

SUBMISSION NO. A0038/2023

May 10, 2023

OWNER(S): CLAIRE MORRISON , 58 Berkley Court, Sudbury P3A 4B4
RICHARD FOREST, 58 Berkley Court, Sudbury P3A 4B4

AGENT(S):

LOCATION: PIN 73566 0649, Parcel 36275 SEC SES SRO, Lot(s) 137, Subdivision M-399 subject to LT64955, Lot 11, Concession 6, Township of Neelon, 58 Berkley Court, Sudbury

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 for an existing uncovered deck and shed on the subject property to encroach into the required interior side yard and rear at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, May 03, 2023

The variances being sought would recognize the location of an existing deck and shed in the rear yard of the subject lands that have frontage on Berkeley Court in Sudbury. 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 attended the lands and would note that the reduced interior side yard and rear yard setbacks would present challenges should the owner require access to the sides of the accessory structures for maintenance purposes. Staff is however satisfied that access would not be impossible should it be required. Staff also notes that the deck and shed immediately abuts a hedgerow providing buffering and screening to the rear yard of a residential property (ie. 52 Berkley Court) situated to the west. The shed is also buffered by mature vegetation to the south-west where another residential dwelling is situated (ie. 28 Berkley Court). The shed also does not appear to be generating any negative or unreasonable land use planning impacts on the outdoor amenity space provided in the rear yard for the residential lot situated to the south (ie. 72 Berkley Court). 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.

Greater Sudbury Hydro Inc., May 03, 2023

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

CGS: Building Services Section, May 03, 2023

Based on the information provided, Building Services has no concerns with this application. However, Applicant is to be advised of the following comments:

- 1) A review of the plot plan provided with the minor variance application indicates a rear yard setback from the shed of 0.52m whereas the plot plan submitted with the associated building permit application (20-1805) indicates a rear yard setback of 0.60m. Owner to provide an updated plot plan to Building Services for the associated building permit application that reflects the accurate setback in accordance with the relief being requested by way of this minor variance application.

The Nickel District Conservation Authority, May 03, 2023

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, for approval for an

existing uncovered deck and shed on the subject property to encroach into the required interior side yard and rear at variance to the By-law.

Conservation Sudbury does not object to Minor Variance A0038/2023. 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: Infrastructure Capital Planning Services, May 03, 2023

Roads
No concerns.
Transportation and Innovation Support
No concerns.
Active Transportation
No concerns.

CGS: Site Plan Control, May 02, 2023

From the perspective of Site Plan Control we have no objection.

Ministry of Transportation, April 28, 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.

CGS: Development Engineering, April 27, 2023

No objection.

CGS: Strategic and Environmental Planning, April 27, 2023

No concerns.

One of the Applicants, Richard Forest, appeared before the Committee and provided a summary of the Application. Chair Dumont asked Staff about the Building Services Department comment that an updated plot plan would be needed for the permit application. Staff advised that there was a difference between the plot plans given through the building permit application and the minor variance application, but that the setback indicated to Building Services was actually greater than the one being requested through the minor variance application and therefore would have no effect on the application being heard at the meeting herein. Chair Dumont asked if the Applicant was aware of the comments and the sketch discrepancy. The Applicant stated that he was unaware of the discrepancy between the plot plans given. Staff confirmed that the comment from Building Services did not affect the minor variance application and that Building Services should be contacted to clarify the building permit plot plan in the future.

The following decision was reached:

DECISION:

THAT the application by:

CLAIRE MORRISON AND RICHARD FOREST
the owner(s) of PIN 73566 0649, Parcel 36275 SEC SES SRO, Lot(s) 137, Subdivision M-399 subject to LT64955, Lot 11, Concession 6, Township of Neelon, 58 Berkley Court, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit firstly, an existing uncovered deck to encroach 0.44m into the required interior side yard, where uncovered decks greater than 1.2m in height may encroach 1.2 m into the required yard but no closer than 1.2 m to the interior side lot line, and secondly, an existing shed to encroach 0.44m into the required interior side yard and 0.68m into the required rear yard, where an accessory building greater than 2.5m in height shall be no closer than 1.2m from the rear or side 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 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
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0045/2023

May 10, 2023

OWNER(S): TYRA COUTU, 122 Goldenwood Court, Garson P3L 1S1

AGENT(S):

LOCATION: PIN 02117 0060, Parcel 29891 SEC SES, Subdivision M-562 Subject to 165184, Lot 1, Concession 6, Township of McKim, 1631 Redfern Street, Sudbury

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 an attached garage containing a secondary dwelling unit on the subject property providing rear yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, May 03, 2023

The variances being sought would facilitate an addition to an existing residential dwelling having frontage on Redfern Street in Sudbury. The proposed addition would be comprised of an attached garage along with a secondary dwelling unit. 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 existing residential dwelling along with the proposed addition will provide for yard setbacks that result in reduced yet sufficient and functional outdoor amenity space to the east of the existing residential dwelling and to the south of the proposed addition. Staff notes that two parking spaces are required for the single-detached dwelling and secondary dwelling unit. The submitted sketch does appear to depict two parking space within the proposed attached garage however these parking spaces are not dimensioned. The owner is therefore cautioned that two parking spaces must be provided on the lands that comply with parking space requirements in the City's Zoning By-law. It would appear however that sufficient area would exist within the attached garage to provide two parking spaces that comply with Section 5.2.3.1 c) of the City's Zoning By-law. Staff also has no concerns with the eaves variance. 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.

Greater Sudbury Hydro Inc., May 03, 2023

Maintain proper clearance from energized apparatus and conductors as per latest edition of Ontario Electrical Safety Code. Contact GSHI energy supply department if disconnect/reconnect is required.

CGS: Building Services Section, May 03, 2023

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

- 1) Building Services acknowledges the driveway identified on the plot plan provided. Applicant/Owner to be aware that in accordance with Part 5, Section 5.4.3.1.(c)(i) of Zoning By-law 2010-100Z, the maximum width of a driveway at the street line shall be 6.3m. Applicant/Owner to also be made aware that in accordance with Part 4, Section 4.15.2. of the Zoning By-law 2010-100Z, a minimum of 50% of all required front and corner side yards shall be maintained as landscaped open space.
- 2) Building Services acknowledges the building permit application #23-0309 to construct a garage addition with secondary unit.

The Nickel District Conservation Authority, May 03, 2023

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted

application for relief the Zoning By-law for the City of Greater Sudbury, as amended, for approval to construct an attached garage containing a secondary dwelling unit on the subject property providing rear yard setback and eaves at variance to the By-law.

Conservation Sudbury does not object to Minor Variance A0045/2023. 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: Infrastructure Capital Planning Services, May 03, 2023

Roads
No concerns.
Transportation and Innovation Support
No concerns.
Active Transportation
No concerns.

CGS: Site Plan Control, May 02, 2023

From the perspective of Site Plan Control we have no objection.

Ministry of Transportation, April 28, 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.

CGS: Development Engineering, April 27, 2023

No objection.

CGS: Strategic and Environmental Planning, April 27, 2023

No concerns.

The Applicant, Tyra Coutu, appeared before the Committee and provided a summary of the Application. Chair Dumont asked the Applicant if she had the opportunity to review the comments from Building Services with respect to the driveway width landscaping requirements in the by-law and to keep those comments in mind in order to prevent the need for further minor variances in the future. The Applicant confirmed receipt of the comments.

The following decision was reached:

DECISION:

THAT the application by:

TYRA COUTU
the owner of PIN 02117 0060, Parcel 29891 SEC SES, Subdivision M-562 Subject to 165184, Lot 1, Concession 6, Township of McKim, 1631 Redfern Street, 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 facilitate the construction of an attached garage containing a secondary dwelling unit, providing a minimum rear yard setback of 3.96m with eaves encroaching 0.609m into the proposed 3.96m rear yard setback, where a minimum rear yard setback of 7.5m is required and where eaves may encroach 1.2m into the required rear 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 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
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0047/2023

May 10, 2023

OWNER(S): PENNY BROSSEAU, 710 Vermilion Lake Road, Chelmsford P0M 1L0
LUC BROSSEAU , 710 Vermilion Lake Road, Chelmsford P0M 1L0

AGENT(S):

LOCATION: PIN 73367 0187, Parcel 27116 SEC SWS SRO , Survey Plan 53R-8619 Part(s) subject to LT36330, Lot Part 6 , Concession 6 Parts 5 and 6 , Township of Fairbank, 2117 Vermilion Lake Road, Chelmsford

SUMMARY

Zoning: The property is zoned R1-1 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct two additions and a porch on the existing single detached dwelling on the subject property providing a high water mark setback and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, May 03, 2023

REVISED

The variances being sought would facilitate additions including a porch to an existing single-detached dwelling that has frontage on Vermilion Lake Road in Chelmsford. The lands also have water frontage on Vermilion Lake. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-1", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the existing residential dwelling and deck maintains a legal non-complying shoreline buffer setback of approximately 16.77 m (55.02 ft) to the high watermark of Vermilion Lake. The existing deck is proposed to be covered. Staff notes that the proposed additions and covered deck would not further reduce the legal non-complying shoreline buffer setback that exists today on the lands. The proposed additions are also not unreasonable or excessive in nature and no negative land use planning impacts are anticipated on abutting residential properties should the variances be approved. 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, May 03, 2023

Based on the information provided, Building Services has no concerns with this application. However, Applicant/Owner is to be advised of the following comments:

1) With respect to the proposed construction to build two additions and alter the rear deck of the existing single family dwelling, Building Services acknowledges an associated building permit application (#23-0018).

CGS: Infrastructure Capital Planning Services, May 03, 2023

Roads
No concerns.
Transportation and Innovation Support
No concerns.
Active Transportation
No concerns.

The Nickel District Conservation Authority, May 03, 2023

Staff has reviewed this application as per our delegated responsibility from the Province to represent

provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 156/06.

Conservation Sudbury does not oppose Minor Variance A0047/2023. Part of the subject property is located in area regulated by the Conservation Authority. However, addition is located outside of the floodplain. Please do not extend fill further towards the lake as part of this construction process.

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.

Greater Sudbury Hydro Inc., May 03, 2023

Outside of our territory, therefore we have no concern.

CGS: Site Plan Control, May 02, 2023

From the perspective of Site Plan Control we have no objection.

Ministry of Transportation, April 28, 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.

CGS: Development Engineering, April 27, 2023

No objection.

CGS: Strategic and Environmental Planning, April 27, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 2117 Vermilion Lake road, Chelmsford. 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 variances for the following reasons:

1. The proposed additions are no closer to the highwater mark than the existing dwelling.

The proponent is advised that it is their sole responsibility to ensure compliance with the Endangered Species Act.

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 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).

The Applicants, Penny Brosseau and Luc Brosseau, appeared before Committee and provided a summary of the application.

Chair Dumont inquired of Staff whether the existing building is legal non-complying. Staff confirmed that the existing dwelling is legal non-complying and that because the Applicants are wishing to cover the existing deck, the deck then forms part of the existing dwelling which is the reason for the relief being sought in this application. Chair Dumont requested confirmation that the relief being sought was a 16.77m setback from the high water mark. Staff confirmed. Chair Dumont commended the Applicants on their planning of the additions to the existing dwelling which do not further encroach into the high water mark setback.

The following decision was reached:

DECISION:

THAT the application by:

PENNY BROSSAU AND LUC BROSSAU

the owner(s) of PIN 73367 0187, Parcel 27116 SEC SWS SRO , Survey Plan 53R-8619 Part(s) subject to LT36330, Lot Part 6 , Concession 6 Parts 5 and 6 , Township of Fairbank, 2117 Vermilion Lake Road, Chelmsford

for relief from Part 4, Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of additions on the existing single detached dwelling, providing, firstly, a high water mark setback of 16.77m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, and secondly, to permit the proposed additions to be 16.77m setback from the high water mark of a lake, where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3, 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
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0106/2022

May 10, 2023

OWNER(S): CHRISTINA ZUFFERLI, 2626 South Lane Rd Sudbury ON P3G 1C3
ANTHONY ROSSI, 2626 South Lane Rd Sudbury ON P3G 1C3

AGENT(S): CENTRELINE ARCHITECTURE, 158 Elgin St Suite 201 Sudbury ON P3E 3N5

LOCATION: PIN 73479 0352, Parcel 32196 SEC SES, Survey Plan SR-101 Part(s) 1, Lot Pt 12, Concession 5,
Township of Dill, 2626 South Lane 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 second storey addition on the existing detached garage to provide for a secondary dwelling unit on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, May 03, 2023

REVISED

This application was previously deferred at the Committee of Adjustment meeting on August 10, 2022, in order to afford the owner the opportunity to address those comments received from agencies and departments. Staff notes that the application has since been amended to clarify that the owner is seeking variances to permit a second-storey addition on an existing detached garage in order to accommodate a secondary dwelling unit. Staff previously noted that Building Services had identified a number of concerns related to building permit matters including an Order To Comply (OTC) associated with the existing detached garage that was built without benefit of a building permit. Staff are supportive of the variances proceeding provided that those issues identified previously by Building Services have been resolved. If concerns remain with respect to the existing detached garage, then it would be recommended that the application be deferred again. With respect to the variances being sought, staff notes that the existing detached garage is setback approximately 51 m (167.32 ft) from the street line of South Lane Road. The existing residential dwelling on the lands would also provide for a significant amount of screening from the proposed detached garage with secondary dwelling unit toward South Lane Road. The additional building height is therefore not anticipated to have any negative impacts on the existing residential development that exists along this portion of South Lane Road. Staff has also reviewed aerial photography and notes that the proposed detached garage with secondary dwelling unit above is surrounded on three sides by mature vegetation that provides buffering and screening to abutting residential properties. Staff would also note that there are no primary residential dwellings in close proximity to the proposed detached garage with secondary dwelling unit whereby negative land use planning impacts might be generated (eg. privacy). Staff also has no concerns with the reduced rear yard setback being proposed. 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, May 03, 2023

REVISED

Based on the information provided, Building Services has no concerns with this application. However, Applicant/Owner is to be advised of the following comments:

- 1) Building Services acknowledges the building permit application #23-0291 to construct a second storey on the existing detached garage to accommodate a secondary dwelling unit with attached deck and to legalize the front porch and rear deck of the existing single family dwelling.
- 2) With respect to the sheds identified on the plot plan that fall outside of the property boundary, Owner

to be informed the sheds must be relocated on the subject property to comply with all Zoning By-law requirements or be removed from the property.

The Nickel District Conservation Authority, May 03, 2023

REVISED

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, for approval to construct a second storey addition on the existing detached garage to provide for a secondary dwelling unit on the subject property providing a height at variance to the By-law.

Conservation Sudbury does not object to Minor Variance A0106/2022. 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: Infrastructure Capital Planning Services, May 03, 2023

REVISED

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

Greater Sudbury Hydro Inc., May 03, 2023

REVISED

Contact GSHI Energy Supply if service upgrade required.

CGS: Site Plan Control, May 02, 2023

REVISED

From the perspective of Site Plan Control we have no objection.

Ministry of Transportation, April 28, 2023

REVISED

The Ministry of transportation has also reviewed the minor variance application A0106/2022 – Zufferli, Rossi and can confirm that the subject lands are located within MTO's permit control area and is subject for review under the Public Transportation and Highway Improvement Act R.S.O 1990. The MTO supports the application in principle with the following comments to consider:

No MTO permits required.

The MTO should be notified of any future change in use or zoning to the subject lands.

CGS: Strategic and Environmental Planning, April 27, 2023

REVISED

No concerns.

CGS: Strategic and Environmental Planning, August 04, 2022

No concerns.

CGS: Development Approvals Section, August 03, 2022

The variance being sought would facilitate construction of a second-storey addition to an existing detached garage on the subject lands that have frontage on South Lane Road 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 the addition is intended to accommodate a secondary dwelling unit above the existing detached garage. Staff notes from aerial photography that there is an uncovered deck at the rear of the single-detached dwelling that is not depicted on the submitted sketch and as a result compliance with the City's Zoning By-law cannot be determined. Staff would advise the owner that a further minor variance may be required as uncovered decks require setbacks to interior side lot lines depending on their height under Section 4.2.5, Table 4.1 of the City's Zoning By-law. Staff also understand from Building Services that there are also a number of concerns related to building permit matters including an Order To Comply (OTC) associated with the existing detached garage that was built without benefit of a building permit. Staff recommends that the application be deferred in order to afford the owner the opportunity to address those comments received from circulated agencies and departments.

CGS: Infrastructure Capital Planning Services, August 03, 2022

Roads

No concerns.

Traffic / Transportation and Innovation Support

No concerns.

The Nickel District Conservation Authority, August 03, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a second storey addition to an existing detached garage, providing a maximum height of 7.1m where it shall be 5.0m.

Conservation Sudbury does not object to Minor Variance A0106/2022. 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, August 03, 2022

No objections.

Greater Sudbury Hydro Inc., August 02, 2022

No conflict.

CGS: Building Services Section, July 29, 2022

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

1) We recommend deferral of this application until such time that a building permit application has been submitted for the proposed construction to convert the existing garage into a 2-storey secondary dwelling unit. Our records indicate an outstanding Order to Comply for the existing garage as it was built without benefit of a building permit. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.

2) With respect to the primary dwelling, our research indicates an extensive exterior alteration was completed without benefit of a building permit. It appears the exterior alteration included enlarging the front entrance. As setbacks from the new entrance to the property lines have not been indicated on the site plan, setbacks to be provided. Building Permit and Building Permit documents to be submitted to the satisfaction of the Chief Building Official.

3) With respect to the deck at the rear of the primary dwelling, Owner/Applicant to be informed that a building permit is required if the deck is greater than 24" above grade (attached or detached from the dwelling). Please note that if the deck is attached to the dwelling (regardless of height), a building permit is required. Height shall be measured from the top of the walking surface to grade. Should the existing rear deck fall within the above criteria, Building Permit and Building Permit documents to be submitted to the satisfaction of the Chief Building Official.

With respect to the site plan, Owner/Applicant to be advised that in order for Building Services to complete a thorough and comprehensive review of all new construction and existing construction to be legalized, the site plan must reflect all buildings and structures on the property (including entrances, porches, and decks) and their setbacks to the property lines.

Given the above information, we note that additional minor variances may be identified at the time of building permit.

CGS: Development Engineering, July 27, 2022

REVISED: No objection.

August 10, 2022 -The applicant's agent, Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the application and a history of the existing detached garage and an order to comply. The agent requested Committee to consider the relief for the height separate and apart from staff comments relating to the existing dwelling. Committee Member Dumont commented on staff's comments and expressed support for staff's recommendation. Committee Chair Chartrand asked staff if they have concerns with the height being requested. Staff provided clarification on Building Services' comments and reviewed the height standards of the Zoning By-law for an R1-2 zoned property. The agent explained that permit drawings are ready pending the approval of the height to address the order to comply that has been issued for the existing garage. The agent explained that the applicant's intent was to rectify the order to comply with the proposed renovation. Committee Chair Chartrand requested staff to provide an explanation on the building permit process. Staff referred to Building Services' comments and their recommendation to defer the application. Committee Member Castanza asked staff, based on comments, why the application was permitted to be scheduled for the meeting. Committee Chair Chartrand requested staff to explain the risk of a decision as it relates to an order to comply. Staff explained the process when an application is received by the Secretary-Treasurer and further explained that if any changes are required through the building permit process the risk is Committee granting a variance that the applicant wouldn't be able to act upon. Staff also explained that further variances may be required in relation to the uncovered deck that was not disclosed in the application. Committee Member Dumont explained that based on the discussions he understands the impact of staff's comments. Committee Chair Chartrand expressed support for staff's recommendation.

May 10, 2023

The Agent of the Applicants, Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the application. The Agent stated that they discovered further issues with the site after the deferral of the matter previously brought before Committee. They have since corrected the relief required and are attending before Committee again for that relief.

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

The following decision was reached:

DECISION:

THAT the application by:

CHRISTINA ZUFFERLI AND ANTHONY ROSSI

the owner(s) of PIN 73479 0352, Parcel 32196 SEC SES, Survey Plan SR-101 Part(s) 1, Lot Pt 12, Concession 5, Township of Dill, 2626 South Lane Road, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 and Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a second storey addition on the existing detached garage to provide for a secondary dwelling unit providing, firstly, a maximum height of 7.1m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m and secondly, a rear yard setback of 0.68m with eaves encroaching 0.30m into the proposed 0.68m rear yard, where an accessory building greater than 2.5m in height shall be no closer than 1.2m from the rear lot line and where eaves may encroach 1.2m into the required rear 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 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
Matt Dumont	Concurring
Ron Goswell	Concurring