

SUBMISSION NO. A0005/2023

February 23, 2023

OWNER(S): NEW SUDBURY CENTRE INC. , c/o Primaris REIT 26 Wellington St Suite 400 Toronto ON M5E 1S2

AGENT(S): J.L. RICHARDS & ASSOCIATES, 384 Countryside Drive Sudbury ON P3E 6G2

LOCATION: PINs 02125 0201 & 02125 0195 & 02125 0197, Surveys Plan 53R-10597 Part(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 & Plan 53R-17876 Part(s) except 12 & Plan 53R-17362 Part(s) 3 and 4 & Plan 53R-17853 Part(s) 1, Lot(s) Part 9 and Part 10, Subdivision M-170, Lot Part 1, Concession 5, Township of McKim, 1349 Lasalle Boulevard, Sudbury

SUMMARY

Zoning: The property is zoned C5 (Shopping Centre Commercial), C5(2) (Shopping Centre) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval of a lot to be severed with existing commercial building, subject of a future Consent Application, providing a reduced railroad setback, minimum lot frontage and minimum landscaped open space at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, February 16, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, February 15, 2023

The above noted applications were submitted concurrently and seek to facilitate the severance of an existing commercial building containing two retail stores from a larger shopping centre (ie. New Sudbury Centre) situated on the balance of the subject lands at the corner of Barry Downe Road and Lasalle Boulevard in Sudbury. Staff in principle has no concerns with the variances as proposed as they are viewed as being largely technical in nature given that the areas of non-compliance would be triggered by a future consent application that seeks to sever the existing commercial building having two retail stores from the balance of the New Sudbury Centre lands. Staff would also advise that finer details related to the location of municipal infrastructure services (ie. water and sanitary sewer) and the avoidance of wild line servicing are most appropriately addressed through the consent process as a condition of provisional consent. The owner is cautioned however that additional minor variance application(s) may be required should the development proposal be altered through any future revisions during the consent application process. The onus is on the owner to proceed based on their own level of comfort at this point in the land use planning process.

Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, February 15, 2023

Based on the information provided, Building Services has no concerns with this application however the requested relief for railroad setback is not required as the building and setback is existing and under a registered site plan control agreement.

CGS: Strategic and Environmental Planning, February 15, 2023

No concerns.

Greater Sudbury Hydro Inc., February 14, 2023

No conflict.

The Nickel District Conservation Authority, February 09, 2023

Conservation Sudbury does not oppose Minor Variance A0005/2023. Part of the subject property is subject to flooding. However, the proposed consent is not within these regulated areas.

Notes

The proponent is advised that future development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at nddca@conservationsudbury.ca to determine the need for a permit.

CGS: Site Plan Control, February 06, 2023

There are several site plan control agreements registered on this property. All though we have no concerns with the minor variance being requested, the future Severance appears to result in a wild line service, where the water and sanitary services for the severed property are serviced by the services on the retained property. To avoid contravention of the City's Wild Line Service Connection Policy, the existing services for the severed property will need to be abandoned and new services provided directly off the municipal mains on Barrydowne. In Addition, the water service that is looped through the property to be retained appears to cross the severed property. The severance lines must be revised so that the water and sanitary services are self-contained within each property.

CGS: Development Engineering, February 03, 2023

No objection.

Ministry of Transportation, February 03, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The agent of the applicant, Jason Ferrigan of J.L. Richards, appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

NEW SUDBURY CENTRE INC.

the owner(s) of PINs 02125 0201 & 02125 0195 & 02125 0197, Surveys Plan 53R-10597 Part(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 & Plan 53R-17876 Part(s) except 12 & Plan 53R-17362 Part(s) 3 and 4 & Plan 53R-17853 Part(s) 1, Lot(s) Part 9 and Part 10, Subdivision M-170, Lot Part 1, Concession 5, Township of McKim, 1349 Lasalle Boulevard, Sudbury

for relief from Part 4, Section 4.37, subsection 4.37.2 a) and Part 7, Section 7.3, Table 7.3 of By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the lands to be severed, subject of future Consent Application, providing, firstly, a minimum railroad setback of 11.5m, where all buildings and structures shall be setback 15.0m from any lot line abutting a railroad right-of-way, secondly, a minimum lot frontage of 66.9m, where 100.0m is required, and thirdly, a minimum landscaped open space of 10.1%, where 15% is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<i>Member</i>	<i>Status</i>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0006/2023

February 23, 2023

OWNER(S): NEW SUDBURY CENTRE INC. , c/o Primaris REIT 26 Wellington St Suite 400 Toronto ON M5E 1S2

AGENT(S): J.L. RICHARDS & ASSOCIATES, 384 Countryside Drive Sudbury ON P3E 6G2

LOCATION: PINs 02125 0201 & 02125 0195 & 02125 0197, Surveys Plan 53R-10597 Part(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 & Plan 53R-17876 Part(s) except 12 & Plan 53R-17362 Part(s) 3 and 4 & Plan 53R-17853 Part(s) 1, Lot(s) Part 9 and Part 10, Subdivision M-170, Lot Part 1, Concession 5, Township of McKim, 1349 Lasalle Boulevard, Sudbury

SUMMARY

Zoning: The property is zoned C5 (Shopping Centre Commercial), C5(2) (Shopping Centre) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval of a lot to be severed with existing commercial building, subject of a future Consent Application, providing a reduced landscaped open space at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, February 16, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, February 15, 2023

The above noted applications were submitted concurrently and seek to facilitate the severance of an existing commercial building containing two retail stores from a larger shopping centre (ie. New Sudbury Centre) situated on the balance of the subject lands at the corner of Barry Downe Road and Lasalle Boulevard in Sudbury. Staff in principle has no concerns with the variances as proposed as they are viewed as being largely technical in nature given that the areas of non-compliance would be triggered by a future consent application that seeks to sever the existing commercial building having two retail stores from the balance of the New Sudbury Centre lands. Staff would also advise that finer details related to the location of municipal infrastructure services (ie. water and sanitary sewer) and the avoidance of wild line servicing are most appropriately addressed through the consent process as a condition of provisional consent. The owner is cautioned however that additional minor variance application(s) may be required should the development proposal be altered through any future revisions during the consent application process. The onus is on the owner to proceed based on their own level of comfort at this point in the land use planning process.

Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, February 15, 2023

SUBMISSION NO. A0006/2023 Continued.

Based on the information provided, Building Services has no concern with this application.

CGS: Strategic and Environmental Planning, February 15, 2023

No concerns.

Greater Sudbury Hydro Inc., February 14, 2023

No conflict.

The Nickel District Conservation Authority, February 09, 2023

Conservation Sudbury does not oppose Minor Variance A0006/2023. Part of the subject property is subject to flooding. However, the proposed consent is not within these regulated areas.

Notes

The proponent is advised that future development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

CGS: Site Plan Control, February 06, 2023

There are several site plan control agreements registered on this property. All though we have no concerns with the minor variance being requested, the future Severance appears to result in a wild line service, where the water and sanitary services for the severed property are serviced by the services on the retained property. To avoid contravention of the City's Wild Line Service Connection Policy, the existing services for the severed property will need to be abandoned and new services provided directly off the municipal mains on Barrydowne. In Addition, the water service that is looped through the property to be retained appears to cross the severed property. The severance lines must be revised so that the water and sanitary services are self-contained within each property.

CGS: Development Engineering, February 03, 2023

No objection.

Ministry of Transportation, February 03, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The agent of the applicant, Jason Ferrigan of J.L. Richards, appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

NEW SUDBURY CENTRE INC.

the owner(s) of PINs 02125 0201 & 02125 0195 & 02125 0197, Surveys Plan 53R-10597 Part(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 & Plan 53R-17876 Part(s) except 12 & Plan 53R-17362 Part(s) 3 and 4 & Plan 53R-17853 Part(s) 1, Lot(s) Part 9 and Part 10, Subdivision M-170, Lot Part 1, Concession 5, Township of McKim, 1349 Lasalle Boulevard, Sudbury

SUBMISSION NO. A0006/2023 Continued.

for relief from Part 7, Section 7.3, Table 7.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the lands to be severed, subject of future Consent Application, to permit a minimum landscaped open space of 10.9%, where 15% is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<i>Member</i>	<i>Status</i>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0007/2023

February 23, 2023

OWNER(S): 2834662 ONTARIO LIMITED, 1895 Clements Road, Unit 156 & 157, Pickering ON L1W 3V5

AGENT(S): NITIN MALHOTRA, c/o Tyler Timpany 9120 Leslie St Suite 208 Richmond Hill ON L4B 3J9

LOCATION: PIN 02123 0436, Surveys Plan 53R-18610 Part(s) 1, 2, 3, 4, 5, 6, and 7 & Plan 53R-21490 Part(s) except 1 and 2, Lot Part 2, Concession 5, Township of McKim, 835 Lasalle Boulevard, Sudbury

SUMMARY

Zoning: The property is zoned C2(118) (General Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit the construction of a commercial building and restaurant providing the exclusive use of a loading space at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, February 16, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, February 15, 2023

The variance being sought would facilitate the locating of a loading space within a queuing lane that is associated with an automotive lube shop on the subject lands that have frontage on Lasalle Boulevard in Sudbury. The lands are designated Secondary Community Node in the City's Official Plan and zoned "C2(118)", General Commercial Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that when utilized as a loading space there are two other queuing lanes that would remain available for vehicles awaiting service at the automotive lube shop. Staff further notes that there is an active site plan control application applicable to the lands and the variance being sought was identified through the site planning process (File # S.P.C.A. 2022-04). Staff notes that the site planning process has proceeded to a second submission of drawings for review and the owner has opted to initiate the minor variance process at this point. Staff has no land use planning concerns with the variance being sought as the use of one queuing land as a loading space would only occur intermittently when deliveries are being made to the automotive lube shop. Staff notes from the submitted sketch that six of the nine queuing spaces would remain available when deliveries are being made to the automotive lube shop. The owner is cautioned however that additional minor variance application(s) may be required should the development proposal be altered through any future revisions to the related site plan control application. The onus is on the owner to proceed based on their own level of comfort at this point in the land use planning process. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

SUBMISSION NO. A0007/2023 Continued.

CGS: Building Services Section, February 15, 2023

Based on the information provided, Building Services has no concerns with this application.

However, Owner to be advised of the following comments:

1) Any additional minor variances discovered throughout the Site Plan Control Agreement process will require another minor variance.

CGS: Strategic and Environmental Planning, February 15, 2023

No concerns.

Greater Sudbury Hydro Inc., February 14, 2023

No conflict.

The Nickel District Conservation Authority, February 09, 2023

Conservation Sudbury does not oppose Minor Variance A0007/2023. The location of a loading space is not within the jurisdiction of Conservation Sudbury.

The development, as shown on the distributed site plan, is adjacent to a wetland and a floodplain and has received permission from our office through Conservation Sudbury Permit #2023-02 dated January 17, 2023.

CGS: Site Plan Control, February 06, 2023

An application for site plan control has been submitted. The variance requested was noted in the site plan control comments. We have no objection.

CGS: Development Engineering, February 03, 2023

No objection.

Ministry of Transportation, February 03, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The agent of the applicant, Nitin Malhotra of Tyler Timpany Architecture, appeared before Committee and provided a summary of the application. The property owner, Karim Kara, confirmed the summary of the application as accurate and described delivery timelines in which the loading space would be used. The operation manager and owner of the franchise location, Salim Dedanwala, also provided further information with respect to the daily operations being related to the same type of loading spaces used in another Mr. Lube location within the City. Chair Dumont brought attention to comments from Development Approvals with respect to possible further minor variances being required after going through the site plan control process. The agent acknowledged the comment.

The following decision was reached:

DECISION:

THAT the application by:

2834662 ONTARIO LIMITED

the owner(s) of PIN 02123 0436, Surveys Plan 53R-18610 Part(s) 1, 2, 3, 4, 5, 6, and 7 & Plan 53R-21490 Part(s) except 1 and 2, Lot Part 2, Concession 5, Township of McKim, 835 Lasalle Boulevard, Sudbury

SUBMISSION NO. A0007/2023 Continued.

for relief from Part 5, Section 5.6, subsection 5.6.6 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the location of a loading space within a queueing lane, where it is required that any required loading space shall be unobstructed and available for loading purposes and used exclusively for that purpose at all times, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<i>Member</i>	<i>Status</i>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0008/2023

February 23, 2023

OWNER(S): RACHEL CHOUINARD, 71 Wembley Drive Sudbury ON P3E 1M7
CAMERON GREEN, 71 Wembley Drive Sudbury ON P3E 1M7

AGENT(S): CENTRELINE ARCHITECTURE, Attn: Dan Guillemette, 158 Elgin Street, Sudbury, ON P3E 3N5

LOCATION: PIN 73584 0509, Lot(s) 339, Subdivision 37S, Lot Part 5, Concession 3, Township of McKim, 71 Wembley Drive, Sudbury

SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit the reconstruction of a three-season addition on an existing single detached dwelling on the subject property providing eaves, uncovered steps, landing and minimum front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, February 16, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, February 15, 2023

The variances being sought would facilitate the reconstruction of an addition to an existing residential dwelling having frontage on Wembley Drive in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff attended the lands and note that a number of residential dwellings maintain similar front yard setbacks along Wembley Drive. Staff also observed that similar additions would appear to have been added to other residential dwellings along this portion of Wembley Drive. Staff also examined MPAC data and most residential dwellings along this portion of Wembley Drive were constructed between the 1920s and 1940s and therefore the front yard setbacks that exist are likely to be legal non-complying in nature. Staff does not anticipate any negative land use planning impacts would be generated on abutting residential properties or on the older urban residential character that exists along this portion of Wembley Drive. It is on this basis that staff has no concerns with the variances being sought. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, February 15, 2023

Based on the information provided, Building Services has no concerns with this application.

CGS: Strategic and Environmental Planning, February 15, 2023

No concerns.

Greater Sudbury Hydro Inc., February 14, 2023

No conflict.

The Nickel District Conservation Authority, February 09, 2023

Conservation Sudbury does not object to Minor Variance A0008/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, February 06, 2023

No objections.

CGS: Development Engineering, February 03, 2023

No objection.

Ministry of Transportation, February 03, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The agent of the applicant, Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

RACHEL CHOUINARD AND CAMERON GREEN

the owner(s) of PIN 73584 0509, Lot(s) 339, Subdivision 37S, Lot Part 5, Concession 3, Township of McKim, 71 Wembley Drive, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the reconstruction of a three season porch on an existing single detached dwelling providing, firstly, a landing and uncovered stairs to encroach 6.0m into the required front yard, where open, roofless and uncovered steps and landings providing access to a ground floor of a dwelling is permitted no closer than 0.6m to the lot line, and secondly, a minimum front yard setback of 1.95m with eaves encroaching 0.30m into the proposed 1.95m front yard setback, where 6.0m is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<i>Member</i>	<i>Status</i>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0009/2023

February 23, 2023

OWNER(S): CORI HOULE, 4475 Beaver Avenue Sudbury ON P3P 1C3
ROLAND HOULE, 4475 Beaver Avenue Sudbury ON P3P 1C3

AGENT(S): ROLAND HOULE, 4475 Beaver Avenue Sudbury ON P3P 1C3

LOCATION: PIN 73504 1621, Parcel 36417 SEC SES SRO, Survey Plan 53R-7220 Part(s) 1, Lot(s) Part 67,
Subdivision M-507, Lot Part 4, Concession 2, Township of Hanmer, 4475 Beaver Avenue, Hanmer

SUMMARY

Zoning: The property is zoned R1-5 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a detached garage on the subject property providing an accessory lot coverage and a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, February 16, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, February 15, 2023

The variances being sought would facilitate the construction of a detached garage on the subject lands having frontage on Beaver Avenue in Hanmer. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands have a total lot area of approximately 698 m² (7,513.21.00 ft²) which exceeds the required minimum lot area of 465 m² (5005.22 ft²) in the "R1-5" Zone. The lands also have a lot depth of approximately 48 m (157.48 ft) which exceeds the minimum required lot depth of 30 m (98.43 ft) in the "R1-5" Zone. Staff further notes that the proposed detached garage would maintain a setback of approximately 35 m (114.83 ft) from the street-line of Beaver Avenue. The abutting residential properties to the west are oriented in a manner whereby rear yards face the proposed detached garage which would appear to be buffered and screened in part by mature vegetation. Staff also notes that the proposed detached garage would otherwise appear to comply with all applicable yard setbacks for an accessory building in the "R1-5" Zone. Staff has no concerns in this particular residential context with the additional 1.5 m (4.92 ft) in maximum building height or the increased maximum accessory building lot coverage for the proposed detached garage. Staff also notes that the proposed detached garage would be accessed via the existing driveway entrance to Beaver Avenue. Staff advises that three sheds will need to be removed in order to construct the proposed detached garage as they do not appear to have been included in the maximum lot coverage calculation. Staff would also not support any further increases to the maximum accessory building lot coverage that is being sought in order to construct the detached garage. Staff would caution

SUBMISSION NO. A0009/2023 Continued.

the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also caution the owner that the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, February 15, 2023

Based on the information provided, Building Services has no concerns with this application.

CGS: Strategic and Environmental Planning, February 15, 2023

No concerns.

Greater Sudbury Hydro Inc., February 14, 2023

Outside of our territory.

The Nickel District Conservation Authority, February 09, 2023

Conservation Sudbury does not object to Minor Variance A0009/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, February 06, 2023

No objections.

CGS: Development Engineering, February 03, 2023

No objection.

Ministry of Transportation, February 03, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

One of the two Applicants, Roland Houle, appeared before the Committee and provided a summary of the Application. Committee Member Castanza stated that she had no objection to the relief being sought and noted that there was a good existing tree buffer. Chair Dumont brought attention to the owner of comments from Development Approvals in which they advised the garage was not to be utilized for commercial or industrial purposes and was not to be used as a human habitation as per the City Zoning By-law. Staff noted the three sheds on the property that are to be removed so that there is no further accessory lot coverage but did not recommend a condition as the removal of the sheds would be reviewed and required during the building permit review process and inspections.

The following decision was reached:

DECISION:

THAT the application by:

CORI HOULE AND ROLAND HOULE

the owner(s) of PIN 73504 1621, Parcel 36417 SEC SES SRO, Survey Plan 53R-7220 Part(s) 1, Lot(s) Part 67, Subdivision M-507, Lot Part 4, Concession 2, Township of Hanmer, 4475 Beaver Avenue, Hanmer

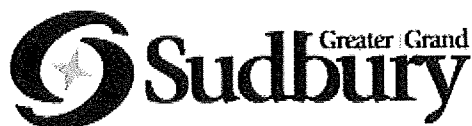
SUBMISSION NO. A0009/2023 Continued.

for relief from Part 4, Section 4.2, subsection 4.2.3 and subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing firstly, an accessory lot coverage of 14.14%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and secondly, a maximum height of 6.5m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<i>Member</i>	<i>Status</i>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0010/2023

February 23, 2023

OWNER(S): DIANE MESSIER, 1299 Paquette St Sudbury ON P3A 3X9
CLAUDE MESSIER, 1299 Paquette St Sudbury ON P3A 3X9

AGENT(S): LUC MESSIER, 3416 Martin Rd Blezard Valley P0M 1E0

LOCATION: PIN 73567 0333, Parcel Parcel 33280 SEC SES SRO, Survey Plan SR-1050 Part(s) 1, Lot(s) Part 12, Subdivision M-287, Lot Part 12, Concession 6, Township of Neelon, 1297 Paquette Street, 1299 Paquette Street, Sudbury

SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a secondary dwelling unit on the subject property providing an accessory lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, February 16, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, February 15, 2023

The variance being sought would facilitate construction of a secondary dwelling unit in the rear yard of the subject lands located at the corner of Paquette Street and Lamothe Avenue in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has no concerns with the variance providing a maximum lot coverage for accessory buildings of 12.54% whereas 10% is permitted for accessory buildings and structures on a residential lot. Staff also notes that the proposed secondary dwelling unit would otherwise appear to comply with all applicable yard setbacks for an accessory building in the "R1-5" Zone. Staff further notes that the required parking space for the secondary dwelling unit would be provided on the existing westerly driveway as it has sufficient width to provide two parking spaces that are not situated within the required corner side yard. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, February 15, 2023

Based on the information provided, Building Services has no concerns with this application.

However, Owner to be advised of the following comments:

SUBMISSION NO. A0010/2023 Continued.

1) Maximum accessory building height in an R2-2 zone is 5m.
CGS: Strategic and Environmental Planning, February 15, 2023

No concerns.

Greater Sudbury Hydro Inc., February 14, 2023

Service to be installed as per Sudbury Hydro service requirements. Contact GSHI Energy Supply if service upgrade required.

The Nickel District Conservation Authority, February 09, 2023

Conservation Sudbury does not object to Minor Variance A0010/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, February 06, 2023

No objections.

CGS: Development Engineering, February 03, 2023

No objection.

Ministry of Transportation, February 03, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

One of the two Applicants, Claude Messier, appeared before the Committee and provided a summary of the Application. Chair Dumont had a question for staff with respect to the comments from Building Services. Staff clarified the comment with respect to the maximum accessory height of 5.0m. Staff advised that the Application indicates the accessory building is planned to be 5.0m and sees the comment as a cautionary note to the owner.

The following decision was reached:

DECISION:

THAT the application by:

DIANE MESSIER AND CLAUDE MESSIER
the owner(s) of PIN 73567 0333, Parcel Parcel 33280 SEC SES SRO, Survey Plan SR-1050 Part(s) 1, Lot(s) Part 12, Subdivision M-287, Lot Part 12, Concession 6, Township of Neelon, 1297 Paquette Street, 1299 Paquette Street, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a secondary dwelling unit providing an accessory lot coverage of 12.54%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

SUBMISSION NO. A0010/2023 Continued.

<i>Member</i>	<i>Status</i>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0011/2023

February 23, 2023

OWNER(S): ALEXEI MALKOV , 31 Jones Lane, Welland, On, L3B 3M6
SVIATLANA TSIUSHAVA ,31 Jones Lane, Welland, On, L3B 3M6

AGENT(S): RICHARD DIOTTE , 109 Elm Street , Suite 206, Sudbury , On P3C 1T4

LOCATION: PIN 73585 0922, Lot(s) Part 109, Subdivision 31SA, Lot Part 6, Concession 3, Township of McKim, 409 Alder Street, Sudbury

SUMMARY

Zoning: The property is zoned R2-3 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a single family dwelling on the subject property providing reduced lot depth, front yard setback and rear yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, February 16, 2023

Roads
No concerns.

Transportation and Innovation Support
It appears from the provided sketch, that the NE corner of the proposed building is within the sight triangle. We recommend that as a condition of approval, the owner demonstrate that the proposed building is not within sight triangle.

Active Transportation
No concerns.

CGS: Development Approvals Section, February 16, 2023

The variances being sought would facilitate construction of a single-detached dwelling at the corner of Alder Street and Willow Street in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-3", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that a residential dwelling was formerly situated on the lands up until 2017 when it was demolished. Staff notes that the lands form a legal existing undersized lot of record having approximately 18 m (59.06 ft) of lot depth whereas a minimum lot depth of 30 m (98.43 ft) is required in the "R2-3" Zone. Staff advises in this regard that the lot depth variance is not required as the existing lot depth is legal non-complying under the City's Zoning By-law; however, staff has no concerns with the variance should the owner wish to proceed with requesting that the variance be approved. Staff is of the opinion that some degree of relief from the City's Zoning By-law is warranted given that the lands are undersized from a lot depth perspective and situated within an older urban residential neighbourhood where similar lot fabric containing residential dwellings exist. Staff is further of the opinion that the proposed front yard setback and rear yard setback are reasonable and not excessive in nature. Staff notes that the required parking space for the single-detached dwelling appears to be situated in the corner side yard along Alder Street whereas Section 5.2.4.3 b) prohibits a required parking space from being situated in a required corner side yard. There does appear however to be enough space along the side of the proposed residential dwelling to shift the parking space out of

SUBMISSION NO. A0011/2023 Continued.

the required corner side yard. Staff also notes that sufficient outdoor amenity space within this particular context would be provided should the variances be approved. Staff has also scaled the submitted sketch and it would appear that a small portion of the proposed residential dwelling may be situated within a required sight triangle measuring 7.5 m (24.61 ft) by 7.5 m (24.61 ft) under Section 4.35.1, Table 4.2 of the City's Zoning By-law. The owner is therefore cautioned that additional minor variance application(s) may be required should the residential dwelling be located within the sight triangle. The onus is on the owner to proceed based on their own level of comfort at this point in the land use planning process. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, February 15, 2023

Based on the information provided, Building Services is suggesting this application be deferred as the proposed building resides within the sight triangle. Building Services has no other concerns with the requested relief.

Owner to be advised of the following comments:

- 1) 50% of the required front yard and corner side yard are required to be maintained as landscaped open space.
- 2) Parking is not permitted in the required corner side yard of 4.5m.

CGS: Strategic and Environmental Planning, February 15, 2023

No concerns.

Greater Sudbury Hydro Inc., February 14, 2023

No structures shall encroach upon GHSI easements. For clarification, please contact GSHI Engineering Department. All structures, equipment and personnel must maintain proper clearance from energized electrical conductors and apparatus as per the latest edition of the Ontario Electrical Safety Code.

The Nickel District Conservation Authority, February 09, 2023

Conservation Sudbury does not object to Minor Variance A0011/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, February 06, 2023

No objections.

CGS: Development Engineering, February 03, 2023

No objection.

Ministry of Transportation, February 03, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The agent of the applicant, Richard Diotte of Barne Building and Construction Inc., appeared before Committee and provided a summary of the application. One of the owners, Alexei Malkov, also appeared before Committee in support of the application. Chair Dumont referenced notes from Transportation in regards to the site triangle. The agent advised that they have plans to shrink the building footprint by six inches to be able to meet the site triangle requirements. The agent also indicated that they intend to relocate the parking for the site to be in compliance. Chair Dumont directed a question to Staff about the comment from Canadian Pacific about the proximity to the railyard and recommendation to insert cautions in any tenancy agreements for the property. Chair Dumont questioned whether the cautionary note from CP needed to be a condition on the variance. Staff did not see it as necessary to impose a condition but that it was merely a comment to the owner to include a cautionary note in any Agreement of Purchase of Sale or Tenancy Agreement. Staff wanted to confirm to the Applicant that the setbacks on the sketch before committee were not going to be changing. The Agent advised that the footprint of the building would change but that the setbacks would be brought further into compliance. Chair Dumont asked Staff if a condition for an updated sketch was appropriate. Staff confirmed that a condition ensuring a review by Director of Planning Services and a timeline of thirty days would be recommended. Committee Member Castanza motioned to add a condition for an updated sketch to be provided. The resolution was amended to include a condition prior to the resolution being read.

The following decision was reached:

DECISION:

THAT the application by:

ALEXEI MALKOV AND SVIATLANA TSIUSHAVA

the owner(s) of PIN 73585 0922, Lot(s) Part 109, Subdivision 31SA, Lot Part 6, Concession 3, Township of McKim, 409 Alder Street, Sudbury

for relief from Part 6, Section 6.3, Table 6.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a single family dwelling providing firstly, a minimum lot depth of 18.28m, where 30.0m is required, secondly, a minimum front yard setback of 2.13m, where 6.0m is required, and thirdly, a minimum rear yard setback of 4.52m, where 7.5m is required, be granted, subject to a condition that the owner submit an amended sketch demonstrating compliance with sight triangle provisions in the City's Zoning By-Law to the satisfaction of the Director of Planning Services within thirty (30) days of the variance decision.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<i>Member</i>	<i>Status</i>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0012/2023

February 23, 2023

OWNER(S): SHEILA TASTULA, 1673 Sunnyside Road, Sudbury, On P3G 1H6
DAVID GIGLIOTTI, 1673 Sunnyside Road, Sudbury, On P3G 1H6

AGENT(S): TULLOCH ENGINEERING - VANESSA SMITH, 1942 Regent Street Unit L, Sudbury, On P3E 5V5

LOCATION: PIN 73473 0070, Parcel 8336 SEC SES, Lot Part Broken 10, Concession 3 as in LT46728A, Township of Broder, 1673 Sunnyside Road, Sudbury

SUMMARY

Zoning: The property is zoned R1-2 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a single-detached dwelling on the subject property providing no frontage onto an assumed road, lot frontage and front lot line at the street, water frontage and front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, February 16, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, February 16, 2023

The variances being sought would recognize the location of an existing single-detached dwelling accessed from Sunnyside Road and having water frontage on Long Lake in Sudbury. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that a building permit (File # B21-0335) to construct the residential dwelling was issued prior to the February 1, 2022, when increased shoreline setbacks and shoreline buffer area provisions came into effect under Section 4.41 of the City's Zoning By-law. Staff notes that the proposed residential dwelling demonstrated compliance with the former shoreline setback requirement of 12 m (39.37 ft) under Section 4.41 of the City's Zoning By-law when the building permit was issued. Staff further understands that the building permit was issued on June 18, 2021, and it was later identified that variances would be required in order to permit the single-detached dwelling as constructed and as shown on the submitted sketch. Staff would clarify that the lands are accessed via a private road and therefore by definition the lands form a waterfront lot under the City's Zoning By-law. Staff understands however that easements do exist along the private road which provides access to Sunnyside Road. The front lot line is also therefore considered to be the shoreline of Long Lake and not the private road street line on Sunnyside Road. It is on this basis that staff has no concerns with the variances being sought. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

SUBMISSION NO. A0012/2023 Continued.

CGS: Building Services Section, February 15, 2023

Based on the information provided, Building Services has the following comments:

1) This minor variance is to recognize an existing single-detached dwelling. The first requested relief of no frontage onto an assumed road is valid as access is provided through a right of way. The second requested relief for lot frontage of 0.0m and no front lot line at the street line is not required as the lot is an existing undersize lot of record. The third requested relief should only be for the relief required for the front yard setback of 4.8m, where 6.0m setback is required. The requested relief for minimum water frontage of 29.70m is not required as the lot is an existing undersize lot of record.

However, Owner to be advised of the following comments:

1) Retaining walls greater than 1.0m in height require a building permit. Contact Building Services if a permit is required.

CGS: Strategic and Environmental Planning, February 15, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 1673 Sunnyside Road. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

After reviewing the proposed development SEP staff do not oppose the application for the following reasons:

1. The existing structure appears to have complied with the standards required of shoreline setbacks at the time the building permit was issued.

Additional points are offered below for the benefit of the property owners and the Committee of Adjustment.

Shoreline property owners are encouraged to continue adopting lake-friendly practices.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms.

Shoreline residents can help reduce phosphorus levels or maintain them at low levels by following a few guidelines:

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².

2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.

3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn

SUBMISSION NO. A0012/2023 Continued.

fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.

4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.

5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.

6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.

7. Private sewage systems should be inspected and pumped at least every three years.

Property owners are encouraged to contact the City's Lake Water Quality Program at (705) 674-4455 ext. 4604 to book a free, confidential and non-regulatory shoreline home visit. During the visit, qualified staff will provide ideas and advice on shoreline management techniques to maintain and improve lake water quality.

The owner must contact Conservation Sudbury at (705) 674-5249 before starting any work in water or on the shoreline or stream bank (retaining walls, etc).

Greater Sudbury Hydro Inc., February 14, 2023

No conflict.

The Nickel District Conservation Authority, February 09, 2023

Conservation Sudbury does not oppose Minor Variance A0012/2023. The setbacks of this minor variance application are not within the role of the Conservation Authority. A permit was issued for this development and was closed in November 2022 with the receipt of the as-built survey.

Any further development within the floodplain would require permission from Conservation Sudbury.

CGS: Site Plan Control, February 06, 2023

No objections.

CGS: Development Engineering, February 03, 2023

No objection.

Ministry of Transportation, February 03, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The agent of the applicant, Vanessa Smith of Tulloch Engineering, appeared before Committee and provided a summary of the application. The owner, David Gigliotti, was also in attendance. The Chair asked whether there had been a letter from the public submitted. The Secretary-Treasurer confirmed that a letter had been received from a Lake Stewardship Committee but that the author of the letter requested that the letter be withdrawn.

The following decision was reached:

SUBMISSION NO. A0012/2023 Continued.

DECISION:

THAT the application by:

SHEILA TASTULA AND DAVID GIGLIOTTI

the owner(s) of PIN 73473 0070, Parcel 8336 SEC SES, Lot Part Broken 10, Concession 3 as in LT46728A, Township of Broder, 1673 Sunnyside Road, Sudbury

for relief from Part 4, Section 4.3, and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, in order to recognize the existing single-detached dwelling providing, firstly, no frontage onto an assumed road, whereas no person shall erect any building on any lot that does not have frontage on an assumed road, and secondly, a minimum front yard setback of 4.8m, where a minimum 6.0m setback is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

Public comment has been received but was subsequently withdrawn by the author and therefore had no effect on the Committee of Adjustment's decision.

<i>Member</i>	<i>Status</i>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring