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STAFF REPORT

February 12, 2026

ROLL NO:	5727030001345000000
APPLICATION:	B12-25
APPLICANT(S) / OWNER(S):	Curtis Berkenbosch
LOCATION:	AWERES PT SEC 14 PLAN M138;BLK D LOTS 31 TO 38 PCLS;3509 3533 SECAWS Lower Island Lake Road, Aweres Township
PURPOSE:	The applicant proposes to sever approximately 3.03 hectares of the subject lands for the purposes of a lot addition to the adjacent property to the northwest of the subject lands, municipally addressed as 90F Lower Island Lake Road (legally described as PLAN M138 LOT 18 PCL 12469; AWS). The proposed severed lands are presently vacant and include an intermittent watercourse along the eastern border. The proposed retained lands are currently vacant and the proposed benefiting lands are developed with an existing single-detached dwelling with individual on-site water and sewage services. No new buildings or structures are proposed as part of the application.
OFFICIAL PLAN DESIGNATION:	Rural
ZONING:	Rural (RU)
ACCESS:	Old Mill Road Pants Lake Road Lower Island Lake Road
CIRCULATION:	Algoma Public Health – Ministry of Transportation – Area Residents Mailed – Sign Posted –

BACKGROUND

The applicant proposes to sever approximately 3.03 hectares of the subject lands for the purposes of a lot addition to the adjacent property to the northwest of the subject lands, municipally addressed as 90F Lower Island Lake Road (legally described as PLAN M138 LOT 18 PCL 12469; AWS) (see Figure 1). Following the proposed severance, the retained parcel would have an area of approximately 22.5 hectares with irregular frontage along Pants Leg Road and Lower Island Lake Road. The subject lands are vacant and the benefiting lands are developed with an existing single-detached dwelling with individual on-site water and sewage services. No new buildings or structures are proposed with this application.

Adjacent lands to the north of the subject lands are developed with low density residential uses and Lower Island Lake further north, while lands to the south, west, and east of the subject lands are vacant and heavily treed. An intermittent waterway traverses the subject lands on the eastern portion of the lands proposed to be severed, which connects between Lower Island Lake and an unnamed lake to the south of the subject lands.

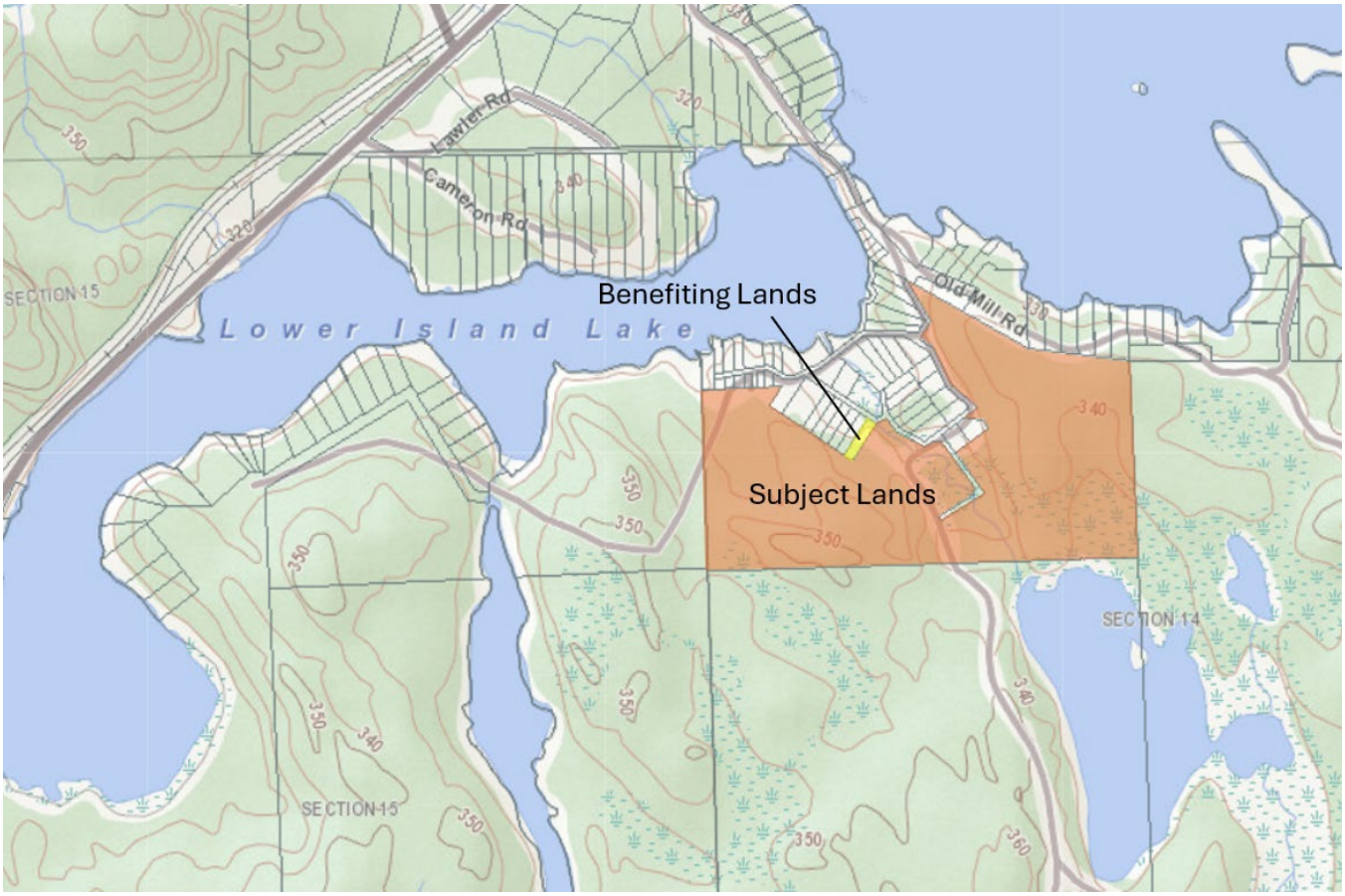

Figure 1 Key map of subject and benefiting lands

PLANNING ANALYSIS

Consistency with Provincial Planning Statement (2024)

The Provincial Planning Statement, 2024 (PPS) is issued under Section 3 of the *Planning Act* and provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land province-wide, helping to achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians. In respect of the exercise of any authority that affects a planning matter, the *Planning Act* requires that all decisions are consistent with policy statements issued under the Act, including the PPS.

Section 2.7 of the PPS provides policy direction regarding territory without municipal organization, stating that the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses, including recreational dwellings not intended as permanent residences. In areas that form part of a planning area, other uses may be permitted, provided the necessary infrastructure and public service facilities are planned or available to support the development and are financially viable over their life cycle, and it has been determined that the impacts of development will not place an undue strain on the public service facilities and infrastructure provided by adjacent municipalities and the Province.

The applicant proposes to sever lands for the purposes of a lot addition resulting in no new lot creation. The proposed benefitting lands will continue to be used for residential purposes and the proposed retained lands will continue to be vacant. As such, the demands on infrastructure and public service facilities will remain unchanged as a result of the proposed lot addition.

Section 3.6 of the PPS provides policy direction regarding sewage, water, and stormwater infrastructure. Policies within this section of the PPS state that where municipal sewage and water services or private communal sewage and water services are not available, planned, or feasible, individual on-site sewage and water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

The proposed benefitting lands are developed with a single-detached dwelling with existing individual on-site water and sewage services. The proposed lot addition will increase the lot area of the proposed benefiting lands where individual on-site services are located. As such, site conditions will be improved following the proposed lot addition for the long-term provision of such services with no negative impacts.

An intermittent waterway traverses the subject lands along the eastern border of the lands proposed to be severed. This waterway can be considered fish habitat for the purposes of the natural heritage policies of Section 4.1 of the PPS. Policies in this section state that development and site alteration shall not be permitted on adjacent lands to fish habitat, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Development is defined within the context of the PPS as the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*.

The proposed lot addition will not result in new lot creation nor the construction of any buildings and structures and therefore does not constitute development as per the PPS. As such, evaluation of the adjacent lands to the intermittent waterway will not be required to demonstrate that there will be no negative impacts to the fish habitat or its ecological functions.

Given the subject lands' proximity to Upper Island Lake, Lower Island Lake, and an unnamed waterbody to the south, it can be considered to have high potential for the recovery of archaeological resources. Section 4.6.2 of the PPS states that planning authorities shall not permit development and site alteration on areas of archaeological potential unless the significant archaeological resources have been conserved.

Since the proposed lot addition does not constitute development or site alteration as contemplated by the PPS, assessment of the subject properties' archaeological potential for the recovery and conservation of archaeological resources will not be required.

Based on the above, we recommend that the proposed lot addition is consistent with the relevant policies of the PPS.

Conformity with Official Plan for the Sault Ste. Marie North Planning Area

The subject lands are designated 'Rural' in the Official Plan for the Sault Ste. Marie North Planning Area (the Official Plan), where low density residential uses are permitted.

Table 3.7.11(A) of the Official Plan establishes criteria for consent applications. The proposed lot addition conforms to all relevant criteria, as below:

- Following the lot addition, both the proposed benefitting and retained lands will have a lot area greater than 0.8 hectares.
- The maximum number of severances does not apply to the proposed lot addition, as it will correct lot boundaries.

- The frontages of both the proposed benefitting and retained lands will remain unchanged following the proposed lot addition. Access to both the proposed benefitting and retained lands will also remain unchanged following the proposed lot addition.
- The proposed benefitting lands will continue to be serviced with individual on-site water and sewage services in accordance with Section 3.6.4 of the Official Plan.
- No road extensions are proposed with this application.
- The proposed lot addition will not result in new lot creation nor the construction of any buildings and structures and therefore does not constitute development. As such, an Environmental Impact Study will not be required in accordance with Section 2.2.4 of the Official Plan and an Archaeological Assessment will not be required in accordance with Section 3.10.4 of the Official Plan.
- The subject application complies with all relevant provisions of the Zoning By-law, as discussed in the section to follow.

Based on the above, we recommend that the proposed lot addition conforms to all relevant policies of the Official Plan.

Compliance with Zoning By-law

The subject lands are zoned Rural (RU) in Zoning By-law 1999-01 for the Sault Ste. Marie North Planning Area (the Zoning By-law), where single-detached dwellings are permitted among other uses.

Section 53(1) prescribes a minimum lot area of 0.8 hectares and a minimum lot frontage of 55 metres for lots in the RU Zone where they are developed with a single detached dwelling, seasonal dwelling, or mobile home.

Following the proposed severance and lot addition, the proposed benefitting parcel will have a lot area of approximately 3.18 hectares, bringing it into compliance with the requirements of the RU Zone. The lot frontage of the proposed benefitting lands is approximately 18.3 metres, less than the minimum required by the RU Zone, though it will remain unchanged by the proposed severance and lot addition.

The proposed retained lands will have a lot area of approximately 24.1 hectares and irregular frontage along Lower Island Lake Road and Pants Lake Road in excess of the minimum frontage required for the RU Zone (55 metres).

Requirements for single-detached dwellings in the RU Zone are as follows, which apply to the existing single-detached dwelling on the proposed benefitting lands and any future single-detached dwelling on the proposed retained lands:

- Maximum lot coverage 15 percent
- Minimum front yard 18 metres
- Minimum rear yard 15 metres
- Minimum side yards 6 metres
- Maximum height 10.5 metres

The lot coverage of the proposed benefitting lands will be less than 15 percent following the proposed lot addition. The proposed lot addition will increase the eastern side lot line setback by approximately 190 metres and the rear lot line setback by approximately 100 metres in respect of the existing single-detached dwelling on the proposed benefitting lands, while the western side lot line setback and front lot line setback will remain unchanged in accordance with the requirements of the RU Zone (approximately 7.7 metres and approximately 51.1 metres, respectively).

The proposed retained lands are vacant and will remain vacant following the proposed severance and lot addition. Any future buildings and structures on the proposed retained lands will need to comply with the requirements of the RU Zone at the time of their construction.

Based on the above, we recommend that the proposed severance and lot addition comply with the applicable requirements of the Zoning By-law.

General Notes

We note that while the roadway built over the subject property does not align with the actual road right of way in place on the property, it does not have a bearing on this application. However, the applicant may wish to address this issue in the future.

RECOMMENDATION

Based on our review, it has been demonstrated that the application to sever approximately 3.03 hectares from the subject lands for the purposes of a lot addition is consistent with the Provincial Planning Statement, conforms with the Official Plan for the Sault Ste. Marie North Planning Area, and complies with Zoning By-law 1999-01.

As such, we recommend that Application B12-25 be granted provisional consent approval, subject to the following conditions:

1. That the applicant provides the Planning Board with two (2) white prints and one (1) original PDF file 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 lands to be severed which conforms substantially with the application as submitted.

2. That the lands proposed to be severed be conveyed to the abutting landowner to the northwest (legally described as PLAN M138 LOT 18 PCL 12469; AWS and municipally addressed as 90F Lower Island Lake Road) and be consolidated with said owner's existing property.

3. That the Secretary-Treasurer be provided with legal descriptions of the lands being severed and the property to which it is being added, which must be sufficient for the issuance of the Certificate of Consent.

4. That the applicant shall submit a certified copy of the latest transfer document for the property to which the severed lands are being added, which clearly indicate that the lands being severed are to be conveyed and registered in the same name and interest of the property to which it is added and that Section 50 of the *Planning Act* shall apply to all subsequent conveyances and transactions.

The applicant is advised that any conditions of provisional consent must be fulfilled within two years of the decision of the Planning Board as per Section 53(41) of the *Planning Act*, after which provisional consent will lapse if outstanding conditions have not been fulfilled to the Planning Board's satisfaction. There is no extension of this two-year deadline.

Should you have any questions regarding this application, please contact the undersigned.

J.L. RICHARDS & ASSOCIATES LIMITED

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Planner

Reviewed by:

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Planner

RE:jb

Attachment: Schedule ‘A’

THE ABOVE IS A STAFF RECOMMENDATION ONLY, SUBJECT TO BOARD APPROVAL.

Schedule 'A'

Severance Sketch as submitted by Applicant