Joseph Greco, Chair

Michelle Kelly, ACST
Secretary-Treasurer

Sault Ste. Marie
Committee of Adjustment
Minutes of Hearing
AUGUST 19th, 2026
Livestreamed

Call to Order

The Chair called the hearing to order at 2:05 p.m.

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

Member Absent: F. Bruni

Official Present: M. Kelly, Secretary-Treasurer

Staff Present: S. Marchese, Planning Representative

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

Opening Remarks

Chair Greco welcomed the participants & introduced the Committee members & staff in attendance.

Land Acknowledgement – Secretary-Treasurer

Approval of Minutes of July 22nd, 2026

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

"**THAT** the Minutes of the Committee of Adjustment hearing of July 22nd, 2026, be approved as circulated. **CARRIED."**

Disclosure of Pecuniary Interest and the General Nature Thereof
Chair Greco declared a direct pecuniary interest in application B17/26, Civic No. 460 Old Garden River Road advising that he is the solicitor for the purchaser of one of the proposed severed lands.

Notice of Withdrawal or Request for Deferral – none recorded

- **Matters To Be Considered**

  Deferred Applications - *none*

  New Applications

  - A23/26 Civic No. 430 Industrial Park Crescent
  - A25/26 Civic No. 496 Red Pine Drive
  - A26/26 Civic No. 324 Korah Road
  - A27/26 Civic No. 3 Cottage Lane
  - A28/26 Civic No. 275 Maki Road
  - B17/26 Civic No. 460 Old Garden River Road
  - B18/26 Civic No. 275 Maki Road

TAB 1

Application A23/26-98-(1-112)-28656-M2

RYAN GARDNER o/a GLASS EMPLOYEES is the owner Pt. Lot 1, RCP H744, former Township of St. Tarentorus, further described as Pt 1, 1R6958 and municipally identified as **CIVIC NO. 430 INDUSTRIAL PARK CRESCENT**. It is located on the east side of Industrial Park Crescent between Drive In Road and Third Line East. It is designated Industrial in the Official Plan and is zoned M2, Medium Industrial.

The following variances are requested.

	By-Law 2005-150 Requires	**Proposed Variance**
5.2.1	Minimum parking area width with parking spaces on 1 side only **12.5m**	**REDUCE** the minimum parking area width with parking spaces on 1 side only to **6.71m**
14.4.2	A minimum of **75%** of the required front yard must be landscaped	**REDUCE** the minimum landscaping in the required front yard from 75% **to 42%**

INTENT:
The applicant (a recent purchaser of the property) wishes to enhance site accessibility and customer parking by limiting the path of travel to the main front entrance. To do so impacts the by-law provisions for landscaping and parking area width. It is noted that the proposal will see an increase in the existing landscape from that currently provided and will legitimize the current parking practice.

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 objections
Canada Post		
Conservation Authority	X	No objections. Any development (fence/gate relocation) requires a site plan to be submitted to SSMRCA to assess permitting requirements.
Engineering & Construction	X	No objections.
Fire Services	X	No concerns. Noting that the fire department connection located on the west facing wall at the northwest corner of the building must remain accessible
Legal Department	X	No comment
Planning Division	X	No objections. See comments below
PUC Distribution Inc. (Electric)	X	No concerns.
Public Utilities Comm. (Water)	X	No concerns.
Public Works		

Planning staff have no objections to this application. The reduced parking aisle width is to intended to provide for customer passenger vehicle parking. The need to accommodate larger and/or emergency vehicles that tend to need the additional width can still be accommodated on site as there is ample space on the interior of the site. The reduced landscaping is an improvement on the existing conditions and an improvement over other areas along this stretch of Industrial Park Crescent. Planning would like to see enhanced landscaping as a condition of approval to further improve the area's visual impact.

Staff Comments/Recommendations(s)
There are no objections to the request. Staff note that passenger vehicles can still be accommodated with a reduced aisle width. Staff have requested any approval be made conditional as follows.

1. Enhanced landscaping be provided in the front yard to the satisfaction of the Director of Engineering or his designate.

Proceedings
There was no representation on behalf of the application in attendance.

The Chair called for comments,

Seeing none, the Chair called for discussion.

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

The Committee, after carefully reviewing the evidence, the illustrations presented, the requested condition, and the submissions made by the parties, finds that the request with the proposed conditions attached meets the four tests of a minor variance

Moved by Greco (W), seconded by Rossi;
"**RESOLVED THAT** in accordance with Section 45(2) of the Planning Act this application be **APPROVED**, subject to the following condition;

1. **Enhanced landscaping be provided in the front yard to the satisfaction of the Director of Engineering or his designate, CARRIED."**

TAB 2

Application A25/26-327-(2-5)-23793-R1

DONALD MCNABB is the owner of Pt. of the SE ¼ of Section 13 former Township of Parke and municipally identified as **CIVIC NO. 496 RED PINE DRIVE**. It is located on the northwest side of Red Pine Drive at the northerly end of Pointe Aux Pins Road. It is designated Rural Area in the Official Plan and is zoned R1, Estate Residential Zone.

The following variances are requested.

	By-Law 2005-150 Requires	Proposed Variance
9.5.2 4.11.5	Minimum interior side yard is 75% of 6m = **4.5m**	**REDUCE** the minimum westerly interior side yard to **1m** at its' closest northerly point.
9.5.3.2	Maximum height for accessory building is **6m**	**INCREASE** the maximum of a 7.41m x 6.8m detached garage **to 6.45m**

INTENT:
To replace the existing garage with a new 50.3m^2± detached garage having an attic truss design for storage purposes. To be constructed in the same location as the existing garage. Proposed location will serve the existing house entrance and takes into consideration the existing septic field and gas 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	No objection as the garage is intended for storage purposes only
Canada Post		
Conservation Authority	X	No concerns or objections. The property is located in a highly vulnerable aquifer per the Clean Water Act. The application does introduce any threatening activity.
Engineering & Construction	X	No objections, provided existing drainage patters remain the same.
Fire Services	X	No comments or concerns.
Legal Department	X	No comment
Planning Division	X	No objections.
PUC Distribution Inc. (Electric)	X	No concerns. The overhead service has been relocated to accommodate installation and addition to the garage
Public Utilities Comm. (Water)	X	No concerns.
Public Works		

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. Engineering staff advised that existing drainage patterns need to remain the same.

Proceedings
There was no representation on behalf of the application in attendance.

The Chair called for comments,
Seeing none, the Chair called for discussion.

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

The Committee, after carefully reviewing the evidence, the illustrations presented, the requested condition, and the submissions made by the parties, finds that the request with the proposed conditions attached meets the four tests of a minor variance

Moved by McGregor, seconded by Rossi;
"**RESOLVED THAT** in accordance with Section 45(2) of the Planning Act this application be **APPROVED**, subject to the following condition;

1. **Existing drainage patters must remain the same unless proposed changes are approved by the Director of Engineering and Construction or his designate prior to any change taking place, CARRIED."**

TAB 3

Application A26/26-55-1-71-9817-C1

NAKEHNDAN: KNOWING YOUR TRUTH is the owner of PCL 239 SEC AWS BEING LT 46, Harris & Buckley Subdivision, former Township of St. Mary's and municipally identified as **CIVIC NO. 324 KORAH ROAD**. It is located on the southeast corner of Douglas Street and Korah Road It is designated Commercial in the Official Plan and is zoned C1, Traditional Commercial Zone.

The following variances are requested.

	By-Law 2005-150 Requires	**Proposed Variance**
7.2	Maximum fence height in a front yard is **0.9m**	**INCREASE** the maximum fence height in a front yard (Korah Road) **to 2.43m for a length of approximately 16m** commencing at the front corner of the building to the south lot line.

INTENT:
To provide a secure, safe, private amenity space for the building's residents.

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. Gaelyn MacKenzie and Elizabeth MacKenzie attended. A summary of their remarks appears later in this decision.

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 objections provided the sight triangle is maintained.
Canada Post		
Conservation Authority	X	No concerns or objections
Engineering & Construction	X	No concerns
Fire Services	X	No comments or concerns.
Legal Department	X	No comment

Planning Division	X	No objections given the functional front yard (Douglas St) fence is intended to be 30".
PUC Distribution Inc. (Electric)	X	No concerns. Noting that there is an existing overhead secondary that feeds 320 Korah Road along the north property line.
Public Utilities Comm. (Water)	X	No concerns noting that the existing curb box shall remain accessible
Public Works		

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. Public Utilities Commission (Water Utility) recommends the following condition.
1. The existing curb box shall remain accessible.

Proceedings
Kendall Mitchell, Executive Director of Nakehndan was in attendance. She advised that Nakehndan is a non-profit organization which supports survivors of sexual abuse, sexual assault & human trafficking and their families by providing a safe and supportive space for them. The requested fence height is needed in order to provide a more secure amenity space for the residents.

Gaelyn MacKenzie, operator of the business at 331 Korah Road attended and opined that this corner is a very dangerous corner and that constructing an 8-foot-high fence at the corner will further increase the danger.

The **Secretary-Treasurer** took the opportunity to show an illustration of the proposed fence location to Ms. MacKenzie and explained that the fence is intended to commence at the front corner of the house and run along the south boundary of the property and then along the property line at the rear of the building. It will not go right to the corner and will be set back approximately 9m from the corner of Korah Road and Douglas Street intersection. Ms. MacKenzie appeared satisfied with this clarification.

Elizabeth Mackenzie, owner of 331 Korah Road was in attendance and opined that the proposed fence was "grossly" too high and suggested that it be cut down to half the size. She stated that traffic travels too fast at that corner and even struck her building. She opined that a high fence would make matters worse.

The **Chair** stated that this Committee cannot regulate speeding and can only consider the application before them & those matters that are specific to the application.

The Chair called for comments,
The members supported the Chair's comments. Member Greco remarked that he could not see how the fence would impair vision. The Chair didn't see any vision impairment that would be created as a result of the proposed fence height. He noted that the buildings on the remaining three corners of Korah Road and Douglas Street all appear to be constructed right to their respective property lines, while the building on the subject property is the only one that is setback a significant distance from the property line, as will the proposed fence.

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

The Committee, after carefully reviewing the evidence, the illustrations presented, and the submissions made staff and the parties present, finds that the request meets the four tests of a minor variance

Moved by Greco (W), seconded by Rossi;
"**RESOLVED THAT** in accordance with Section 45(2) of the Planning Act this application be **APPROVED** subject to the following condition,

1. **The existing curb box must remain accessible,** **CARRIED."**

TAB 4

Application A27/26-232-(2-14)-33517-RA

RANDY LAPOSSIE is the owner of Lot 322 & 324, Hamilton Subdivision, Plan 58 former Township of Awenge, and municipally identified as **CIVIC NO. 3 COTTAGE LANE**. It is located on the north side of the unopened Cottage Lane extension. It is designated Rural Area in the Official Plan and is zoned RA, Rural Area.

The following variances are requested.

	By-Law 2005-150 Requires	**Proposed Variance**
4.3 & 9.6.2	No building or structure may be erected upon a lot that does not have frontage on a Street that is publicly owned and maintained by the municipality year-round.	**PERMIT** this lot to be residentially developed in accordance with the R2 Zone regulations found in Section 8.2.2c. *Save and except* **REDUCE** the required frontage from **15m to 0m** conditional on access being provided by way of mutually agreed to easements between the subject property owner and the City.

INTENT:
The city snowplough currently turns around on the unopened portion of Cottage Lane & over a portion of the subject property. The city has no intent to extend the publicly owned and maintained Cottage Lane. The intent of this application is to develop this property for residential purposes **conditional** on gaining access to the subject property by way of an easement over a portion of city owned lands & by providing the city with an easement over a portion of the subject property.

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. Bobbi Jo Holmes of 31 Cottage Lane attended. A summary of her remarks appears later in this decision.

Technical Review: Circulated Departments & Agencies
As part of the application review, this proposal was circulated to the following internal departments and external agencies for their review.

Division/Agency	Circulated	Response
Algoma Public Health	X	
Building Division	X	No objections
Canada Post		
Conservation Authority	X	No concerns or objections. The property is regulated, subject to Shoreline Management Plan below the regulatory flood standard elevation, and located within a highly vulnerable aquifer
Engineering & Construction	X	No objections provided the City is granted an easement for the purpose of a snowplow turnaround to the satisfaction of the Director of Engineering and Public Works
Fire Services	X	No comments or concerns.
Legal Department	X	
Planning Division	X	See comments below
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	Conditional on providing an easement for a turnaround and snow storage. The required easement may affect the building footprint.

Planning staff are of the understanding that as a condition of any approval, access to this property is intended to be provided by way of mutually acceptable easements for access and turnaround purposes between the property owner and the city. With this in mind,

planning staff are prepared to provide conditional support for this application conditional on providing the forementioned easements.

It is acknowledged that this property is a lot of record and potential residential development can comply to the R2 zone regulations without additional variance approvals. As such, it meets the policies of the Official Plan for Rural Area development.

Planning would like it to be noted that planning support of this request shall not be relied on to support the creation of any new lot or future applications on or beyond this parcel.

Legal Department staff advised that there does not appear to be a formal turnaround agreement between the City and the property owner. They further advised that the zoning by-law requirements for setbacks etc. are based on property lines and not from an "as built" road. A survey would have to be undertaken to confirm property lines for any easement or formal agreement. The City does not have a record of a survey having been carried out. Perhaps the property owner or a previous owner may have one.
They stated that it appears that two easements may be required. One between the City and the property owner for access over city owned lands, and the other between the property owner and the city over that portion of the subject property that a proposed right-of-way and snow storage area may cross. They note that any portion of the potential easement over the subject property may impact the building footprint. Any approval should be made conditional on the City and the owner entering into mutually acceptable easements for access, turnaround and snow storage purposes to the satisfaction of the Directors of Engineering and Public Works and the City Solicitor or their designates.

Proceedings
The applicant did not attend.

Bobbi Jo Holmes, a neighbouring property owner at 31 Cottage Lane attended and provided a brief history of the changes that have occurred in this area over the years, as she knows them to be. She opined that the current road is too narrow for snow ploughs, garbage trucks and other heavy equipment to travel on. Because of this, snow for example is not removed properly. She questioned why the City doesn't widen the road and continue it further on the water side past the Lapossie property, then make a turn around and snow storage area on the city owned lands located at the very end. Ms. Holmes stated that the Lapossie property has approximately 128' of frontage on Cottage Lane.

The **Secretary-Treasurer** explained that while the Lapossie property has a southerly width of approximately 120± according to the subdivision plan, the majority of that width, if not all of it, is beyond the assumed and maintained Cottage Lane roadway. The zoning by-law does not permit a structure to be erected on any property that does not have sufficient frontage abutting a street that has been assumed and is maintained by the municipality year-round.

The **Chair** opined that Ms. Holmes' comments about the road conditions and traffic concerns were not specific to the application before them. He stated that her remarks concerning the current road condition would have to be reviewed and addressed by Council. The Committee can only consider the application before them & those matters that are specific to the application.

The Chair called for comments,
The members supported the Chair's comments.

The Chair called for discussion.
There was some discussion regarding the requested conditions. Seeing no further discussion, the Chair closed discussion & called for a motion.

The Committee, after carefully reviewing the evidence, the illustrations presented, the requested conditions, and the submissions made by the parties, finds that the request with the proposed conditions attached meets the four tests of a minor variance

Moved by Rossi, seconded by McGregor;
"**RESOLVED THAT** in accordance with Section 45(2) of the Planning Act this application be **APPROVED**, subject to the following condition;

1. **Mutual easements be obtained between the City and the Property Owner for access, turnaround and snow storage purposes to the satisfaction of the Directors of Engineering, Public Works and the City Solicitor, prior to the issuance of any building permit(s),** **CARRIED."**

Postscript:
There is a process to formalize a road larger than it currently is. Some of the steps in that process is the hiring of a surveyor, involving staff. Involving affected property owners as parts of their property may need to be taken to widen the road, go to Council with a recommendation and if approved, then formally taking ownership and assume those portions as the road.

TAB 5

Application A28/26-508-(1-1320-14118-RA, EM

WAYNE ELWOOD WOOLEY is the owner of Pt. Sec. 21 former Township of Korah as in T417557, further identified as PIN 31601-0080 (LT), and municipally identified as **CIVIC NO. 275 MAKI ROAD**. It is located on the west side of Maki Road between Third Line West and Mount Pleasant Court. It is designated Rural Area in the Official Plan and is zoned RA, Rural Area and EM, Environmental Management Zone.

Subject to final consent of application B18/26, the following variance is requested.

	By-Law 2005-150 Requires	Proposed Variance

8.5.2	Minimum interior side yard is **5m**	**REDUCE** the minimum north interior side yard to **2.5m** for the **existing dwelling only.**

INTENT:
In order to provide the minimum lot frontage required under the By-law for the proposed severed parcel, the interior side yard setback for the existing dwelling cannot be met. The applicant seeks to reduce the required north interior side yard setback to 2.5m for *the* existing dwelling only so that consideration of the consent to sever application can move forward.

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

Technical Review: Circulated Departments & Agencies
As part of the application review, this proposal was circulated to the following internal departments and external agencies for their review.

Division/Agency	Circulated	Response
Algoma Public Health	X	
Building Division	X	See comments below
Canada Post		
Conservation Authority	X	See comments below
Engineering & Construction	X	No objections. A culvert permit & municipal consent may be required to gain access to the severed property
Fire Services	X	No comments or concerns.
Legal Department	X	No comment
Planning Division	X	No objection
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works	X	

Building Division staff have no objections provided the existing second living unit on the property is discontinued to the satisfaction of the Chief Building Official or his designate, or a building permit is issued to permit a second living unit.

Written confirmation from the Chief Building Official or his designate that he/she is satisfied with the status of the clean-up of the debris and/or scrap metal & derelict vehicles on the retained lands prior to final consent.

Written confirmation from the Chief Building Official or his designate that access to the basement by way of an old stairway has been eliminated.

The reduction of side yard setback may have an impact on the permitted percentage of glazed openings (windows) on the north side of the existing home. 9.10.15 of the building code stipulates the allowable percentage of openings based on proximity to the property line and area of building face. Without an elevation of the north side of the existing home, the exact allowable percentage of glazed openings cannot be determined at this time. Depending on the area of the building face, acceptable percentages could range from 9% to 33% glazed openings, based on a 2.5m setback.

Sault Ste Marie Region Conservation Authority (SSMRCA) 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). SSMRCA has no objection to the Minor Variance application to **REDUCE** the minimum north interior side yard to **2.5m** for the **existing dwelling only**, as illustrated on the submitted site plan. Any new development within the subject property will require a site plan to be submitted to SSMRCA for review to assess 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 and a significant groundwater recharge area. This Minor Variance application **does not introduce activities identified as significant drinking water quality or quantity 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
There are no objections to the application. The solicitor for the applicant attached a commitment to the consent application. The following recommended conditions address several items contained in that commitment.

Recommended Conditions of Approval
1. Written confirmation must be provided to the Secretary-Treasurer that the existing second living unit on the property has been discontinued to the satisfaction of the Chief Building Official or his designate, or that a building permit has been issued to permit a second living unit.
2. Written confirmation must be provided to the Secretary-Treasurer from the Chief Building Official or his designate that he/she is satisfied with the status of the removal of the debris and/or scrap metal & derelict vehicles on the retained lands prior to final consent.
3. Written confirmation must be provided to the Secretary-Treasurer from the Chief Building Official or his designate that access to the basement by way of an old stairway has been eliminated.

4. The Chief Building Official or his designate must be provided with an elevation drawing of the north side of the existing home & any other information that may be required to determine the allowable percentage of openings that are permitted. Any remedial action necessary to bring this into compliance must be undertaken.
5. Written confirmation from the Chief Building Official or his designate must be provided to the Secretary-Treasurer advising that the allowable percentage of openings is in compliance.
6. Final approval of consent application **B18/26** must be obtained.

Proceedings
Heather Cross, Solicitor for the applicant attended. Ms. Cross having been provided with the Secretary-Treasurer's report and the proposed conditions advised that she had no further comments.

Wayne Woolley, applicant, attended and advised that he simply wanted to assist in the city's effort to provide more housing by creating an additional lot.

The Chair called for comments,
Seeing none, the Chair called for discussion.

The Chair called for discussion.
There was some discussion regarding the requested conditions. Seeing no further discussion, the Chair closed discussion & called for a motion.

The Committee, after carefully reviewing the evidence, the illustrations presented, the requested conditions, and the submissions made by the parties, finds that the request with the proposed conditions attached meets the four tests of a minor variance

Moved by Greco (W), seconded by McGregor;
"**RESOLVED THAT** in accordance with Section 45(2) of the Planning Act this application be **APPROVED**, subject to the following conditions;

1. **Written confirmation must be provided to the Secretary-Treasurer that the existing second living unit on the property has been discontinued to the satisfaction of the Chief Building Official or his designate, or that a building permit has been issued to permit a second living unit.**
2. **Written confirmation must be provided to the Secretary-Treasurer from the Chief Building Official or his designate that he/she is satisfied with the status of the removal of the debris and/or scrap metal & derelict vehicles on the retained lands prior to final consent.**
3. **Written confirmation must be provided to the Secretary-Treasurer from the Chief Building Official or his designate that access to the basement by way of an old stairway has been eliminated.**
4. **The Chief Building Official or his designate must be provided with an elevation drawing of the north side of the existing home & any other information that may be required to determine the allowable percentage of openings that are**

permitted. Any remedial action necessary to bring this into compliance must be undertaken.

5. **Written confirmation from the Chief Building Official or his designate must be provided to the Secretary-Treasurer advising that the allowable percentage of openings is in compliance.**
6. **Final approval of consent application B18/26 must be obtained. CARRIED."**

TAB 6

Application B17/26-100-(1-114)-12733-R2, S448

Having previously declared his conflict of interest in this application, Chair Greco vacated the Chambers at 2:48 p.m. Member Rossi assumed the role of Chair.

BRIAN MEREDITH AND THE ESTATE OF FAIRY ILA MAE MEREDITH are the owners of Lot 31, RCP H731 former Township of Tarentorus, T/W and S/T a right of way easement as in T248503, PIN 31511-0026 (LT); and municipally identified as **CIVIC NO. 460 OLD GARDEN RIVER ROAD.** It is located north westerly side of Old Garden River Road immediately north at the T-intersection of Old Garden River Road and Windsor Trails. The subject property is designated Residential in the Official Plan and is zoned R2, S448, Gentle Density Residential Zone with a special exception.

INTENT:

The applicant is seeking the Committee's consent to sever the property into 4 autonomous parcels together with a conveyance of land intended to attach to the westerly abutting property being Civic No. 4 Foxborough Trail.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Severed Lands	15.58m	87.5m	1458.8m^2
Severed Lands	15.64m	87.5m	1434.5m^2
Severed Lands	15.71	87.5m	1360.3m^{SS}
Severed Lands for Lot Addition	22.2m	87.5m	2147.7m^2
Retained Lands	22.2m (Windsor Trail) 69.25m flankage (Old Garden River Road)	irregular	2147.7m^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		No objections
Bell Canada Right-of-Way		
Building Division	X	No objections
Canada Post		
Conservation Authority	X	No concerns or objections. Any new development will require a site plan submission for review to assess permitting requirements
Engineering & Construction	X	No objection. See additional comments below
Fire Services	X	No 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	X	Supportive of Engineering staff comments.

Engineering does not object to this severance. We do, however, have the following comments:

Potential property owners should be made aware of the following:

- An existing drainage agreement is in place involving properties to the north that protects a rear yard swale that discharges into a ditch along the subject property to the east.

- An exiting ditch crosses the southern part of Severed Portions 1 and 2, and discharges to Windsor Trail. Another existing ditch crosses the northern part of Severed Portions 1 and 2, and discharges into a catchbasin on the neighbouring property to the east that flows to Old Garden River Road. These drainage patterns should be maintained.

- There are no sanitary or storm service laterals installed along Windsor Trail, but there are mains within the roadway where new laterals can connect to.

- Curb cuts will be required along Windsor Trail.

- Any work within the municipal right of way will require a Municipal Consent Permit.
- Every effort should be made to minimize the number of required road patches during road restoration.

- Conditions for Final Consent include the following:
  - A grading and servicing plan prepared by a professional engineer must be submitted to the satisfaction of the Director of Engineering or their designate. If runoff from one parcel must pass through one or more of the severed parcels, a Drainage Agreement may be required prior to the issuance of a building permit.
  - A one-foot reserve is in place along Windsor Trail that prevents the property owners from connecting to existing services. This can be removed provided costs owed to the Developer of Windsor Trails are paid.

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

Recommended conditions to be attached to any approval are:
1. Transfer/Deed of Land
2. Lot addition merge clause
3. Application to consolidate parcel
4. Parkland Levy
5. Certificate application & review fee
6. Reference plan
7. Lot Grading and Drainage Plan
8. Drainage Agreement if required prior to the issuance of a building permit
9. PIN abstract and PIN map
10. Minor Variance Application (if required)
11. Discharge of Charge/Mortgage
12. Partial discharge of Charge/Mortgage
13. Payment of municipal taxes
14. Copy of receipted electronic transfer

PROCEEDINGS
Bill Webb, agent for the applicant attended.

The Chair asked if the applicant had any new information to provide. He confirmed that the previous consent to sever application B3/26 heard earlier this year would be abandoned.

The Chair called for comments, seeing none,

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

FINDINGS
The Committee, after carefully reviewing the evidence, the illustrations presented, and the submissions made by the parties, finds that the criteria set out in subsection 51(24)

of the Planning Act have been satisfied. The Committee notes that planning staff and commenting agencies had no objections to the request. Based on all the evidence, the Committee finds that the requests would not conflict with any provincial plan or plans, is consistent with any policy statements made under Subsection 3(1) of the Planning Act, is in keeping with the City's Official Plan and Zoning By-law(s), will provide orderly development of the City, and a plan of subdivision is not necessary.

DECISION
Moved by McGregor, seconded by Greco (W),

"RESOLVED THAT *provisional* consent is **AUTHORIZED** for the severance and conveyance of the parcel(s) of land described in the application, subject to the following conditions which must be, in the opinion of the Secretary-Treasurer, completed within two-years from the date of giving of the formal notice of this Decision failing which consent shall be deemed to be refused/lapsed in accordance with Section 53(41) of the Planning Act, R.S.O. 1990, as amended.

1. **TRANSFER/DEED OF LAND**
   That the Secretary-Treasurer is provided with one (1) copy of the "electronic registration in preparation documents", prior to registration on title. *These documents must be accompanied by a schedule identifying the transferor and the transferee for certification. Said schedule with stamp or Certificate of Official must be registered with the "electronic registration transfer.*

   NOTE: Any alterations to the legal description after the Secretary-Treasurer has issued the Certificate will deem the document(s) invalid and must be returned to the Secretary-Treasurer. A new Certificate containing the Registrar approved legal description will have to be endorsed by the Secretary-Treasurer prior to registration of the document(s). An issuance fee will apply.

2. **LOT ADDITION/MERGE CLAUSE**
   That the parcel intended to be severed for lot addition purposes be merged on title with the abutting land to the immediate west, municipally known as Civic No. 4 Foxborough Trail. Subsection 50 (3 or 5) of the Planning Act, R.S.O., 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent. The Secretary-Treasurer's Certificate shall contain reference to this stipulation.

3. **APPLICATION TO CONSOLIDATE PARCELS**
   An Undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows,
   "I undertake on behalf of the Owner, within 10 days of the assignment of a new PIN for the transfer document, to file an application to Consolidate Parcels including the severance land and the abutting land. This PIN consolidation is intended to reinforce the Planning Act stipulation that both parcels have merged on Title and cannot be conveyed separately in the future."

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

4. **PARKLAND LEVY**
   In accordance with Subsection 51.1(1) of Section 50 of the Planning Act the applicant must pay the Corporation 5% cash-in-lieu of land for park purposes or other public recreational purposes for **each** additional lot being created because of this consent to the satisfaction of the Secretary-Treasurer.

   If deemed required by the Secretary-Treasurer, the applicant shall provide the City of Sault Ste. Marie with an appraisal report and valuation of the subject land (land only) to be prepared by an accredited appraiser. Payment of a Parkland Levy to the City of Sault Ste. Marie, in lieu of deeding of land for park purposes shall be made. Said levy is to be 5% of the appraised or market value of the subject land as of the day before the day of the giving of consent.

5. **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)

6. **REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION**
   That the applicant provides the Secretary-Treasurer with Five (5) 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.

7. **PIN ABSTRACT and PIN MAP**
   That a copy of the current pin abstract for the subject property and for the property that benefits from the lot addition conveyance accompany the "electronic registration in preparation documents."

8. **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.

9. **LOT GRADING AND DRAINAGE PLAN**
   That the applicants submit a lot grading and drainage plan for approval of the Director of Engineering or his designate, and easements dedicated if required. The owners/applicants shall bear all legal and survey costs.

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

10. DISCHARGE OF CHARGE/MORTGAGE

That any Charge/Mortgage affecting the subject property is discharged and a copy of the Discharge of Charge/Mortgage be provided to the Secretary-Treasurer.

11. PARTIAL DISCHARGE OF CHARGE/MORTGAGE

That the Secretary-Treasurer is provided with one (1) copy of the Discharge of Charge/Mortgage documents for the parcel for which the Consent relates to and the Discharge refers to for certification. Certificate of Official must be registered with the Discharge of Charge/Mortgage documents. A Solicitor's undertaking must be provided to the Secretary-Treasurer undertaking to register the Discharge and to provide the Secretary-Treasurer with a copy of the registered documents.

12. PAYMENT OF MUNICIPAL TAXES

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

13. ADVISEMENT TO POTENTIAL PURCHASERS

That an Undertaking be provided wherein the property owner(s) commit to disclosing the following information to potential purchasers,

- An existing drainage agreement is in place involving properties to the north that protects a rear yard swale that discharges into a ditch along the subject property to the east.
- An exiting ditch crosses the southern part of Severed Portions 1 and 2, and discharges to Windsor Trail. Another existing ditch crosses the northern part of Severed Portions 1 and 2, and discharges into a catch basin on the neighbouring property to the east that flows to Old Garden River Road. These drainage patterns should be maintained.
- There are no sanitary or storm service laterals installed along Windsor Trail, but there are mains within the roadway where new laterals can connect to.
- Curb cuts will be required along Windsor Trail.
- Any work within the municipal right of way will require a Municipal Consent Permit.
- A one-foot reserve is in place along Windsor Trail that prevents the property owners from connecting to existing services. This can be removed provided costs owed to the Developer of Windsor Trails are paid.
- Every effort should be made to minimize the number of required road patches during road restoration.

- The one-foot reserve along Windsor Trail must be removed upon payment of costs owed to the Developer of Windsor Trails prior to the issuance of a building permit.

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 for Consent. **CARRIED."**

Final date for appeal is **SEPTEMBER 8, 2026.** Procedures for an appeal are set out on the last page of this decision.

WARNING:

THIS provisional approval does not become effective until the above conditions have been satisfied. **ALL conditions must be fulfilled within two years of the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused.** ***Section 53(4), The Planning Act R.S.O., 1990.***

TAB 7

Application B18/26-508-(1-1320-14118-RA, EM

Chair Greco returned to the Chambers and resumed the role of Chair.

WAYNE ELWOOD WOOLEY is the owner of Pt. Sec. 21 former Township of Korah as in T417557, further identified as PIN 31601-0080 (LT), and municipally identified as **CIVIC NO. 275 MAKI ROAD**. It is located on the west side of Maki Road between Third Line West and Mount Pleasant Court. It is designated Rural Area in the Official Plan and is zoned RA, Rural Area and EM, Environmental Management Zone.

PURPOSE & EFFECT:

Subject to approval of minor variance application **A28/26**, the applicant seeks to sever and convey a northerly parcel fronting on Maki Road for future residential development purposes.

	Frontage (approximate)	Depth (approximate)	Area (approximate)
Severed Lands	45m	179.86m	0.081ha
Retained Lands	111m	840	16.065ha

Public Input

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

Technical Review: Circulated Departments & Agencies
As part of the application review, this proposal was circulated to the following internal departments and external agencies for their review.

Division/Agency	Circulated	Response
Algoma Public Health	X	No response
Building Division	X	See comments below
Canada Post		
Conservation Authority	X	See comments below
Engineering & Construction	X	No objections. A culvert permit & municipal consent may be required to gain access to the severed property
Fire Services	X	No comments or concerns.
Legal Department	X	No comment
Planning Division	X	No objection
PUC Distribution Inc. (Electric)	X	No concerns
Public Utilities Comm. (Water)	X	No concerns
Public Works		

Building Division staff have no objections provided the existing second living unit on the property is discontinued to the satisfaction of the Chief Building Official or his designate, or a building permit is issued to permit a second living unit.

Written confirmation from the Chief Building Official or his designate that he/she is satisfied with the status of the clean-up of the debris and/or scrap metal & derelict vehicles on the retained lands prior to final consent.

Written confirmation from the Chief Building Official or his designate that access to the basement by way of an old stairway has been eliminated.

Approval from the SSMRCA and Algoma Public Health is required to be obtained prior to the release of a building permit. A culvert permit will also be required.

Sault Ste Marie Region Conservation Authority (SSMRCA) 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). SSMRCA has no objection to the Minor Variance application to **REDUCE** the minimum north interior side yard to **2.5m** for the **existing dwelling only**, as illustrated on the submitted site plan. Any new development within the subject property will require a site plan to be submitted to SSMRCA for review to assess 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 and a significant

groundwater recharge area. This Minor Variance application **does not introduce activities identified as significant drinking water quality or quantity 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)
There are no objections to the application.
The following commitment was attached to the application submission.

a) The applicant confirms that the dwelling on the retained lands shall only be occupied by a single family and that the occupant of the rear dwelling is in the process of vacating the property.
b) The applicant further confirms that he is in the process of removing the building on the retained land which is in a state of disrepair and is in the process of removing any debris and/or scrap metal located on the retained land.
c) The applicant confirms that he shall fill in the old stairway access to the basement with dirt which currently crosses into the proposed severed parcel.
d) Should the City of Sault Ste. Marie require the portion of land on which Maki Road sits be transferred to the City, the applicant agrees to same.

Recommended conditions to be attached to any approval are:

1. Transfer/Deed of Land
2. Parkland Levy
3. Certificate application & review fee
4. Reference plan
5. PIN abstract and PIN map
6. Minor Variance Application (if required)
7. Discharge of Charge/Mortgage
8. Partial discharge of Charge/Mortgage
9. Payment of municipal taxes
10. Any portion of the subject property that may extend into the Maki Road right of way is to be conveyed to the City free of any encumbrance.
11. All conditions attached to minor variance application **A28/26** are satisfied
12. Written confirmation from Algoma Public Health must be submitted to the Secretary-Treasurer indicating that an on-site septic system can be supported on the proposed severed parcel
13. Copy of receipted electronic transfer

Proceedings
Heather Cross, Solicitor for the applicant attended. Ms. Cross having been provided with the Secretary-Treasurer's report and the proposed conditions advised that she had no further comments.

Wayne Woolley, applicant, attended and advised that he simply wanted to assist in the city's effort to provide more housing by creating an additional lot.

The Chair called for comments,
Seeing none, the Chair called for discussion.

The Chair called for discussion.
There was some discussion regarding the requested conditions. Seeing no further discussion, the Chair closed discussion & called for a motion.

The Committee, after carefully reviewing the evidence, the illustrations presented, and the submissions made by the parties, finds that the criteria set out in subsection 51(24) of the Planning Act have been satisfied. The Committee notes that planning staff and commenting agencies either support the proposed severance or have no issues with the proposed severance. Based on all the evidence, the Committee finds that the proposed severance does not conflict with any provincial plan or plans, is consistent with the 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 that plan of subdivision is not necessary.

Moved by Greco (W), seconded by McGregor,

"**RESOLVED THAT** 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.

2. **PARKLAND LEVY**
   In accordance with Subsection 51.1(1) of Section 50 of the Planning Act the applicant must pay the Corporation 5% cash-in-lieu of land for park purposes or other public recreational purposes for **each** additional lot being created because of this consent to the satisfaction of the Secretary-Treasurer.

   If deemed required by the Secretary-Treasurer, the applicant shall provide the City of Sault Ste. Marie with an appraisal report and valuation of the subject land (land only)

to be prepared by an accredited appraiser. Payment of a Parkland Levy to the City of Sault Ste. Marie, in lieu of deeding of land for park purposes shall be made. Said levy is to be 5% of the appraised or market value of the subject land as of the day before the day of the giving of consent.

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

4. **REFERENCE PLAN/SURVEY PLAN/LEGAL DESCRIPTION**
   That the applicant provides the Secretary-Treasurer with 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.

5. **PIN ABSTRACT and PIN MAP**
   That a copy of the current pin abstract accompanies the "electronic registration in preparation documents."

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

7. **ON-SITE PROVEN WELL**
   That the Owner advise the purchaser in writing, that confirmation of an on-site proven well must be provided to the Building Division prior to the issuance of an occupancy permit. A copy of this advisement must accompany the in-preparation transfer presented to the Secretary-Treasurer for the final Certificate of Official.

8. **MINOR VARIANCE APPLICATION**
   b) That any conditions imposed on minor variance application **A28/26** filed concurrently shall be deemed to be conditions imposed on this consent application and shall be fulfilled within the time frame specified in Section 53(41) of the Planning Act, failing which the consent application shall be deemed to be refused.

   (After Provisional Consent given)

   c) 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.

9. **ROAD DEDICATION**
That any portion of the subject property upon which the existing road known as Maki Road is presently situated, is deeded, at no cost to the municipality, AND THAT the solicitor for the applicant certifies, or undertake to certify upon closing, that title to these lands is free and clear of all encumbrances, AND THAT the municipality has good and marketable title thereto. The owners/applicants shall bear all legal and survey costs.

10. **DISCHARGE OF CHARGE/MORTGAGE**
That any Charge/Mortgage affecting the subject property is discharged and a copy of the Discharge of Charge/Mortgage be provided to the Secretary-Treasurer.

11. **PARTIAL DISCHARGE OF CHARGE/MORTGAGE**
That the Secretary-Treasurer is provided with one (1) copy of the Discharge of Charge/Mortgage documents for the parcel for which the Consent relates to and the Discharge refers to for certification. Certificate of Official must be registered with the Discharge of Charge/Mortgage documents. A Solicitor's undertaking must be provided to the Secretary-Treasurer undertaking to register the Discharge and to provide the Secretary-Treasurer with a copy of the registered documents.

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

13. **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 **September 8, 2026.** Procedures for an appeal are set out on the last page of this decision.

WARNING:
THIS provisional approval does not become effective until the above conditions have been satisfied. **ALL conditions must be fulfilled within two years of the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused.** ***Section 53(4), The Planning Act R.S.O., 1990.***

TAB 8

OTHER BUSINESS - none

DATE OF NEXT HEARING – September 24th, 2026

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

Moved by Rossi, seconded by Greco (W),
"RESOLVED THAT this meeting adjourn at 3:07 p.m., **CARRIED."**

Michelle Kelly

Michelle Kelly, ACST
Secretary-Treasurer

M. Kelly
for J. Greco
Chair