

ADDENDUM
REGULAR MEETING OF CITY COUNCIL
2011 04 04
4:30 P.M.
COUNCIL CHAMBERS
PART ONE – CONSENT AGENDA

3. **APPROVE AGENDA AS PRESENTED**

Mover: Councillor L. Turco

Seconder: Councillor P. Mick

Resolved that the Addendum for the 2011 04 04 City Council meeting as presented be approved.

5. **COMMUNICATIONS AND ROUTINE REPORTS OF
CITY DEPARTMENTS; BOARDS AND COMMITTEES**

r) **2011 Budget Meeting**

A report of the Commissioner of Finance and Treasurer is attached for the consideration of Council.

Mover: Councillor R. Niro

Seconder: Councillor B. Watkins

Resolved that the report of the Commissioner of Finance and Treasurer dated 2011 04 04 concerning the 2011 Budget Meeting be received as information.

s) **2252927 Ontario Inc. – 50 Linda Road – A-15-10-Z.OP – By-law 2011-16**

A report of the City Solicitor is attached for the consideration of Council.

Mover: Councillor R. Niro

Seconder: Councillor P. Mick

Resolved that the report of the City Solicitor dated 2011 04 04 concerning the OMB Appeal – By-law 2011-16 be accepted, and that despite the appeal, Council confirms its wish to proceed with the by-law.

PART TWO – REGULAR AGENDA

6. **REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES**

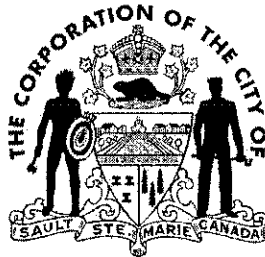
(6) **PLANNING**

b) **Application A-8-11-Z – Karen Marinich – 1035 Queen Street East**

Further correspondence for Application A-8-11-Z is attached for the information of Council.

5(r)

William Freiburger, CMA
Commissioner of Finance
and Treasurer



Finance Department

2011 04 04

Mayor Debbie Amaroso and
Members of City Council

Re: 2011 Budget Meeting

The 2011 Municipal Budget Meeting is scheduled for Wednesday, April 13, 2011 and April 14, if necessary at 4:30 pm in the Council Chamber.

Respectfully submitted,

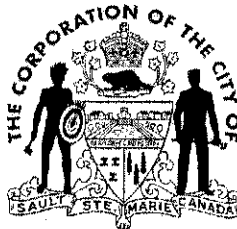
W. Freiburger, CMA
Commissioner of Finance and Treasurer

WF/kl

NUALA KENNY
CITY SOLICITOR

MELANIE BOROWICZ-SIBENIK
SOLICITOR / PROSECUTOR

LORIE BOTTOS
CORPORATE COUNSEL



**LEGAL
DEPARTMENT**

REPORT TO: Mayor Debbie Amaroso
and Members of Council

REPORT FROM: Nuala Kenny
City Solicitor

DATE: 2011 04 04

SUBJECT: 2252927 ONTARIO INC. – 50 LINDA ROAD – A-15-10-
Z.OP – BY-LAW 2011-16

City Council passed 2011-16 on March 7, 2011. The purpose of By-law 2011-16 is to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at Linda Road. The Applicant, 2252927 Ontario Inc. requested a change in the zone designation on the above mentioned lands from R.2. (Single Detached Residential) to C.4.S (General Commercial Zone with a Special Exception).

As required by the Planning Act notice was sent to all residents within 120 metres from the subject lands. An appeal has been filed by Mr. Fausto DiTommaso and received in the Clerk's Office on Wednesday March 30, 2011. A copy of the appeal is attached.

The procedure now is that Council passes the attached resolution indicating that despite the appeal, Council wishes to proceed with the by-law. Then Legal Department sends a package of material to the Ontario Municipal Board (OMB) and in due course the OMB will set a hearing date for the appeal if the Board decides that the issues raised in the appeal warrant a hearing.

Respectfully Submitted,

Nuala Kenny
City Solicitor
NK:cf

c.c. Steve Turco, Planner, Engineering & Planning Dept.
c.c. Michelle Kelly, Secretary/Treasurer, Committee of Adjustment

Staff/Zoning/OMB/2252927 ontario inc./cf



Ontario Municipal Board
Commission des affaires municipales de l'Ontario
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
TEL: (416) 326-6800 or Toll Free: 1-866-887-8820
FAX: (416) 326-5370
www.omb.gov.on.ca

THE CORPORATION OF THE APPELLANT FORM (A1)
CITY OF SAULT STE. MARIE

PLANNING ACT

MAR 31 2011

(SUBMIT TO MUNICIPALITY/APPROVAL AUTHORITY)

Instructions:

- Complete one form for each type of appeal you are filing.
- A filing fee of \$125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- Submit your completed appeal form(s) and filing fee(s) to either the Approval Authority or Municipality, as applicable, by the required filing deadline. The Approval Authority/Municipality will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- Please print clearly throughout the appeal form.
- The *Planning Act* and the *Ontario Municipal Board Act* are available at www.omb.gov.on.ca.

Receipt Number (OMB Office Use Only):

Date Stamp - Appeal Received by Municipality

**RECEIVED
CITY CLERK**

MAR 30 2011

NO.: 51799

DIST: Legal

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

622 Great Northern Rd (Rear) / 50 Linda Rd / Linda Road Allow.
Address and/or Legal Description of property subject to the appeal:

Municipality: Sault Ste. Marie

Part 3: Appellant Information

First Name: Paolo Last Name: A. Tommaso DiTommaso

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable):

E-mail Address: joeruscio@cmllp.ca
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 705-946-9552 Alternate Telephone #:

Fax #: 705-949-1225

Mailing Address: 229 Great Northern Rd Sault Ste Marie
Street Address Apt/Suite/Unit# City/Town
ONT P6B 4Z2
Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: Mar 30/11

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: Last Name:

Company Name:

Professional Title:

E-mail Address: By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: Alternate Telephone #:

Fax #:

Mailing Address: Street Address Apt/Suite/Unit# City/Town
Province Country (if not Canada) Postal Code

Signature of Appellant: Date:

Part 5: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please Print)

Zoning By-law 2011-16

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required please continue in Part 8 or attach a separate page.

(Please Print)

- Any easement agreement or access onto Home Depot Property will have direct traffic impact onto property owned by appellant of this application.

- Appellant has existing agreement with Linda Road property and Block A, B & C development zoning will have direct on easement agreement

Part 6: Related Matters (if known)

Are there other appeals not yet filed with the Municipality?

YES ☐ NO ☒

Are there other planning matters related to this appeal?

YES ☐ NO ☒

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please Print)

Part 7: Scheduling Information

How many days do you estimate are needed for hearing this appeal? ☐ half day ☐ 1 day ☐ 2 days ☐ 3 days
☐ 4 days ☐ 1 week ☒ More than 1 week - please specify number of days: 14 days

How many witnesses do you expect to have at the hearing?

2Describe witness(es)' area of expertise: legal

Do you believe this matter would benefit from mediation?

YES ☒ NO ☐

Do you believe this matter would benefit from a Prehearing Conference? YES

☒ NO ☐If yes, why? clarify matters of concern.

Part B: Other Applicable Information **Attach a separate page if more space is required.

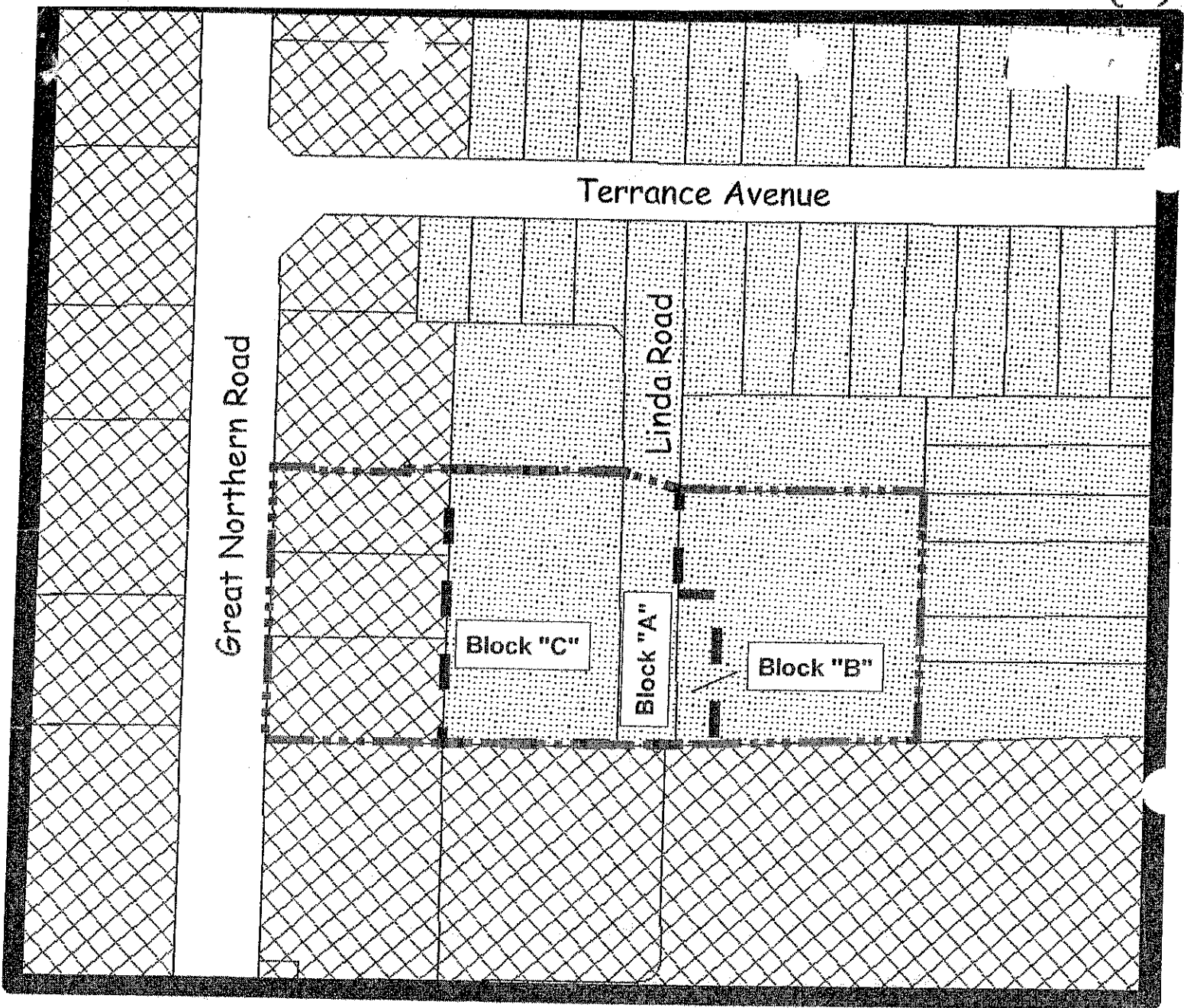
[illegible]

Part 9: Required Fee

Total Fee Submitted: \$ 125.00

Payment Method: ☐ Certified cheque ☐ Money Order



- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.



Official Plan Schedule "C" Land Use Map

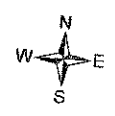
SCHEDULE "A" TO AMENDMENT No. 175

- 50 Linda Road
- Linda Road Allowance
- 622 Great Northern Road (Rear)

 Lands to be Consolidated by the Applicant
 Subject Property Area

Land Use Designation

-  Residential
-  Commercial



Metric Scale
1 : 2000

August, 2010
Revised December 20, 2010

Planning Application
A-15-10-Z-OP

**AMENDMENT NO. 175
TO THE
SAULT STE. MARIE OFFICIAL PLAN**

PURPOSE

This Amendment is an amendment to Schedule "C" of the Official Plan.

LOCATION

The southerly (approximate) 94 m (308') by 21 m (69') portion of the unopened Linda Road allowance (Block 'A'); the south-westerly (approximate) 51.82 m (170') by 12.19 m (40') portion of All of Plan 3760 Lot 18 to 22, Tarentorus Pt. 6, 1R6029, Civic No. 50 Linda Road (Block 'B'); and the rear (approximate) 94 m (308') by 61 m (200') portion of Plan 3760 Lot 3 RP 1R 6029, Part 1 Lot 13Pt Lot 14 to 17, Civic No. 622 Great Northern Road (Block 'C').

BASIS

This Amendment is necessary in view of the request to rezone the subject properties to permit the lands to be utilized for commercial purposes.

The proposal does not conform to the existing Residential policies as they relate to the subject properties.

Council now considers it desirable to amend the Official Plan re-designating the subject properties from "Residential" to "Commercial".

DETAILS OF THE ACTUAL AMENDMENT & POLICIES RELATED THERETO

Schedule "C" to the Sault Ste. Marie Official Plan is hereby amended re-designating those lands identified as Blocks 'A', 'B' and 'C' on the attached schedule from "Residential" to "Commercial".

INTERPRETATION

The provisions of the Official Plan as amended from time to time will apply to this Amendment.

EXPLANATORY NOTE IN RESPECT OF ZONING BY-LAW 2011-16

SUBJECT PROPERTY: Linda Road and 50 Linda Road

The purpose of By-law 2011-16 is to change the zone designation from R.2. (Single Detached Residential) zone to C.4.S. (General Commercial) zone with a special exception. The property is subject to the following special provisions:

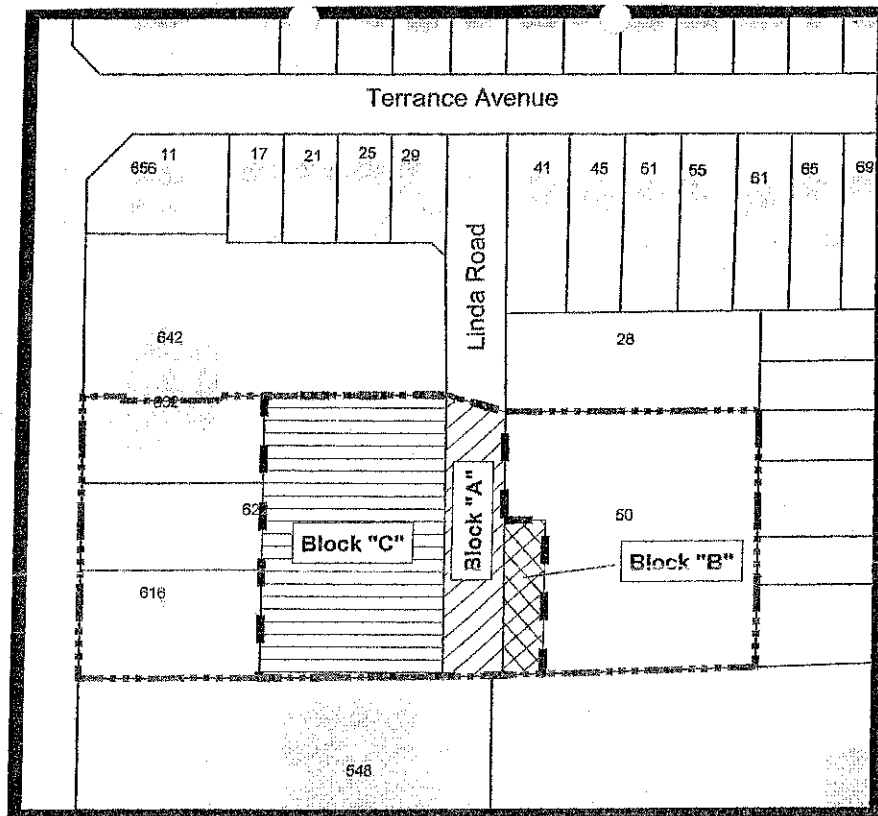
- (1) The uses for the property identified as Blocks A and B are limited to vehicular and pedestrian access only;
- (2) That no structures of any kind may be built on Block A.

The location of the subject property is shown in heavy outline on the map attached hereto.

This by-law shall not come into force until Official Plan Amendment No. 175 is approved by Council and the final date for appeal has expired without an appeal being filed.

An Explanatory Note in respect of Official Plan Amendment By-law 2011-15 concerning Amendment No. 175 to the Official Plan is attached.

The subject property has been designated an area of site plan control.



Subject Property Map
Linda Road Allowance
50 Linda Road
622 Great Northern Road (Rear)

APPLICATION
A-15-10-Z-OP

- Lands to be Consolidated by the Applicant
- Subject Property Area
- Subject Property - Block "A" [Rezoning & OP Change]
- Subject Property - Block "B" [Rezoning & OP Change]
- Subject Property - Block "C" [OP Change]



Metric Scale
1:1,500
MAPS
85 & 1-95

NOTICE OF THE PASSING OF BY-LAWS
AMENDING ZONING BY-LAWS 2005-150 AND 2005-151 AND THE OFFICIAL
PLAN FOR THE CORPORATION OF THE CITY OF SAULT STE. MARIE

TAKE NOTICE that the Council of The Corporation of the City of Sault Ste. Marie on the 7th day of March, 2011 passed Zoning By-law 2011-16 under section 34 of the Planning Act, R.S.O. 2000, chapter P.13 and on the 7th day of March, 2011 City Council passed By-law 2011-15 amending the Official Plan amendment under Section 17 of the said Act.

AND TAKE NOTICE that under the provisions of Section 17 and Section 34(19) of the Planning Act, the applicant, any person or public body who, before the by-law was passed made oral submissions at a public meeting or written submissions to Council or the Minister may appeal to the Ontario Municipal Board in respect of the zoning by-law or an Official Plan Amendment by filing a notice of appeal with the Clerk of The Corporation of the City of Sault Ste. Marie at the address set out below not later than the 30th day of March, 2011. A notice of appeal must set out the reasons for the appeal along with the land use planning ground or grounds upon which the appeal is based and be accompanied by the fee required by the Ontario Municipal Board. An objection filed with the City Clerk before the day of the passing of the Zoning by-law or a by-law adopting an Official Plan Amendment is not considered a notice of appeal under the Planning Act. A notice of appeal to the Ontario Municipal Board must be filed with the City Clerk after the date of the passing of the by-law and not later than the date set out in this paragraph. The decision of the City Council is final, if the notice of appeal is not received.

An explanation of the purpose and effect of the by-laws, describing the lands to which they apply and a key map showing the location of the lands to which the by-laws apply is attached. The complete by-laws are available for inspection in my office during regular office hours, (8:30 a.m. to 4:30 p.m.).

Only individuals, corporations and public bodies may appeal a decision of Council to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf. Each appeal must be accompanied by a cheque payable to the Minister of Finance in the amount of \$125.00.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

If you wish to appeal to the Ontario Municipal Board, you must use the OMB appeal form. A copy of the appeal form is available from the OMB website at www.omb.gov.on.ca. The Ontario Municipal Board no longer accepts personal cheques unless certified. You may pay the Board fee by money order.

DATED at Sault Ste. Marie, Ontario, this 10th day of March, 2011.

MALCOLM WHITE, CITY CLERK
The Corporation of the
City of Sault Ste. Marie
Civic Centre, 99 Foster Drive
Sault Ste. Marie, ON P6A 5X6

March, 2011

Dear Neighbour:

Recently you received a notice in the mail from the City of Sault Ste. Marie, of my intention to establish a one room dental hygiene treatment area in my home at 1035 Queen Street. This will involve a minor zoning change from "R2", (single detached residential) to "R2.S", (Single detached residential) zone with a special exemption to permit not more than (1) dental hygienist to conduct dental hygiene services as a home based business within the existing residence.

Changes to the Dental Hygiene Act through the Health System Improvements Act, 2007 (Bill 171), that came into effect on September 1, 2007, allow dental hygienists to work independently of traditional dentist-owned practices.

It is my intention to practice my profession of Dental Hygiene on a very small scale in my home with **limited** clients and hours. I wish to offer dental clients a quiet, relaxed atmosphere void of the clinical smells and sounds of a busy dental office. I have been a Registered Dental Hygienist for over 29 years, and I am currently registered and regulated by the College of Dental Hygienists of Ontario. One room in my home on the main floor will be designated as my dental hygiene treatment room. As per the Ontario Dental Hygienist's Fee Guide, my fees will be 20-30 percent less than standard dental office fees. My services amongst others will include clinical assessments, dental cleanings, desensitizing and tooth whitening procedures.

I assure you there will be no implications of noise, parking, property maintenance, undesirable behavior, or activity. My plan of operations will involve evening and weekend appointments only, with each appointment being over one hour long. I anticipate seeing no more than a handful of clients per week. I am maintaining full time employment at Cambrian Dental centre with Dr. Lawrence Chong DDS.

If you have any questions or concerns please do not hesitate to call me personally and speak with me further.

Sincerely,

Karen Marinich, BBA, RDH dip
1035 Queen St. East
705 949-0597
Boathouse10@shaw.ca

Vincent M. Sguigna
123 Upton Road
Sault Ste. Marie, Ontario
Canada P6A 3W2
Phone: 705-949-4059
E-mail: vsguigna@shaw.ca

March 30, 2011

Mr. M. White
City Clerk
The Corporation of the City of Sault Ste Marie
P.O. Box 580
Sault Ste. Marie, ON P6A 5N1

Re: Re-Zoning Application A-8-11-Z
Karen Marinich
1035 Queen St. E.

RECEIVED	
CITY CLERK	
APR 01 2011	
NO.:	51802
DIST.:	Planning

Dear Mr. White:


In accordance with the notice I received with regards to the above captioned re-zoning application, I am filing in writing my objection to this re-zoning request.

Our neighborhood is a well established with predominately residential single family uses and I am concerned with allowing for a commercial use such has this request. I do not believe a dental hygiene business is in keeping with the intended use of the area. I am also concerned that this will set a precedent for future commercial applications in the area.

I would like to be advised of Council's decision on this matter. If this application is approved by Council, I will be making an appeal to the Ontario Municipal Board.

Thank you for your attention this matter.

Regards



Vincent M. Sguigna