Municipality it has to be developed in a way that respects the existing built form. As proposed, this development does not meet the test of being desirable for the appropriate development of the subject property.

Planning must consider the need for additional housing together with neighbourhood character and the intent of the Zoning By-Law when evaluating a minor variance application. While Planning cannot support the variance as proposed, staff may be more supportive of a revised proposal with an increased front yard setback. A larger setback would better reflect the existing development pattern in the area and would more clearly satisfy the tests of a minor variance.

**PUC Distribution Inc.** had no concerns but advised that there is an existing secondary underground service that may be under the proposed building. If the underground electrical service is under the proposed building it must be relocated. Also, if the additional load from the proposed building requires an upgrade to the existing service, please reach out to PUC Engineering early in the process to allow for detailed review and coordination.

**Staff Comments/Recommendations(s)**

Planning staff do not support the application, as they consider it to fail several of the minor variance tests. The Building Division and PUC were also unable to fully assess the proposal without confirmation that adequate servicing can be provided. Public Works staff support planning staff comments.

The following conditions should be attached to any approval and satisfied prior to the issuance of a building permit.

1. Confirmation be provided that the existing private septic system is adequately sized for the additional fixture load/bedroom count, or a new/expanded sewage system design will be required.
2. Confirmation be provided that the existing water supply, electrical service, panel capacity, and any required utility upgrades are adequate to service the additional dwelling unit.
3. If the underground electrical service is under the proposed building it must be relocated.

**Proceedings**

Nelson Soares, agent for the applicants, attended advising that he has met with PUC and they can be accommodated as can any concern related to the septic system. He mentioned that both Planning and Public Works staff do not support the application and requested a deferral to allow his clients an opportunity to consider moving the structure further back then returning to the Committee for a decision on perhaps an amended request.

**The Chair called for comments,**

Member McGregor opined that she would support a deferral.

**The Chair called for discussion.**

Seeing no discussion, the Chair closed discussion & called for a motion.

Moved by McGregor, seconded by Greco,

“RESOLVED THAT further consideration of this application be deferred to on or about June 24<sup>th</sup>, 2026; **Carried.**”

**TAB 6**

**Application B10/26-56-(1-72)-64-R2**

**LINA MARIE SARNO** is the owner of Pt. of the N.W. Broken ¼ of Section 36, Lot 4, Farwell Terrace Subdivision, Plan 515 former Township of Korah municipally identified as **CIVIC NO. 380 & 382 FARWELL TERRACE**. It is located on the east side of Farwell Terrace between Henrietta Avenue & McLean Court. The subject property is designated Residential2in the Official Plan and is zoned R2, Gentle Density Zone.

**INTENT:**

The intent of the application is to correct a title error arising from the 2004 conveyance of the south half of Lot 4, Plan 515 being Civic 380 Farwell Terrace. The existing semi-detached units were independent parcels until 1977 when the previous owner inadvertently purchased and held the second unit under common title causing them to merge. The subsequent 2004 conveyance under instrument T451601, was done without consent and thereby constitutes a breach of the Act. A validation certificate will permit the breach to be rectified.

Notice of public hearing is not required.

Mr. Hugh MacDonald, Solicitor for the applicant requested a deferral to the next regular hearing in order to further discuss servicing options with PUC and the city Engineering staff.

Moved by McGregor, seconded by Greco;  
“**THAT** we defer this application “sine die” to permit the applicant an opportunity to consider servicing options; **Carried.**”

**OTHER BUSINESS** - none

**DATE OF NEXT HEARING** – June 24<sup>th</sup>, 2026

**ADJOURNMENT**

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

Moved by McGregor, seconded by Greco,  
“**RESOLVED THAT** this meeting adjourn at 2:55 p.m.,

*Michelle Kelly*  
Michelle Kelly, ACST  
Secretary-Treasurer

  
**Carried.**  
A Rossi  
Acting Chair