

Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer



**Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
June 24th, 2026
Livestreamed/Zoom**

Call to Order

The Acting Chair called the hearing to order at 2:02 p.m.

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

Member Absent: None

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: N. Cichini, 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 May 27th, 2026

Moved by Rossi, seconded by McGregor,

“THAT the Minutes of the Committee of Adjustment hearing of May 27th, 2026, be approved as circulated. **Carried.”**

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

Notice of Withdrawal or Request for Deferral

- A14/26 – Chin – 809 Sunnyside Beach Road. A further deferral was request by the applicants agent.
- - Moved by McGregor, seconded by Rossi,

- 'RESOLVED THAT this application be deferred to on or before October 14, 2026 to permit the applicants an further opportunity to consider options; **Carried."**

➤ **Matters To Be Considered**

Deferred Applications none.

New Applications

- A15/26 Civic 117 Lewis Road
- A16/26 Civic No. 40 Dalgleish Road
- A17/26 Civic No. 65 Old Garden River Road
- A18/26 Civic No. 886 Bonney Street
- B7/26 Civic No. 1641 Queen Street East
- B8/26 Civic No. 1643 Queen Street East
- B9/26 Civic No. 1645 Queen Street East
- B13/26 Civic No. 886 Bonney Street

TAB 1

Application A15/26-21-(1-20)-185-R2

MARK GIOIA is the owner of Lot 9, Paquette Subdivision, Plan H461 former Township of St. Mary's & municipally identified as **CIVIC NO. 117 LEWIS ROAD**. It is located on the northeast corner of Lewis Road and Clement Street. The subject property is designated Residential in the Official Plan and is zoned R2, Gentle Density Residential

THE APPLICATION:

The following variance is requested.

	By-Law 2005-150 Requires	Proposed Variance
7.2	A maximum fence height in a required front yard of 0.9m	Increase the maximum fence height in a portion of the required front yard from 0.9m to 2.43m . (will continue to provide the required site line setback)
7.2.1		

INTENT:

The subject property is a corner lot. Zoning By-law 2005-150 defines the yard adjacent to Lewis Road as the exterior side yard and the yard adjacent to Clement Street as the front yard. The existing residence faces Lewis Road and the defined front yard (abutting Clement St.) functions as an interior side yard and is used as the family's outdoor amenity space. The applicant wishes to provide a larger, safe, and enhanced private outdoor space for their family and pets by removing the existing fence and constructing a new fenced in area across a portion of the required front yard. The required site line setback adjacent to the northerly abutting driveway will be provided.

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	No comments or objections
Canada Post		
Conservation Authority	X	No concerns or objections.
Engineering & Construction	X	No comment
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
Public Utilities Comm. (Water)	X	No concerns
Public Works		No comment

Planning staff advised that the yard where the proposed fence would be located is defined as the front yard in the Zoning By-law. Although it currently functions as the property's exterior side yard due to the orientation of the existing Residential Structure. Section 7.2 (Maximum Fence Heights) of Zoning By-law 2005-150 currently allows fences located within the exterior side yard to be a maximum of 2.43m. Planning staff concludes that the request is minor in nature and within the general intent of the zoning by-law of the official plan. Therefore, planning has no objections to the proposed application. However, recommends that the applicant provide enhanced landscaping to buffer and/or soften the fence's appearance.

Staff Comments/Recommendations(s)

There are no objections to the request. No evidence has been brought forward to suggest that approval would have a negative impact. The applicant has advised that it is their intent to provide shrubs or, a flower bed or, a combination of the two in front of the fence where it faces Clement Street.

Proceedings

Mark Gioia & his wife attended in support of the request.

The Chair called for comments, none recorded.

The Chair called for discussion, none recorded.

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

Moved by Rossi, seconded by Greco (W),

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

TAB 2

Application A16/26-320-(2-5)-25972-R1

TIM BURNS is the owner of Pt of the NE ¼ of Section 24 PT 41 RP AR 844, Lot 40 Pointe Aux Pins Subdivision, former Township of Parke & municipally identified as **CIVIC NO. 40 DALGLEISH ROAD**. It is located on the easterly side of Dalgleish Road at the intersection of Dalgleish Road and Pine Shores Road & abuts St. Mary's River. The subject property is designated Rural Area in the Official Plan and is zoned R1, Estate Residential.

THE APPLICATION:

The following variances are requested.

	By-Law 2005-150 Requires	Proposed Variance
9.5.2 4.11.5	An interior side yard of 2.65m	REDUCE the westerly interior side yard from 2.65m to 1.5m for the proposed new 136.8m² , 2-storey home complete with an enclosed porch and covered deck.
	The other interior side yard 4.5m	REDUCE the other (easterly) interior side yard to 1.2m for the existing 4.14m² tool shed.

INTENT:

The owner opines that meeting current by-law setbacks, would result in a structure that would be insufficient for a functional year-round dwelling. The proposed variances would permit a modern design and support an efficient layout. The existing cottage benefits from a legal non-conforming 1.5m east side yard which the applicants hope to maintain with the proposed new dwelling. The existing cottage will be demolished.

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. John Fabbro a neighbouring property owner at Civic No 270 Pine Shore Drive supported the request advising that the proposed work will enhance the property and surrounding neighbourhood.

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	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	See comments below
Public Utilities Comm. (Water)	X	No concerns
Public Works		

Building Division staff advised that currently on the side elevations they have more than the permitted area of unprotected openings for the proposed distance from the lot lines. They might have accounted for glazing with a fire resistance rating, but I cannot see any notes. The wall construction and siding may also need to be revised to meet the spatial separation requirements in the code, but that information is not captured on the provided elevations. This will be reviewed again at the building permit stage.

Engineering staff does not object to the amended application. They wished to advise the applicant that one purpose of the required 4.5m side yard setback is to maintain access for equipment to the shoreline, where needed, for maintenance of existing infrastructure such as the break wall and PUC utility poles. A 2.5m separation between the proposed new home and the existing garage may be sufficient for a pickup truck to service the waterfront, it may not be sufficient for a larger vehicle e. g. a PUC vehicle. Removing or altering the covered porch attached to the garage or arranging with the neighbour to travel over their property should the need arise are two options the applicant may want to give future consideration to.

Planning staff advised that the proposed application satisfies the four tests for a minor variance under the Planning Act, and Planning Staff has no objection to the proposal. However, to mitigate potential privacy impacts on adjacent properties, it is recommended that the second-storey windows located on the westerly elevation of the proposed building be fitted with frosted or opaque glazing.

PUC Distribution Inc. (Electric Utility) had no concerns with the proposed variance. They advised that the existing electrical service is an Underground service from the Utility Pole near the beach to the existing garage. They requested that the applicant contact

PUC early in the planning process of any proposed developments on the property to discuss any electrical servicing work that may be required.

Sault Ste Marie Region Conservation Authority (SSMRCA) advised that the subject property, as circulated, has been reviewed with respect to Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits under the Conservation Authorities Act, R.S.O. 1990, c.27. The lands subject to the proposed minor variance application **are located within a regulated area** (i.e., floodplain, erosion hazard, dynamic beach, wetland, or associated allowances).

The subject property has been reviewed regarding the [SSMRCA Shoreline Management Plan](#) and is located within Reach number 7. All land within the subject property includes elevations below the regulatory flood standard of 184.4m C.G.D. The Sault Ste. Marie Region Conservation Authority has **no concerns or objections** to the proposed Minor Variance application. A detailed site plan is required to be submitted to SSMRCA. The proposed development requires a site plan review to assess SSMRCA permitting requirements.

The subject property has also been reviewed regarding the Sault Ste. Marie Region Source Protection Plan (SPP), prepared under the Clean Water Act, 2006. It is located within a Highly vulnerable aquifer (HVA-6) with a vulnerability score of 6. This proposal to **does not introduce activities identified as significant drinking water threats** under SPP policies. Accordingly, the Sault Ste. Marie Region Source Protection Authority has no concerns or objections, provided that no activities involving the storage, handling, or application of substances **identified as significant drinking water threats** are proposed or established on the property.

Staff Comments/Recommendations(s)

The application as originally submitted and circulated was not supported by planning staff. The applicant has since reworked the plans for his new home, removed the potential creation of a living unit over top of the existing garage, and increased his side yard setbacks from those originally proposed. Upon review of these revisions planning staff are supportive of the amended request. There are no objections to the amended request, and a neighbour has submitted written support.

Recommended conditions of any approval are,

- 1. That the second-storey windows located on the westerly elevation of the proposed building are fitted with frosted or opaque glazing.**

Proceedings

Mr. & Mrs. Tim Burns attended in support of the request.

The Chair called for comments, none recorded.

The Chair called for discussion, none recorded.

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

Moved by Bruni, seconded by Greco (W),

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

- 1. If any windows are located on the westerly elevation of the proposed second storey, they must be fitted with frosted or opaque glazing.**

Carried.”

TAB 3

Application A17/26-71-(1-76)-3181-M1

THE CITY OF SAULT STE. MARIE is the owner Pt. of Sec 32, former Township of Tarentorus, further described as Pts 2 7 4, 1R11668, municipally identified as **CIVIC NO. 65 OLD GARDEN RIVER ROAD**. It is located on the east side of Old Garden River Road, and the east side off the Emergency Services Chute. It is designated Industrial in the Official Plan and is zoned M1, Light Industrial Zone.

The following variances are requested.

	By-Law 2005-150 Requires	Proposed Variance
14.1.1	Accessory use storage trailers (c-cans) are not listed as a permitted use	PERMIT accessory use storage trailers (c-cans) to be located on the subject property

INTENT:

A fire and paramedic station is located on the subject property. The applicant proposes to locate c-can storage trailer(s) having a total area of approximately 43.92m² at the southerly end of the existing main building. They are intended to provide a more secure storage space for seasonal equipment, tires, rims & other goods required to assist with the efficient function of the facility.

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

Building Division staff had no objections to the application but wished to take this opportunity to remind the applicant that there are currently ten active building permits for the property that are open.

Planning staff have no objection to the proposed accessory use of a freight container, subject to the condition that the sea-can be painted and maintained in a solid neutral colour. In addition, existing vegetation along the common lot line with the abutting property to the south provides visual screening and assists in mitigating the visual impact of the sea-can(s).

Staff Comments/Recommendations(s)

Staff do not object to the request. No comments were received from abutting property owners.

The following condition should be attached to any approval.

- **The sea-can(s) must be painted and maintained in a solid neutral colour.**

Proceedings

Dan Langevin, agent for the applicant attended in support of the request.

Ms. Donna Hilsinger, a neighbouring property owner at 68 Old Garden River Road attended and opposed the request. She opined that since the zoning by-law does not list the use as a permitted use that it should not be considered by this committee regardless of who owns the property. She informed the Committee that she is aware of several Great Northern Road properties that have unsightly c-cans on their properties which may not be in compliance with the by-law. In her opinion, c-cans are industrial use facilities and regardless of the fact that the subject property is zoned industrial, the character of the neighbourhood is primarily residential with the potential for additional residential use. She opined that an industrial use is not in character with a residential use.

She expressed concern about the negative visual impact these units would have on the area and cited the impact they would have on the Hub Trail which runs along the east limit of the property.

The Chair called for comments.

Member Rossi asked the agent Mr. Langevin if he would be willing to enhance the appearance of the c-cans by perhaps installing cladding to the outside of them, Mr. Langevin responded that he is not in a position to commit to that. To which, Member Rossi advised that his comment was intended to be a consideration noting that the application of a neutral-colored paint has been recommended by planning staff.

Chair Greco opined that the request does not offend the Official Plan or the Zoning By-law, it is desirable and necessary for secure storage, the two units are not stacked and will have to be maintained. He noted that the existing vegetation buffers the site from the Hub Trail and recommended that a condition be attached to any approval that the vegetation be maintained and replaced when necessary.

The Chair called for discussion, none recorded.

Decision

All written submissions and oral presentations 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 of the opinion that approval would not create a negative impact. It is the opinion of the Committee that this request meets all four tests under Section 45(1) of the Planning Act.

Moved by Rossi, 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. The sea-can(s) must be painted and maintained in a solid neutral colour.**
- 2. The existing vegetation located along the easterly border of the subject property must be maintained and replaced when necessary.**

Carried."

Note: Should the applicant choose to install cladding to the units, painting would not be required.

Application A18/26-36-(1-57)-4305/28374-R3

THOMAS RICHARD PETINGOLA is the owner of LT 393, 394 & 395 PL 1598, PT Lane PL 1598, Steel Plan Subdivision, former Township of Korah & municipally identified as **CIVIC NO. 886 BONNEY STREET**. It also has an in-field address of 882 Bonney Street for structure identification purposes. It is located on the northwest corner of Bonney Street and Glasgow Avenue. The subject property is designated Residential in the Official Plan and is zoned R3, Low Density Residential

THE APPLICATION:

Subject to final consent of application **B13/26**, the following variance is requested.

	By-Law 2005-150 Requires	Proposed Variance
9.7.2	A minimum required front yard of 7.5m	Reduce the required front yard from 7.5m to 4m for the proposed retained, existing house only

INTENT:

Subject to final consent for application **B13/26**, the applicant seeks to permit the easterly existing residence to remain 4.0m from the front property line. The applicant was unaware that the lots had merged when he moved the existing house onto what he thought was an independent lot. Unfortunately, the required moving and building permits were not produced and they would have revealed the non-compliance. Note: the existing shed on the proposed retained parcel will be relocated at least 1.2m from the proposed new westerly property line.

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. Any development will require a site plan review to assess permit requirements
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
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	No comment

Building Division staff advised that there is currently an open building permit that will have to be finalized prior to final consent. A site visit revealed that metal-cladded roof framing has been added to the west and south side of the rear shed. A search of the subject property records did not reveal moving, building or servicing permits for the second unit having been issued for the relocation of the house, the construction of the garage or the modification of the shed. It is recommended that any approval of the minor variance or consent request be made conditional on satisfying the Chief Building Official or his designate on the permit status for these structures and finalizing the open permit for shingle replacement.

Engineering staff advised that their records indicate that this property is currently serviced by only one sanitary lateral. The applicant will be required to demonstrate that a second sanitary lateral has been provided to service the proposed new residence. If a second sanitary service cannot be demonstrated, a new service will be required. Alternatively, if the existing service is to be shared, an easement may be sufficient, with a maintenance agreement to be considered if deemed necessary.

In addition, the rear yard fence does not appear to align with the proposed property line and may need to be relocated accordingly.

Planning staff advised that the proposed reduction to the required front yard setback is consistent with the established development pattern along Bonney Street, where many existing residential dwellings maintain similar front yard setbacks. Furthermore, Planning Staff is satisfied that the application meets the four tests of a minor variance under the Planning Act and is minor in nature. Therefore, Planning Staff has no objection to the requested variance.

Staff Comments/Recommendations(s)

- **Confirmation that a second sanitary service is in place to service a second residence to the satisfaction of the Director of Engineering or his designate.**
- **Alternatively, if the existing service is to be shared, approval of a consent-to-sewer application for easement purposes and a maintenance agreement will be required.**
- **The existing fence must be removed or relocated where it encroaches onto private property e. g. the rear and westerly yards.**
- **The open permit for shingle replacement must be finalized.**
- **Provide written confirmation to the Secretary-Treasurer that the Chief Building Official or designate is satisfied that the required permits have been issued for the garage and shed, and that the additional metal-clad roofing has been removed.**

Proceedings

Dave Urso, agent for the applicant, attended in support of both the minor variance and consent to sever requests. He advised that the small shed located on the proposed retained land has been removed. He further advised that he is satisfied with the recommended conditions. He informed the Committee that the second house was moved to the subject property around 1995 and stated that Down to Earth Geotechnical Engineering has been engaged to determine how each property is currently serviced.

Thomas Petingola, owner attended and advised that the house was moved around 1995 and that moving, building and servicing permits were obtained. (He was encouraged to try and find his permit copies).

Luke Amellotte attended as agent for his son who owns the rear abutting property. He was concerned about the fence encroachment and drainage that comes off of the roofing material that overhangs the rear property. He was satisfied with the condition that both be removed and with the confirmation from Mr. Urso that they will be.

The Chair called for comments, none recorded.

The Chair called for discussion, none recorded.

Decision

All written submissions and oral presentations 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 of the opinion that approval with recommended conditions would not create a negative impact. It is the opinion of the Committee that this request meets all four tests under Section 45(1) of the Planning Act.

Moved by Rossi, seconded by Greco (W),

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

- 1. Confirmation that a second sanitary service is in place to service a second residence to the satisfaction of the Director of Engineering or his designate.**
- 2. Alternatively, if the existing service is to be shared, approval of a consent-to-sever application for easement purposes and a maintenance agreement will be required.**
- 3. The existing fence must be removed or relocated where it encroaches onto private property e. g. the rear and westerly yards.**
- 4. The open permit for shingle replacement must be finalized.**

5. Provide written confirmation to the Secretary-Treasurer that the Chief Building Official or designate is satisfied that the required permits have been issued for the garage and shed, and that the additional metal-clad roofing has been removed. Carried.”

TAB 5

Application B7/26-4-(1-9)-8853-R2

NANCY JOANNE DAVEY is the owner of Lot 2 & Part of Lot 4, RCP H720 former Township of St. Mary's being Parts 5 & 6, 1R2506 further describe as PIN 31499-0084, **CIVIC NO. 1641 QUEEN STREET EAST**. It is located on the south side of Queen Street East, approximately 73m east of Shannon Road. The subject property is designated residential in the Official Plan and is zoned R2, Gentle Density Residential.

PURPOSE & EFFECT:

To sever and convey an easement over the northeasterly portion of the subject property in favour of Civic 1643 & 1645 Queen Street East, for sewer and water servicing where required.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Servicing Easement	2.02m	16.13m	31.63m ²

Public Input

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

Technical Review: Circulated Departments & Agencies

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

Division/Agency	Circulated	Response
Algoma Public Health		
Bell Canada Right-of-Way		
Building Division	X	No comments
Canada Post		
Conservation Authority	X	In a regulated area. No concerns or objections.
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		
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Engineering staff require verification that the water and sanitary sewer service is located within the proposed easement. Note: Verification has since been provided to their satisfaction.

Staff Comments

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

Recommended conditions to be attached to any approval are the provision of:

1. Transfer/Deed of Easement
2. Certificate application & review fee
3. Reference plan
4. Current PIN abstract and PIN map
5. Payment of municipal taxes
6. Copy of receipted electronic transfer

Proceedings

Dave Urso, agent for the applicant, was in attendance and advised that the current servicing has been in place since the properties were developed but was never formally adopted through an easement. He also advised that the easement locations have been verified. This request simply formalizes the existing arrangement.

The Chair called for comments. None recorded.

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

Decision

The Committee, after carefully reviewing the evidence, the illustrations presented, and the submissions made by the parties, finds that the criteria set out in subsection 51(24) of the Planning Act have been satisfied. The Committee notes that planning staff and commenting agencies either expressed support for the easement or had no issues with it. Based on all the evidence, the Committee finds that the proposed easement 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.

Moved by Rossi, seconded McGregor,

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance for easement purposes for the parcel of land described in the application, subject to the following conditions which must be, in the opinion of the Secretary-Treasurer, *complied with within a two years from the date of this Decision failing which consent shall be deemed to be refused* in accordance with Subsection 41, of Section 53 of the Planning Act, R.S.O.,

1. TRANSFER/DEED OF LAND FOR EASEMENT PURPOSES

That the Secretary-Treasurer is provided with one (1) copy of the "electronic registration in preparation documents", prior to registration on title.

NOTE: Any alterations to the submitted preparation document 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. VERIFICATION** be provided that the water and sanitary sewer servicing is located within the proposed easement.

3.

4. CERTIFICATE APPLICATION FEE

That a certificate application fee be paid to the City Corporation for **each** document presented to the Secretary-Treasurer for certification, at the rate applicable at the time of issuance. (2026 fee is \$245 per document)

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 copies and ONE (1) digital copy of a deposited plan of reference prepared by an Ontario Land surveyor registered in the Province of Ontario and bearing the seal of the Land Registrar depicting the entire land which conforms substantially with the application as submitted. At least one copy of a plan of reference must indicate any easement/right-of-way and the locations and dimensions of all buildings and structures on the subject property and their distance to property lines.

6. PIN ABSTRACT and PIN MAP

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

7. 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 **AUGUST 11, 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 **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**, as amended.

TAB 6

Application B8/26-4-(1-9)-3623-R2

JULIE MARINA COLE is the owner of Lot 3, RCP H720 former Township of St. Mary's being PIN 31499-0085, **CIVIC NO. 1643 QUEEN STREET EAST**. It is located on the south side of Queen Street East, approximately 103m east of the Shannon Road intersection. The subject property is designated residential in the Official Plan and is zoned R2, Gentle Density Residential.

PURPOSE & EFFECT:

To sever and convey an easement over the easterly portion of the subject property for sewer servicing purposes in favour of Civic 1641 & 1645 Queen Street East.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Servicing Easement	7.09m	irregular	101.36m ²

Public Input

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

Technical Review: Circulated Departments & Agencies

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

Division/Agency	Circulated	Response
Algoma Public Health		
Bell Canada Right-of-Way		
Building Division	X	No comments
Canada Post		
Conservation Authority	X	In a regulated area. No concerns or objections.
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 comment

Engineering staff require verification that the water and sanitary sewer services are located within the proposed easement. Note: Verification has since been provided to their satisfaction.

Staff Comments

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

Recommended conditions to be attached to any approval are the provision of:

8. Transfer/Deed of Easement
9. Certificate application & review fee
10. Reference plan
11. Current PIN abstract and PIN map
12. Payment of municipal taxes
13. Copy of receipted electronic transfer

Proceedings

Dave Urso, agent for the applicant, was in attendance and advised that the current servicing has been in place since the properties were developed but was never formally adopted through an easement. He also advised that the easement locations have been verified. This request simply formalizes the existing arrangement.

The Chair called for comments. None recorded.

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

Decision

The Committee, after carefully reviewing the evidence, the illustrations presented, and the submissions made by the parties, finds that the criteria set out in subsection 51(24) of the Planning Act have been satisfied. The Committee notes that planning staff and commenting agencies either expressed support for the easement or had no issues with it. Based on all the evidence, the Committee finds that the proposed easement 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.

Moved by Rossi, seconded McGregor,

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance for easement purposes for the parcel of land described in the application, subject to the following conditions which must be, in the opinion of the Secretary-Treasurer, *complied with within a two years from the date of this Decision failing which consent shall be deemed to be refused* in accordance with Subsection 41, of Section 53 of the Planning Act, R.S.O.,

1. TRANSFER/DEED OF LAND FOR EASEMENT PURPOSES

That the Secretary-Treasurer is provided with one (1) copy of the "electronic registration in preparation documents", prior to registration on title.

NOTE: Any alterations to the submitted preparation document 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. VERIFICATION** be provided that the water and sanitary sewer servicing is located within the proposed easement.

3.

4. CERTIFICATE APPLICATION FEE

That a certificate application fee be paid to the City Corporation for **each** document presented to the Secretary-Treasurer for certification, at the rate applicable at the time of issuance. (2026 fee is \$245 per document)

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 copies and ONE (1) digital copy of a deposited plan of reference prepared by an Ontario Land surveyor registered in the Province of Ontario and bearing the seal of the Land Registrar depicting the entire land which conforms substantially with the application as submitted. At least one copy of a plan of reference must indicate any easement/right-of-way and the locations and dimensions of all buildings and structures on the subject property and their distance to property lines.

6. PIN ABSTRACT and PIN MAP

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

7. 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 **AUGUST 11, 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 **within two years of the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. Section 53(4), The Planning Act R.S.O., 1990.**

1990, as amended

TAB 7

Application B9/26-4-(1-9)-4918-R2

CATHERINE BISHOP is the owner of Pt. Lot 4, RCP H720 being Pts. 1-4 1R2506, former Township of St. Mary's being PIN 31499-0086, **CIVIC NO. 1645 QUEEN STREET EAST**. It is located on the south side of Queen Street East, approximately 103m east of the Shannon Road intersection. The subject property is designated residential in the Official Plan and is zoned R2, Gentle Density Residential.

PURPOSE & EFFECT:

To sever and convey an easement over the subject property for sewer and water servicing purposes in favour of **Civic 1641 Queen Street East**.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Servicing Easement	16.74m	irregular	777m ²

Public Input

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

Technical Review: Circulated Departments & Agencies

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

Division/Agency	Circulated	Response
Algoma Public Health		
Bell Canada Right-of-Way		
Building Division	X	No comments
Canada Post		
Conservation Authority	X	In a regulated area. No concerns or objections.
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		

Engineering staff require verification that the water and sanitary sewer service is located within the proposed easement. Note: Verification has since been provided to their satisfaction.

Staff Comments

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

Recommended conditions to be attached to any approval are the provision of:

8. Transfer/Deed of Easement
9. Certificate application & review fee
10. Reference plan
11. Current PIN abstract and PIN map
12. Payment of municipal taxes
13. Copy of receipted electronic transfer

Proceedings

Dave Urso, agent for the applicant, was in attendance and advised that the current servicing has been in place since the properties were developed but was never formally adopted through an easement. He also advised that the easement locations have been verified. This request simply formalizes the existing arrangement.

The Chair called for comments. None recorded.

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

Decision

The Committee, after carefully reviewing the evidence, the illustrations presented, and the submissions made by the parties, finds that the criteria set out in subsection 51(24) of the Planning Act have been satisfied. The Committee notes that planning staff and commenting agencies either expressed support for the easement or had no issues with it. Based on all the evidence, the Committee finds that the proposed easement 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.

Moved by Rossi, seconded McGregor,

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance for easement purposes for the parcel of land described in the application, subject to the following conditions which must be, in the opinion of the Secretary-Treasurer, *complied with within a two years from the date of this Decision failing which consent shall be deemed to be refused* in accordance with Subsection 41, of Section 53 of the Planning Act, R.S.O.,

1. TRANSFER/DEED OF LAND FOR EASEMENT PURPOSES

That the Secretary-Treasurer is provided with one (1) copy of the "electronic registration in preparation documents", prior to registration on title.

NOTE: Any alterations to the submitted preparation document 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. VERIFICATION** be provided that the water and sanitary sewer servicing is located within the proposed easement.

3.

4. CERTIFICATE APPLICATION FEE

That a certificate application fee be paid to the City Corporation for **each** document presented to the Secretary-Treasurer for certification, at the rate applicable at the time of issuance. (2026 fee is \$245 per document)

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 copies and ONE (1) digital copy of a deposited plan of reference prepared by an Ontario Land surveyor registered in the Province of Ontario and bearing the seal of the Land Registrar depicting the entire land which conforms substantially with the application as submitted. At least one copy of a plan of reference must indicate any easement/right-of-way and the locations and dimensions of all buildings and structures on the subject property and their distance to property lines.

6. PIN ABSTRACT and PIN MAP

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

7. 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 **AUGUST 11, 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 **within two years of the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. Section 53(4), The Planning Act R.S.O., 1990.**
1990, as amended.

TAB 8

Application B13/26-36-(1-57)-4305/28374-R3

THOMAS RICHARD PETINGOLA is the owner of LT 393, 394 & 395 PL 1598, PT Lane PL 1598, Steel Plan Subdivision, former Township of Korah & municipally identified as **CIVIC NO. 886 BONNEY STREET**. It also has an in-field address of 882 Bonney Street for structure identification purposes. It is located on the northwest corner of Bonney Street and Glasgow Avenue. The subject property is designated Residential in the Official Plan and is zoned R3, Low Density Residential

PURPOSE & EFFECT:

Subject to the approval of Minor Variance application **A18/26**, the applicant wishes to sever and convey a westerly portion of the subject property fronting on Bonney Street for existing residential purposes.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Severed Lands	20.33m	33.73m	685.72m ²
Retained Lands	21.77m	31.87m	693.81m ²

Background

Prior to amalgamation, the above-described property formed 3 separate lots in the Steel Plant subdivision. At one point in time, the rear lane was closed and conveyed as lot additions to each of the 3 former lots causing them to change from their original shape. The owner of Lot 395 (886 Bonney Street) subsequently purchased the two easterly abutting lots (lots 394 & 393) in a tax sale. Through inadvertence ownership of these lots was taken in complete and common title as his westerly abutting property (lot 395) causing all three lots to merge under the Planning Act. The applicant has entered into a purchase of sale transaction for the westerly property identified as Lot 395 (886 Bonney Street) independent of Lots 393 & 394 and requires consent to sever approval to do so.

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. Any development will require a site plan review to assess permit requirements
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
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	

Building Division staff advised that there is currently an open building permit that will have to be finalized prior to final consent. No objections to the applications.

Engineering staff advised that their records indicate that this property is currently serviced by only one sanitary lateral. The applicant will be required to demonstrate that a second sanitary lateral has been provided to service the proposed new residence. If a second sanitary service cannot be demonstrated, a new service will be required. Alternatively, if the existing service is to be shared, an easement may be sufficient, with a maintenance agreement to be considered if deemed necessary.

In addition, the rear yard fence does not appear to align with the proposed property line and may need to be relocated accordingly.

Planning staff advised that they have no objection to the application as both the retained and severed lands conform to the Low Density Residential (R3) Zone specified minimum lot area and frontage.

Staff Comments/Recommendations(s)

- **Confirmation that a second sanitary service is in place to service a second residence to the satisfaction of the Director of Engineering or his designate.**
- **Alternatively, if the existing service is to be shared, approval of a consent-to-sewer application for easement purposes and a maintenance agreement will be required.**

- **The existing fence must be removed or relocated where it encroaches onto private property e. g. the rear and westerly yards.**
- **The open permit for shingle replacement must be finalized.**
- **Provide written confirmation to the Secretary-Treasurer that the Chief Building Official or designate is satisfied that the required permits have been issued for the garage and shed, and that the additional metal-clad roofing has been removed.**

Proceedings

Dave Urso, agent for the applicant, attended in support of both the minor variance and consent to sever requests. He advised that the small shed located on the proposed retained land has been removed. He further advised that he is satisfied with the recommended conditions. He informed the Committee that the second house was moved to the subject property around 1995 and stated that Down to Earth Geotechnical Engineering has been engaged to determine how each property is currently serviced.

Thomas Petingola, owner attended and advised that the house was moved around 1995 and that moving, building and servicing permits were obtained. (He was encouraged to try and find his permit copies).

Luke Amellotte attended as agent for his son who owns the rear abutting property. He was concerned about the fence encroachment and drainage that comes off of the roofing material that overhangs the rear property. He was satisfied with the condition that both be removed and with the confirmation from Mr. Urso that they will be.

The Chair called for comments, none recorded.

The Chair called for discussion, none recorded.

The Chair called for comments, none recorded.

The Chair called for discussion, none recorded.

Decision

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 NOT REQUIRED

The subject property was originally 3 lots in a registered plan of subdivision. The parkland levy would have been collected at that time. The inadvertent merge does not cause a new parkland levy to be collected.

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. The existing fence must be removed or relocated where it encroaches onto private property e. g. the rear and westerly yards.
5. The open permit for shingle replacement must be finalized.

6. SERVICING

Provide to the Secretary-Treasurer confirmation from the City Engineering & PUC that water & sewer utilities are provided to each proposed parcel. If easements are required, that they be granted by consent together with a maintenance agreement prior to final consent. The owners/applicants shall bear all application, legal and survey costs.

8. 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.

9. PARCEL REGISTER and PIN MAP

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

10. 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.

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 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 **AUGUST 11th, 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 – July 22nd, 2026

ADJOURNMENT

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

Moved by Rossi, seconded by Greco,
“**RESOLVED THAT** this meeting adjourn at 2:57 p.m.,

Carried.”

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer




J. Greco
Chair