

SUBMISSION NO. A0104/2023

January 17, 2024

OWNER(S): PATRICK LAPOINTE, 327 Mountain Street, Sudbury ON P3B 2T8  
JANE LAPOINTE, 327 Mountain Street, Sudbury ON P3B 2T8  
CAMILLE LAPOINTE, 327 Mountain Street, Sudbury ON P3B 2T8

AGENT(S): ROGER POITRAS, 3-70 Baker St, Sudbury ON P3C 2E7

LOCATION: PIN 02132 1037, Parcel 5686 SES, Survey Plan 53R-10918 Part(s) 1, Lot(s) Part 18 and 19, Subdivision M-55, Lot 4, Concession 4, Township of McKim, 327 Mountain Street, Sudbury

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**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 convert the existing building from two residential units to three residential units providing a lot area per unit, reduced number of parking spaces and reduced parking space dimensions at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 15, 2024

REVISED  
Roads  
No concerns.

Transportation and Innovation Support

We have concerns with the functionality of the parking space adjacent to the wall. The reduction in parking stall width from 3m to 2.7m will affect vehicle egress and ingress.

Active Transportation  
No concerns.

Greater Sudbury Hydro Inc., January 11, 2024

REVISED  
No conflict.

CGS: Development Approvals Section, January 11, 2024

REVISED

The purpose and effect of the application is to facilitate an addition of a residential dwelling unit within the basement of an existing duplex dwelling, resulting in a multiple dwelling with the following variances: 1. a minimum parking space width of 2.7, whereas 3 m is required; 2. a minimum of 2 parking spaces, whereas 3 parking spaces are required; and 3. a minimum lot area of 120 m<sup>2</sup> per dwelling unit, whereas 140 m<sup>2</sup> per dwelling unit is required. The application was deferred by Committee on September 13th, 2023, in order to provide the applicant an opportunity to address staff comments in regards to confirmation of dimensions and setbacks of the subject lands. The applicant has provided an updated sketch, which is reflective of the information staff previously requested. 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. The subject lands are located approximately 330 m from a GOVA transit stop. Surrounding lands uses are predominantly residential in nature. Although tandem parking is not permitted for a multiple dwelling, there appears to be enough area for an additional parking on the existing driveway north of parking space 2 for an additional vehicle to park, should the property owner require a third vehicle. No on street parking is

available along Mountain Street. The proposed additional dwelling unit would be located within the basement of the existing building, no new outward expansion of the dwelling is proposed. Staff is of the opinion that the requested variance is minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the variance be granted.

Ministry of Transportation, January 11, 2024

REVISED

We have determined the subject land is not within MTO's permit control area, therefore, MTO has no comments to provide.

CGS: Strategic and Environmental Planning, January 11, 2024

REVISED

No concerns.

CGS: Infrastructure Capital Planning Services, January 10, 2024

REVISED

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Building Services Section, January 10, 2024

REVISED

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

1) With respect to the proposed construction to convert the existing 2-unit dwelling into a 3-unit dwelling, building permit application and supplementary documents to be submitted to the satisfaction of the Chief Building Official.

The Nickel District Conservation Authority, January 09, 2024

REVISED

Conservation Sudbury does not object to Minor Variance A0104/2023 REVISED. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, January 03, 2024

REVISED

No objection.

Ministry of Transportation, September 07, 2023

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

CGS: Building Services Section, September 06, 2023

Building Services has reviewed your application and sketch for the requested minor variances, and we have the following comments:

The sketch provided is difficult to read, but in comparison to our records, there are several discrepancies. The consent history and survey records for the property indicate a lot frontage of 12.19m which accounts for the 2.87m setback to the north of the existing structure. If the frontage is actually 9.1m in length, the rear extension of the structure would be encroaching the northerly property. The lot frontage discrepancy also affects the lot area which, according to COA File A0059/1993, is 362.31

sq.m. providing 120 sq.m. per unit. The front yard measured from the property line is 2.77m. The parking shown is therefore encroaching beyond the front property line which is not permitted.

We recommend the application be deferred to provide opportunity to verify the property fabric and required variances.

Owner to be advised that a Building Permit to the satisfaction of the Chief Building Official is required for the creation of the third dwelling unit.

CGS: Development Approvals Section, September 06, 2023

The variances being sought would facilitate the addition of a residential dwelling unit within the basement of an existing duplex dwelling having frontage on Mountain 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 notes that the existing residential building maintains a front yard setback of approximately 2.84 m (9.32 ft) according to available as-built data, which results in both parking spaces encroaching into the road allowance of Mountain Street. Staff further notes that there may be opportunity to move both parking spaces onto the lands and out of the road allowance. It is noted however that the submitted sketch is not a survey plan and the measurement provided between the existing residential dwelling and the northerly interior side lot line appears to again conflict with available data from a previous minor variance and consent applications which adjusted the lot line between 327 Mountain Street and 331 Mountain Street (Files # A0060/1993 & B0069/1993). Staff also notes that a variance to reduce the lot frontage is not required given that the lands form and existing legal lot of record and the development proposal would not alter the existing frontage on Mountain Street. The lot area variance is however required given that the "R2-3" Zone establishes a ratio between number of dwelling units and lot area. Staff recommends that the application be deferred in order to afford the owner and agent the opportunity to address the above noted comments.

CGS: Infrastructure Capital Planning Services, September 06, 2023

Roads

No concerns.

Transportation and Innovation Support

We note from the sketch provided, that the owner has proposed 2 parking spaces. We have concerns regarding these parking spaces, as they encroach onto the City's right of way. We also have concerns with the reduction in the number of required parking spaces, it is important to note that on-street parking is not permitted on Mountain Street.

Active Transportation

No concerns.

Greater Sudbury Hydro Inc., September 05, 2023

No conflict.

The Nickel District Conservation Authority, September 05, 2023

Conservation Sudbury does not object to Minor Variance A0104/2023. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, August 31, 2023

No objection.

CGS: Development Engineering, August 30, 2023

No objection.

REVISED No objection.

September 13, 2023

The Agent of the Applicants, Roger Poitras, appeared before the Committee and provided a summary of the Application. Chair Dumont asked the Agent to describe the differences between the original sketch and the revised sketch provided and whether the revised sketch addresses the concerns that were raised. The Agent advised that there had been a few discrepancies between his measurements and the measurements from previous applications for the property.

Committee Member Sawchuk asked if there were any updates on the comments in relation to the revised sketch. Staff confirmed that Building Services and Development Approvals were still unable to support the application based on the measurements given.

Chair Dumont asked Staff if the recommendation remained as a deferral. Staff confirmed that they were not recommending a denial but a deferral to allow the Applicants to address the discrepancies.

The Agent asked how the parking spaces would not work based on the sketch provided. Chair Dumont confirmed that the sketches were not clear with what is being proposed and advised the Agent to refer to comments from the departments in order to understand what would be needed to improve his sketch and then he could return to the Committee once comments have been addressed.

January 17, 2024

The Agent, Roger Poitras, and one of the Applicants, Patrick Lapointe, appeared before the Committee. The Agent provided a summary of the application which had been previously deferred from the September 13, 2023, meeting and the amendments made to the application that was brought before the Committee at this meeting.

Committee had no comments or questions in relation to this application.

Staff advised that revised comments were received from Infrastructure Planning Group with respect to the reduction in parking width for the space next to the dwelling unit. Staff offered that there was no ability to increase the width as the site is existing. Staff in Development Approvals was not in opposition to that particular variance.

The following decision was reached:

**DECISION:**

THAT the application by:

**PATRICK LAPOINTE, JANE LAPOINTE AND CAMILLE LAPOINTE**

the owner(s) of PIN 02132 1037, Parcel 5686 SES, Survey Plan 53R-10918 Part(s) 1, Lot(s) Part 18 and 19, Subdivision M-55, Lot 4, Concession 4, Township of McKim, 327 Mountain Street, Sudbury

for relief from Part 5, Section 5.2, subsection 5.2.3.1 a) and Section 5.5, Subsection 5.5.3 as well as Part 6, Section 6.3, Table 6.4 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to facilitate the conversion of the existing building from two residential units to three residential units providing, firstly, a minimum of two (2) parking spaces, with a width of 2.7m, where three (3) parking spaces are required with a width of not less than 2.75m and where the width of a required parking space when the length abuts a wall or barrier shall be 3.0m, and secondly, a minimum lot area of 120.0 sq.m. per unit, where 140.0 sq.m. per unit 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 Buildings. 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.

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



SUBMISSION NO. A0133/2023

January 17, 2024

OWNER(S): DALRON CONSTRUCTION LIMITED, 130 Elm Street, Sudbury ON P3C 1T6

AGENT(S):

LOCATION: PIN 73575 0692, Survey Plan 53R-21729 Part(s) subject to easements over Parts 16 and 17, Lot(s) 7, Subdivision 53M-1442, Lot 9, Concession 3, Township of Neelon, 206-208 Eclipse Crescent, Sudbury

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SUMMARY

Zoning: The property is zoned R2-2(44) Low Density Residential Two according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit a semi-detached dwelling unit, subject of Consent Application B0090/2023, providing a rear yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., January 11, 2024

No conflict.

CGS: Strategic and Environmental Planning, January 11, 2024

No concerns.

CGS: Development Approvals Section, January 11, 2024

The purpose and effect of the application is to permit the construction of a semi-detached dwelling with a rear yard setback of 3.5 m, whereas the 'R2-2(44)' Zone requires a rear yard setback of 3.7 m. It is noted that the requested setback deficiency applies to only one of the residential units of the semi-detached building, known municipally as 208 Eclipse Crescent. Due to the irregularly shaped parcel, only the middle portion of the dwelling unit would have a setback of 3.5 m. The remainder of the dwelling unit is setback further from the rear lot line, maintaining sufficient rear yard amenity space. The subject lands are designated 'Living Area 1' within the Greater City of Sudbury Official Plan, are located within the 'Ramsey Lake Intake Protection (IPZ 3) Zone 3' within the Source Water Protection Plan and are zoned 'Special Low Density Residential Two (R2-2(44))' within the Greater City of Sudbury Zoning By-law. The lands are subject to Plan of Subdivision 780-6-05002 (Moonlight Ridge-Phase 4), Zoning By-law Amendment Application 751-6-20-17, and Consent Application B0090/2023. Surrounding land uses are residential in nature. Staff is of the opinion that the requested variance is minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the variance be granted.

Ministry of Transportation, January 11, 2024

We have determined the subject land is not within MTO's permit control area, therefore, MTO has no comments to provide.

CGS: Infrastructure Capital Planning Services, January 10, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Source Water Protection Plan, January 10, 2024

No activity or activities engaged in or proposed to be engaged in on the above noted property are considered to be significant drinking water threats at this time. You may undertake the activity or activities described in your application and proceed to apply for a Building Permit or Planning Approval as they are neither prohibited nor restricted for the purpose of Part IV of the Clean Water Act, 2006.

CGS: Building Services Section, January 10, 2024

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

1) We acknowledge an associated issued building permit for the existing semi-detached dwelling (22-1049). Our research indicates each dwelling unit to have an attached deck that has not been shown on the site plan provided. Due to the slightly altered location of the semi-detached dwelling, Owner/Applicant to ensure all minimum setbacks are met for the associated decks in accordance with the CGS Zoning By-law 2010-100Z.

The Nickel District Conservation Authority, January 09, 2024

Conservation Sudbury does not object to Minor Variance A0133/2023. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, January 05, 2024

No objection.

CGS: Site Plan Control, January 03, 2024

No objection.

The Agent of Applicant, Kristi Arnold, appeared before the Committee and provided a summary of the Application. Committee had no comments or questions in relation to this application.

The following decision was reached:

**DECISION:**

THAT the application by:

DALRON CONSTRUCTION LIMITED

the owner(s) of PIN 73575 0692, Survey Plan 53R-21729 Part(s) subject to easements over Parts 16 and 17, Lot(s) 7, Subdivision 53M-1442, Lot 9, Concession 3, Township of Neelon, 206-208 Eclipse Crescent, Sudbury

for relief from Part 11, Section 1, subsection 8, paragraph (rr), clause i) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing semi-detached dwelling unit, subject of Consent Application B0090/2023, providing a minimum rear yard setback of 3.5m, where 3.7m 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 variance is minor in nature and is desirable for the appropriate development and use of the land and Buildings. 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.

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

SUBMISSION NO. A0135/2023

January 17, 2024

OWNER(S): KOMRI COMMERCIAL HOLDINGS INC, Unit 2-166 Douglas St, Sudbury ON P3E 1G1

AGENT(S): RYAN BELL, Unit 209-3495 Rebecca Street, Oakville ON L6L 6X9

LOCATION: PIN 73586 0635, Lot(s) 139, Subdivision 4-SC, Lot Part 7, Concession 3, Township of McKim, 243 Regent Street, Sudbury

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**SUMMARY**

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

Application: Approval to convert the existing building from commercial space with four residential units to eight residential units, providing reduced number of parking spaces and an increase in residential density on the subject property all at variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., January 11, 2024

Service to be installed as per Sudbury Hydro service requirements.

CGS: Strategic and Environmental Planning, January 11, 2024

No concerns.

CGS: Development Approvals Section, January 11, 2024

The purpose and effect of the application is to permit the establishment of 4 additional residential dwelling units resulting in a multiple dwelling with a total of 8 dwelling units with the following variances: 1. a density of 137.9 units/ ha, whereas the maximum density required for a multiple dwelling unit is 60 unit/ha in the C2 Zone; and 2. a minimum of 6 parking spaces, whereas the minimum parking spaces required for a multiple dwelling containing 8 units is 11 (1.5 spaces/unit + 10% reduction). The subject lands are designated 'Mix Use Commercial' within the Greater City of Sudbury Official Plan, and are zoned 'General Commercial (C2)' within the Greater City of Sudbury Zoning By-law. The subject lands contain an existing building containing 4 residential dwelling units and a former commercial use (bank). The subject lands are located at the southwest corner of Isabel Street, classified as a local road, and Regent Street, classified as an arterial road within the City of Sudbury. The lands abut a GOVA transit route along Isabel Street and include bus stop locations within 50 m of the subject lands on Regent Street and within 200 m of the subject lands on Isabel Street. Additionally, there is on-street parking available on Isabel Street with a four-hour time limit. Surrounding land uses are commercial and residential in nature. A multiple dwelling unit without on-site parking would not be out of character in this area. The agent has advised that three of the proposed four new dwelling units would not have a parking space available to them, however, bicycle racking will be provided and transit is located in close proximity to the building in terms of alternate modes of transportation. Residential intensification is encouraged on sites that are no longer viable for the purpose for which they were intended, such as former commercial uses, subject to Official Plan criteria. It is noted that no outward expansion is proposed as a result of the additional units. The proposed units are to be located in an underutilized portion of an existing building. Staff advise that the applicant should consider including a clause within the rental agreement advising tenants that there is no on-site parking available. Staff is of the opinion that the requested variance is minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the variance be granted subject to the following condition: THAT the bicycle rack and landscaping strip be installed within one year from the date of decision.



Ministry of Transportation, January 11, 2024

We have determined the subject land is not within MTO's permit control area, therefore, MTO has no comments to provide.

CGS: Infrastructure Capital Planning Services, January 10, 2024

Roads  
No concerns

Transportation and Innovation Support

We have some concerns in regard to the reduction in the required number of parking spaces, it is important to note that on-street parking is not permitted on Regent Street and only short term on street parking (maximum of 4 hours) is available on Isabel St. Therefore, any overflow parking that may occur from this site will affect the neighboring property owners on other area roadways.

Active Transportation  
No concerns.

CGS: Building Services Section, January 10, 2024

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

1) We acknowledge an associated building permit (BP-NEW-2023-00532) for the proposed interior alterations to convert the existing commercial use of the building to a residential use by adding four residential units.

Applicant/Owner to be aware, as the use of the existing building is being converted to a more sensitive use (commercial to residential), a Record of Site Condition will be required in accordance with The Environmental Protection Act and O.Reg. 153/04.

2) We have reviewed the site plan provided with this application as well as the site plan provided with the aforementioned building permit application. Our review indicates several discrepancies between the two site plans including location, orientation, and number of parking spaces, location of bicycle parking, landscaped area, and site triangle. Applicant/Owner to provide an updated plot plan for the associated building permit (BP-NEW-2023-00532) so that zoning can be updated accordingly.

With respect to the site triangle, as the dimensions of the site triangle have not been provided, a site triangle distance of 7.5m shall be met for a local road in accordance with Part 4, Section 4.35, Provision 4.35.1, Table 4.2 of the Zoning by-law. Dimensions of site triangle to be provided.

The Nickel District Conservation Authority, January 09, 2024

Conservation Sudbury does not object to Minor Variance A0135/2023. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, January 05, 2024

No objection.

CGS: Site Plan Control, January 03, 2024

No objection.

The Applicant, Karim Omri of Komri Commercial Holdings Inc., appeared before the Committee and provided a summary of the Application. The Applicant advised that they own another lot in the area that can be used for overflow parking. Chair Dumont asked the Applicant if they were aware of the recommendation of a condition to be added to the decision which would require the Applicant to install the landscape strip and bicycle rack within one year of the decision, if Committee was to approve the variances sought. The Applicant advised they were aware and acknowledged that it is required for occupancy regardless. Chair Dumont reiterated the fact that they would have one year to install these items otherwise the approval would become null and void. The Applicant confirmed.

The following decision was reached:

**DECISION:**

THAT the application by:

KOMRI COMMERCIAL HOLDINGS INC

the owner(s) of PIN 73586 0635, Lot(s) 139, Subdivision 4-SC, Lot Part 7, Concession 3, Township of McKim, 243 Regent Street, Sudbury

for relief from Part 5, Section 5.5, Table 5.5 and Part 7, Section 7.2, Table 7.1, special provision 10 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to facilitate the conversion of the existing building by removing the commercial component in favour of adding four residential dwelling units to the existing four residential dwelling units for a total of eight residential dwellings units all contained within the existing building, firstly, providing a maximum net residential density of 137 units per hectare, where a maximum net residential density of 60 units per hectare is permitted, and secondly, to provide for a minimum of 6 parking spaces, where 11 is required, be granted, subject to the following condition:

1. THAT the bicycle rack and landscaping strip be installed within one year (365 days) from the date of decision to the satisfaction of the Director of Planning Services.

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 Buildings. 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.

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

SUBMISSION NO. A0137/2023

January 17, 2024

OWNER(S): SUDBURY HOME BUYERS INC, 114 Plumtree Cres, Sudbury ON P3B 4G6

AGENT(S): BRETT DILLMAN, 3-4123 Old Highway 69 North, Hanmer ON P3P 1A2

LOCATION: PIN 02179 0336, Parcel 22294 SEC SES, Lot(s) 483, Subdivision M-2S, Lot Part 7, Concession 4, Township of McKim, 534 McKim Street, Sudbury

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**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 second storey addition and converting the existing single detached dwelling on the subject property to a multiple dwelling, providing an increase in gross floor area within the interior side yard setback, minimum interior side yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., January 11, 2024

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. Contact GSHI energy supply department if disconnect/reconnect is required.

CGS: Strategic and Environmental Planning, January 11, 2024

No concerns.

CGS: Development Approvals Section, January 11, 2024

The purpose and effect of the application is to permit the establishment of a multiple dwelling with an interior side yard setback of 1.2 m, whereas the required interior side yard setback for the multiple dwelling with two storeys in the R2-3 Zone is 1.8m. The subject lands contain a single-storey single detached dwelling that is proposed to be converted into a two-storey multiple dwelling. The existing building is located 1.2m from the eastern internal side lot line. The existing building is not proposed to move any closer to the eastern internal side lot line as a result of the building conversion. The proposed second-storey addition will remain in compliance with the maximum height requirement of 11 m. Surrounding land uses include single-storey single detached dwellings, as well as two-storey multiple unit dwellings. Sufficient parking spaces can be accommodated on site. The subject lands are designated 'Living Area 1' within the Greater City of Sudbury Official Plan' and are zoned 'Low Density Residential Two (R2- 3)' within the Greater City of Sudbury Zoning By-law. Staff is of the opinion that the requested variance is minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the variance be granted.

Ministry of Transportation, January 11, 2024

We have determined the subject land is not within MTO's permit control area, therefore, MTO has no comments to provide.

CGS: Infrastructure Capital Planning Services, January 10, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, January 10, 2024

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

1) With respect to the proposed alteration to construct a second storey addition and convert the existing building from a single family dwelling to a 3-unit multiple dwelling, building permit application and supplementary documents to be submitted to the satisfaction of the Chief Building Official.

Based on our research, it appears the existing single family dwelling has been unoccupied, unmaintained, and vacant for over 10 years. Given this, at the time of building permit application, Owner/Applicant to be aware that Building Services will require a report from a Professional Engineer licensed in the Province of Ontario to confirm structural adequacy of the building to accommodate the proposed alterations.

As drawings for the proposed construction were not provided with this application, Applicant/Owner to be informed that additional minor variances may be identified at the time of building permit application.

The Nickel District Conservation Authority, January 09, 2024

Conservation Sudbury does not object to Minor Variance A0137/2023. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, January 05, 2024

No objection.

CGS: Site Plan Control, January 03, 2024

No objection.

The Agent, Brett Dillman, appeared before the Committee and provided a summary of the Application. The Agent confirmed that the application is solely for the relief from the east interior side yard.

Sonia Peczeniuk of 528 McKim Street, attended and expressed concerns with respect to the proposal not being in conformity with the existing character of the neighbourhood, the reduced side yard causing issues with drainage and ability to maintain the neighbouring property, privacy, visual intrusion, noise and light pollution, and reduced property values in the neighbourhood.

Patricia Petryshen of 520 McKim Street, attended and expressed agreement with the concerns outlined by Sonia Peczeniuk.

Lesia Zacerkowny of 540 McKim Street, attended and expressed concerns with respect to maintaining the aesthetics of the neighbourhood, the closeness of the proposed addition to the neighbouring property, adequate parking, increased traffic, parking issues, and snow removal. She also expressed concerns with the lack of greenspace, privacy, increased noise, dust and light pollution, and reduced property values in the neighbourhood. She has concerns that the strong stable neighbourhood of McKim Street will be negatively impacted with this proposal.

Paul Pelland identified himself as the designer assisting the applicant, and advised that they had verified the zoning, and it was determined that the conversion of the single family home to a multiple dwelling would be in compliance with respect to density and parking. They had consulted with Building Services and Planning Services to ensure that there no concerns with their proposed site plan. The Application was to allow the construction of the second storey within the same footprint as the first storey, otherwise they would have to setback the second storey an additional two feet.

Walter Bilvi of 539 McKim Street, attended and expressed concerns with respect to the closeness of the proposed addition to the neighbouring property which would negatively impact the ability to perform maintenance and add to the existing drainage issues. He had concerns about the roof having a wider footprint which would also contribute to the drainage issues.

The Secretary-Treasurer confirmed that letters of concern were received on January 11 and 12, 2024, from Sonia Peczeniuk and Jaroslawa Peczeniuk of 528 McKim Street, Mario Timpano of 504 McKim Street, Helene Vachon of 527 McKim Street, Walter Bilvi of 539 McKim Street, Anthony Gagan of 512 McKim Street, Patricia Petryshen and Angeline Petryshen of 520 McKim Street, Mitch Dykstra of 533 Granite Street, and Lesia Zacerkowny of 540 McKim Street. In response to the concerns raised by members of the public, the Agent confirmed that the lot size for the subject property is larger than most of surrounding lots containing three dwelling units. He confirmed the zoning for the neighbourhood which permits up to four dwelling units. The Agent advised that for privacy, the plan was to have an enclosed landing at the second storey as a neighbour had mentioned they had a bathroom window facing the building. He mentioned that the intent was to keep the same gable style roof with trusses. He also confirmed that this application is for one variance as the plans examiner they consulted with prior to application advised that no other variances would be needed. The Agent stated that as an owner of several rental properties, they are experienced in snow removal on small lots. He also advised that they have yet to determine whether the driveway will be gravel or asphalt. Committee Member Goswell asked Staff to clarify whether the changes with respect to higher density in residential neighbourhoods is provincially driven. Staff advised that while the province has increased the number of dwelling units permitted on residential lots, the City had these policies already in place. Staff confirmed that according to the zoning of this property, the dwelling units were permitted as of right outside of the Provincial changes. Committee Member Goswell asked Staff if the concerns of parking and greenspace were reviewed prior to providing their recommendation on this application. Staff confirmed that as the proposal stands today, it does not require variances from the zoning by-law for parking, height, use or open landscape space. Committee Member Goswell asked if the issue of quiet enjoyment should be a consideration when considering the increase of density. Staff advised that there is a noise by-law that would have to be complied with regardless of what zoning a property has.

Chair Dumont asked for clarification of whether the addition of the second storey is what triggers the variance request to increase the gross floor area of a legally existing dwelling. Staff confirmed this to be correct.

Chair Dumont advised that the question with respect to comments from the public is whether this creates a negative impact. He stated in this case, the building will remain the same distance from the neighbouring properties as it currently stands today. The height increase is permitted for the zoning. The addition of the units is permitted. Chair Dumont advised that he was of the opinion that there is no impact.

Committee Member Murray asked for confirmation that the eaves will not be any closer to the side lot line than they are today. Staff confirmed. Committee Member Murray thanked the public for attending and providing their concerns and that he was in agreement with the opinion that there does not appear to be any additional impact than what currently exists on the property.

The following decision was reached:

**DECISION:**

THAT the application by:

SUDBURY HOME BUYERS INC

the owner(s) of PIN 02179 0336, Parcel 22294 SEC SES, Lot(s) 483, Subdivision M-2S, Lot Part 7, Concession 4, Township of McKim, 534 McKim Street, Sudbury

for relief from Part 4, Section 4.2.5, Table 4.1, Section 4.25.1 and 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 permit a second storey addition and conversion of the existing single detached dwelling on the subject property to a multiple dwelling providing, firstly, an increase in gross floor area of a legally existing building of 197.4 sq.m., where enlargement, reconstruction, repair and/or renovation shall not increase the gross floor area of a building or structure located within the minimum required interior side yard setback, and secondly, a minimum interior side yard setback of 1.2m for the two storey addition with eaves encroaching 0.4m into the proposed 1.2m interior side yard setback, where 1.8m is required, and where eaves may encroach 0.6m into the required interior side yard but not closer than 0.6m to the lot line, 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 variance is minor in nature and is desirable for the appropriate development and use of the land and Buildings. The general intent and purpose of the By-Law and the Official Plan are maintained.



Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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