

SUBMISSION NO. A0079/2023

August 30, 2023

OWNER(S): GROUPE FINANCIER PILIERS, Attn: MOUSSA ADOU 914 Meadowside Avenue, Sudbury ON P3A 4J3

AGENT(S): RENE BOUTHILLETTE, 4508 Beaver Avenue, Hanmer, ON P3P 1C4

LOCATION: PIN 02134 0304, Parcel 150 SEC SES, Lot(s) 7, Subdivision M-26, Lot 7, Concession 4, Township of McKim, 6 Eyre 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: For approval to construct a multiple dwelling on the subject property, providing a rear yard setback, eaves and landscaping all at variance to the By-Law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, August 25, 2023

REVISED

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

Owner to be advised that a building permit application to the satisfaction of the Chief Building Official is required for the retaining walls exceeding 1.0 m in overall height and for the proposed vehicular / pedestrian guards. The retaining wall systems and guards are to be designed by a Professional Engineer licensed in Ontario. Building Services may determine further variances once the retaining wall details have been submitted and reviewed.

CGS: Infrastructure Capital Planning Services, August 24, 2023

REVISED

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

Ministry of Transportation, August 23, 2023

REVISED

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 Approvals Section, August 23, 2023

REVISED

This application was previously deferred in order to afford the owner the opportunity to address those comments received from circulated agencies and departments. Staff understands that the owner has provided an updated sketch depicting landscaped open space in the rear yard and along both interior side yards which demonstrates compliance with the minimum landscaped open space requirement of 10% of the lot area that is required under the applicable "R2-3" Zone of the City's 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.

Greater Sudbury Hydro Inc., August 22, 2023

REVISED  
No conflict.

The Nickel District Conservation Authority, August 22, 2023

REVISED  
Conservation Sudbury does not object to Minor Variance A0079/2023. 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, August 17, 2023

REVISED  
No objection.

CGS: Building Services Section, July 13, 2023

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

Owner to be advised that a building permit application to the satisfaction of the Chief Building Official is required for the retaining walls exceeding 1.0 m in overall height and for the proposed vehicular / pedestrian guards. The retaining wall systems and guards are to be designed by a Professional Engineer licensed in Ontario. Building Services may determine further variances once the retaining wall details have been submitted and reviewed.

CGS: Infrastructure Capital Planning Services, July 13, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns

CGS: Development Approvals Section, July 12, 2023

The variances being sought would facilitate construction of a multiple dwelling containing three residential dwellings units on the subject lands that have frontage on Eyre Street in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-3", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff is unable to support the variance to provide 0% landscaped open space whereas the "R2-3" Zone requires a minimum of 10% landscaped open space. Staff further notes that Section 4.15.2 of the City's Zoning By-law requires that 50% of the required front yard must also be maintained as landscaped open space whereas the submitted sketch depicts a parking area with parking spaces occupying the entirety of the front yard. Staff notes there may be opportunity to provide landscaped open space in the rear yard and within both interior side yards. Staff does not have any concerns with the rear yard setback variance given that the lands are situated within an older established urban residential neighbourhood having a variety of existing residential built-forms with many of the lots having legal non-complying rear yard setbacks (eg. 2 Eyre Street & 345 Pine Street). Staff is however unable to support the overall development proposal at this time but is not recommending that the variances be denied at this time because there does appear to be opportunity to provide some degree of landscaped open space on the lands. Staff recommends that the application be deferred in order to afford the owner the opportunity to address the above noted comments.

Ministry of Transportation, July 10, 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.

Greater Sudbury Hydro Inc., July 10, 2023

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, July 10, 2023

Conservation Sudbury does not object to Minor Variance A0079/2023. 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, July 06, 2023

No objections.

CGS: Development Engineering, July 05, 2023

No objection.

REVISED: No objection.

July 19, 2023

The Applicant, Moussa Adou of Groupe Financier Piliers, appeared before Committee and provided a summary of the application.

Committee Member Murray asked whether there had been any comments from the Applicant with respect to providing landscaping in the rear and side yards. Staff advised that there had been no confirmation received and that Staff could not support the relief being sought without evidence that open landscape space would be provided in those yards. The Applicant advised that they are willing to provide a sketch showing compliance with 10% open landscape in the rear and interior side yards.

August 30, 2023

The representative of the Applicant, Adou Moussa of Group Financier Piliers, appeared before Committee and provided a summary of the application, which had been previously deferred from the July 19, 2023, meeting. The Applicant described the updated plan which provides open landscape space in the side and rear yards.

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

The following decision was reached:

#### DECISION:

THAT the application by:

**GROUPE FINANCIER PILIERS**

the owner(s) of PIN 02134 0304, Parcel 150 SEC SES, Lot(s) 7, Subdivision M-26, Lot 7, Concession 4, Township of McKim, 6 Eyre Street, Sudbury

for relief from Part 4, Section 4.2, Table 4.1, Section 4.15.2 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, in order to facilitate the construction of a multiple dwelling containing three residential dwelling units by, firstly, providing a minimum rear yard setback of 5.5m, with eaves encroaching 0.6m into the proposed 5.5m 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, and secondly, to allow 0% landscaping where a minimum of 50% of all required front yards shall be maintained as landscaped open space, 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.

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

SUBMISSION NO. A0090/2023

August 30, 2023

OWNER(S): LISA LEMAY, 600 Park Rd, Worthington ON P0M 3H0  
ROBERT LEMAY, 600 Park Rd, Worthington ON P0M 3H0

AGENT(S): RADEY RENOVATION & CONSTRUCTION, Atte: Kevin Radey, 311 Paddy Lake Rd, Sudbury ON P3E 4N1

LOCATION: PIN 73365 0076, Parcel 17618 SEC SWS, Survey Plan 53R-15951 Part(s) 1, Lot Part 1, Concession 1, Township of Trill, 600 Park Road, Worthington

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### SUMMARY

**Zoning:** The property is zoned SLS (4) (Seasonal Limited Service) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval to allow a reduced front yard setback, interior side yard setback, increase in gross floor area within the shoreline setback, high water mark setback and shoreline structure for existing dwelling, accessory structures, existing deck and proposed deck on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, August 25, 2023

**REVISED**

Building Services has reviewed your application and sketch for the requested minor variances, and we have no concerns with the requests.

We acknowledge receipt of Building Permit B21-1212, which indicates a scope of work including a new foundation, finished basement, and attached deck.

Based on the sketch provided, there have been structures constructed on the property without benefit of permit. We acknowledge the intent to remove some of these structures, however the framed bunkie proposed to be relocated will require a building permit to the satisfaction of the Chief Building Official.

CGS: Strategic and Environmental Planning, August 24, 2023

**REVISED**

The Strategic and Environmental Planning (SEP) Section has reviewed the revised proposed development at 600 Park Road, Worthington. 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.

Fairbank Lake is noted as a Lake Trout Lake, with spawning habitat areas. These spawning habitat areas are particularly sensitive to human disturbance occurring both in water and along the shoreline. The spawning habitat appears to be approximately 1,000 metres from the subject site, therefore a study of the site is not required per policy 9.2.4.3 of the Official Plan.

Staff have reviewed the requested minor variances pertaining to setbacks from the highwater mark being the existing retaining wall 1, existing retaining wall 2, existing and proposed deck, and the revised location of the existing privy.

Staff recognize that the existing retaining walls are hold back soil that support mature vegetation and their removal may cause the vegetation to be harmed. As such, staff do not oppose minor variances



related to the existing retaining walls.

Staff recognize that decks and other accessory structures are not permitted within the zoning of the subject parcel. However, elsewhere in the City decks are permitted within the vegetated buffer area and up to the shoreline. As such, staff do not oppose the minor variance related to the existing and proposed deck.

Fairbank Lake is recognized as a lake with phosphorus enrichment concerns and is categorized as Enhanced Management 2. It is important that efforts be made to reduce phosphorus loadings to lakes from sources that can be controlled, such as septic systems, soil erosion, and fertilizers. Staff note that the proponent has revised their application and is relocating the privy to a location where a minor variance is not required.

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 276m<sup>2</sup>.
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).

CGS: Infrastructure Capital Planning Services, August 24, 2023

REVISED  
Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Ministry of Transportation, August 23, 2023

REVISED  
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 Approvals Section, August 23, 2023

REVISED  
This application was previously deferred in order to afford the owner the opportunity to address those comments received from circulated agencies and departments. Staff notes that the variance related to the privy has now been removed. The privy will be relocated by the owner in compliance with the City's Zoning By-law. The sauna and "bunkie" described in the initial application have also been relocated and no longer requires any variances. Staff is now able to support the variances being requested that pertain to the retaining walls, proposed new deck and basement addition to the existing residential dwelling. 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.

The Nickel District Conservation Authority, August 22, 2023

REVISED  
Conservation Sudbury does not oppose Minor Variance A0090/2023. At the building permit stage, proponent will need to demonstrate that deck is outside of the flooding hazard if deck is proposed to be attached to the dwelling. Deck needs to be 1.2m above the high water mark if attached to the dwelling. This can be demonstrated by photos or a side profile drawing.

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](mailto:ndca@conservationsudbury.ca) to determine the need for a permit.

CGS: Site Plan Control, August 17, 2023

REVISED  
No objection.

CGS: Development Approvals Section, July 27, 2023

The variances being sought would facilitate the construction of an addition to an existing deck as well as recognizing existing retaining walls, a privy and the existing deck structure itself on the subject lands

that have frontage on Park Road in Worthington. The lands also have water frontage on Fairbank Lake. The lands are designated Rural in the City's Official Plan and zoned "SLS (4)", Seasonal Limited Service under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the existing privy may have legal non-complying status however the date of construction and its placement on the lands is not evident in the application materials that were submitted for consideration. If the privy is legal non-complying, then it would be permitted to remain in its current location, however if it is not legal non-complying then staff would advise that there appears to be sufficient room on the lands to relocate the privy in compliance with shoreline setback requirements of the "SLS (4)" Zone. If the owner were to confirm legal non-complying status through Building Services for the privy and remove the variance to recognize such then staff would be supportive of the balance of the variances. The owner could also amend their application to relocate the privy in compliance with shoreline setback requirements. 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.

Ministry of Transportation, July 26, 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.

Greater Sudbury Hydro Inc., July 26, 2023

Please note that A0090/2023 is outside of our territory, therefore we have no comment.

CGS: Building Services Section, July 26, 2023

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

We acknowledge receipt of Building Permit B21-1212, which indicates a scope of work including a new foundation, finished basement, and attached deck.

The existing seasonal dwelling is legally located within the required shoreline setback; however, the addition of a finished basement increases the gross floor area within the required setback. The minor variance should include the location of the seasonal dwelling at variance to the required shoreline setback.

Based on the sketch provided, there have been structures constructed on the property without benefit of permit. We acknowledge the removal of some of these structures, however the framed building proposed to be relocated will require a building permit to the satisfaction of the Chief Building Official.

The submitted sketch is poor quality, however we have utilized the survey provided with the building permit and can advise that we have no concerns with the requested variances at this time.

CGS: Infrastructure Capital Planning Services, July 26, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Strategic and Environmental Planning, July 26, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the revised proposed development at 600 Park Road, Worthington. 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.



Fairbank Lake is noted as a Lake Trout Lake, with spawning habitat areas. These spawning habitat areas are particularly sensitive to human disturbance occurring both in water and along the shoreline. The spawning habitat appears to be approximately 1,000 metres from the subject site, therefore a study of the site is not required per policy 9.2.4.3 of the Official Plan.

Staff have reviewed the requested minor variances pertaining to setbacks from the highwater mark being the existing retaining wall 1, existing retaining wall 2, existing and proposed deck, and existing privy.

Staff recognize that the existing retaining walls are hold back soil that support mature vegetation and their removal may cause the vegetation to be harmed. As such, staff do not oppose minor variances related to the existing retaining walls.

Staff recognize that decks and other accessory structures are not permitted within the zoning of the subject parcel. However, elsewhere in the City decks are permitted within the vegetated buffer area and up to the shoreline. As such, staff do not oppose the minor variance related to the existing and proposed deck.

Fairbank Lake is recognized as a lake with phosphorus enrichment concerns and is categorized as Enhanced Management 2. It is important that efforts be made to reduce phosphorus loadings to lakes from sources that can be controlled, such as septic systems, soil erosion, and fertilizers. As such, staff do not support the minor variance associated with the existing privy as it poses a phosphorus risk to Fairbank Lake.

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 276m<sup>2</sup>.
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 Nickel District Conservation Authority, July 24, 2023

Conservation Sudbury does not oppose Minor Variance A0090/2023.

Change of location for the bunkie and sauna are further away from regulated features such as the watercourse and shoreline. Conservation Sudbury is in support of this. Bunkie should be located 15m from the top of the bank of the watercourse.

At the building permit stage, proponent will need to demonstrate that deck is outside of the flooding hazard if deck is proposed to be attached to the dwelling. Deck needs to be 1.2m above the high water mark if attached to the dwelling. This can be demonstrated by photos or a side profile drawing.

**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](mailto:ndca@conservationsudbury.ca) to determine the need for a permit.

CGS: Site Plan Control, July 23, 2023

No concerns.

CGS: Development Engineering, July 19, 2023

No objection.

REVISED: No objection.

The Applicant, Lisa Lemay, and the Agent of the Applicants, Kevin Radey of Radey Renovation & Construction, appeared before Committee and provided a summary of the application which had been previously deferred at their request prior to the August 2, 2023, meeting. They confirmed that the privy and bunkie had been relocated thus eliminating the need for relief for those structures. They added the relief needed with respect to the finished basement based on the comments previously provided by Building Services.

Chair Dumont applauded the Applicants on the efforts made to address the comments previously provided from City Departments which has now resulted in support of the application from all departments.

The following decision was reached:

**DECISION:**

THAT the application by:

LISA LEMAY AND ROBERT LEMAY

the owner(s) of PIN 73365 0076, Parcel 17618 SEC SWS, Survey Plan 53R-15951 Part(s) 1, Lot Part 1, Concession 1, Township of Trill, 600 Park Road, Worthington

for relief from Part 4, Section 4.25, subsection 4.25.1, Section 4.41, subsections 4.41.3 and 4.41.4, Part 9, Section 9.3, Table 9.3 and Part 11, Section 4, subsection 4, paragraph(d), clause (ii) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit existing retaining walls and deck,

as well as a proposed new deck and finished basement on the existing single detached dwelling, providing firstly, a minimum front yard setback of 0.98m for an existing retaining wall and 3.35m for the existing and proposed deck, where 10.0m is required, secondly, a minimum interior side yard setback of 0.1m for the existing and proposed deck, where 3.0m is required, and thirdly, a minimum high water mark setback of 2.95m for retaining wall 1, 14.9m for retaining wall 2, 4.4m for the existing and proposed deck, and 8.3m for the finished basement, where enlargement, reconstruction, repair and/or renovation must comply with all other applicable zone provisions, where the minimum setback for main and accessory buildings, other than boathouses, pump houses and docks shall be no closer than 25.0m from the high water mark, and 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 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
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0098/2023

August 30, 2023

OWNER(S): ANDRE POIRIER, 1101 Perreault Drive, Chelmsford ON P0M 1L0  
GISELE POIRIER, 1101 Perreault Drive, Chelmsford ON P0M 1L0  
DENIS POIRIER, 1101 Perreault Drive, Chelmsford ON P0M 1L0  
TAMMY LECLAIR, 1101 Perreault Drive, Chelmsford ON P0M 1L0

AGENT(S): DEE BURGESS, 5060 Highway 69 N, Hanmer ON P3P 1B9

LOCATION: PIN 73396 0228 SRO, Survey Plan 53R-4917 Part(s) 1, Lot Part 10, Concession 6, Township of Snider,  
1101 Perreault Drive, Chelmsford

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### SUMMARY

Zoning: The property is zoned RU (Rural) 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 a maximum height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, August 24, 2023

Roads  
No concerns.

Transportation and Innovation Support

It appears from the sketch provided, that the applicant is proposing a circular driveway with a width of 7.6 meters at the street line. We have concerns with the circular driveway widths, as it does not meet the bylaw requirements which allows for a 4-meter-wide driveway at street line. We advise the applicant to apply for and receive a driveway entrance permit for the proposed circular driveway to the satisfaction of the General Manager of Growth and Infrastructure.

Active Transportation  
No concerns.

Ministry of Transportation, August 23, 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 Approvals Section, August 23, 2023

The variance being sought would facilitate construction of a detached garage in the front yard of the subject lands that have frontage on Perreault Drive in Chelmsford. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would be situated approximately 30.5 m (100.07 ft) from the street-line of Perreault Drive whereas the minimum front yard setback for any building in the "RU" Zone is 10 m (32.81 ft). The proposed location also provided for a westerly interior side yard setback of 33.83 m (110.99 ft) whereas 1.2 m (3.94 ft) is required for an accessory building in the "RU" Zone. Staff does not anticipate any negative land use planning impacts on abutting rural properties or on the existing rural character that exists along this portion of Perreault Drive should the additional building height of 0.79 m (2.59 ft) be approved. There are also a number of mature trees in the area that can reasonably be anticipated to provide some degree of buffering and screening toward abutting rural properties as well as the street-line of Perreault Drive. Staff therefore has no concerns with the proposed detached garage having a maximum height of 7.29 m (23.92 ft).

whereas a maximum height of 6.5 m (21.32 ft) for an accessory building on a rural lot is permitted. Staff advises that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building on a rural lot. Staff would caution 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 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.

CGS: Building Services Section, August 23, 2023

Based on the information provided, Building Services has no concerns with the Minor Variance request for increased height of the accessory structure.

Based on Building Permit records, the increased height is required for a secondary dwelling unit on the second floor of the proposed garage.

The Nickel District Conservation Authority, August 22, 2023

Conservation Sudbury does not object to Minor Variance A0098/2023. 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.

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must contact Conservation Sudbury directly. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

CGS: Site Plan Control, August 17, 2023

No objection.

CGS: Development Engineering, August 16, 2023

No objection.

The Agent of the Applicants, Dominique Burgess, appeared before the Committee and provided a summary of the Application.

Chair Dumont brought the Agent's attention to the comments from Infrastructure Capital Planning where it was advised that the driveway width proposed on the sketch would have to be reduced to comply with the zoning by-law. The Agent confirmed that they will adhere to the 4.0m driveway width requirement.

The following decision was reached:

**DECISION:**

THAT the application by:

ANDRE POIRIER, GISELE POIRIER, DENIS POIRIER AND TAMMY LECLAIR  
the owner(s) of PIN 73396 0228 SRO, Survey Plan 53R-4917 Part(s) 1, Lot Part 10, Concession 6, Township of Snider, 1101 Perreault Drive, Chelmsford

for relief from Part 4, Section 4.2, subsection 4.2.4 b) 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 a maximum height of 7.29m, where the maximum height of any building or structure accessory to a residential dwelling shall be 6.5m, 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
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring





## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0099/2023

August 30, 2023

OWNER(S): DEBRA BLANCHETTE, 140 Notre Dame Street West, Azilda ON P0M 1B0  
ANDREW BLANCHETTE, 140 Notre Dame Street West, Azilda ON P0M 1B0

AGENT(S):

LOCATION: PIN 73347 0642, Parcel 28299 SEC SWS SRO, Survey Plan 53R-10669 Part(s) 1 s/t LT138215, LT138216, Lot Part 6, Concession 2, Township of Rayside, 410 Notre Dame Street West, Azilda

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### SUMMARY

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

Application: Approval of a lot to be severed, subject of Consent Application B0052/2022, providing a minimum lot area at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, August 24, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Ministry of Transportation, August 23, 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 Approvals Section, August 23, 2023

The above noted applications were submitted concurrently and seek to facilitate the creation of two new future development lots having frontage on Notre Dame Avenue West in Azilda. The lands are designated Living Area 1 in the City's Official Plan and zoned "FD", Future Development under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that there is also a related consent application (File # B0052/2023) which seeks to reinstitute the former lot fabric that existed prior to the inadvertent merging on title. The City's Consent Official approved the related consent application with a condition that appropriate relief from the City's Zoning By-law be obtained. Staff noted previously that both the severed and retained lands contain single-detached dwellings along with accessory buildings and structures known municipally as 410 Notre Dame Avenue West and 436 Notre Dame Avenue West respectively. Staff also understands that the lands inadvertently merged when the current owners acquired 436 Notre Dame Avenue West in March 2019. Staff is satisfied that the reinstitution of lot fabric which existed as recent as March 2019 would not compromise the ability of the subject lands to accommodate more than a single-detached dwelling in the future. It was on this basis that staff supported the previous consent application and it is on the same basis that staff is supportive of the variances now being sought.

Recommendation for A0099/2023

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.

CGS: Building Services Section, August 23, 2023

Building Services has reviewed the subject property and recommends deferral to address further Minor Variance considerations.

There has been development on the property completed without benefit of permit as well as having incomplete building permits. We have reviewed our records and available aerial imagery to determine the following concerns:

Shed A was constructed without benefit of permit and appears to have a lean-to side which has not been included in the calculated area. The area of the entire roofed structure requires a building permit if over 15 sq.m.

Shed B has an issued permit which needs to be completed and closed.

Shed C was constructed without benefit of permit.

House D appears to have had additional construction to the rear without benefit of permit.

Aerial imagery indicates a further structure to the rear of Shed B that has not been shown and was constructed without benefit of permit.

Confirmation of total area is required to confirm lot coverage, and the zone standards for FD Zones requires a minimum 3.0m separation between structures.

Building Permit Applications to the satisfaction of the Chief Building Official are required for all construction done without permit or shall be removed. Pre-engineered buildings will require Professional Engineer's review and approval.

The Nickel District Conservation Authority, August 22, 2023

Conservation Sudbury does not object to Minor Variance A0099/2023. 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.

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must contact Conservation Sudbury directly. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

CGS: Site Plan Control, August 17, 2023

No objection.

CGS: Development Engineering, August 16, 2023

No objection.

The Applicants, Debra Blanchette and Andrew Blanchette, appeared before the Committee and provided a summary of the Application. The Applicants advised that they have applied for building permits for the shed and deck attached to the house since receiving comments from Building Services.

Chair Dumont asked Staff if Development Approval's position has changed in relation to the recommendation of deferral from Building Services. Staff advised that the position has not changed but that the 3m building separation distance is an issue that would require a further variance or relocation of the said buildings. The Applicants advised that they were working with Building Services to produce a solution to the building separation distances required.

The following decision was reached:

**DECISION:**

THAT the application by:

DEBRA BLANCHETTE AND ANDREW BLANCHETTE

the owner(s) of PIN 73347 0642, Parcel 28299 SEC SWS SRO, Survey Plan 53R-10669 Part(s) 1 s/t LT138215, LT138216, Lot Part 6, Concession 2, Township of Rayside, 410 Notre Dame Street West, Azilda

for relief from Part 10, Section 10.3, Table 10.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the lands to be retained, subject of Consent Application B0052/2022, providing a minimum lot area of 1.65 ha, where 4.0 ha 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
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0100/2023

August 30, 2023

OWNER(S): DEBRA BLANCHETTE, 140 Notre Dame Street West, Azilda ON P0M 1B0  
ANDREW BLANCHETTE, 140 Notre Dame Street West, Azilda ON P0M 1B0

AGENT(S):

LOCATION: PIN 73347 0008, Parcel 10788 SEC SWS, Survey Plan 53R-3901 Part(s) except 11, Lot Part 6, Concession 2 as in LT72357, Township of Rayside, 436 Notre Dame Street West, Azilda

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### SUMMARY

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

Application: Approval of a lot to be severed, subject of Consent Application B0052/2022, providing a minimum lot area at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, August 24, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Ministry of Transportation, August 23, 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 Approvals Section, August 23, 2023

The above noted applications were submitted concurrently and seek to facilitate the creation of two new future development lots having frontage on Notre Dame Avenue West in Azilda. The lands are designated Living Area 1 in the City's Official Plan and zoned "FD", Future Development under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that there is also a related consent application (File # B0052/2023) which seeks to reinstitute the former lot fabric that existed prior to the inadvertent merging on title. The City's Consent Official approved the related consent application with a condition that appropriate relief from the City's Zoning By-law be obtained. Staff noted previously that both the severed and retained lands contain single-detached dwellings along with accessory buildings and structures known municipally as 410 Notre Dame Avenue West and 436 Notre Dame Avenue West respectively. Staff also understands that the lands inadvertently merged when the current owners acquired 436 Notre Dame Avenue West in March 2019. Staff is satisfied that the reinstitution of lot fabric which existed as recent as March 2019 would not compromise the ability of the subject lands to accommodate more than a single-detached dwelling in the future. It was on this basis that staff supported the previous consent application and it is on the same basis that staff is supportive of the variances now being sought.

Recommendation for A0100/2023

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.

CGS: Building Services Section, August 23, 2023

Based on the information provided, Building Services has no concerns with the Minor Variance request for reduced lot area.

The Nickel District Conservation Authority, August 22, 2023

Conservation Sudbury does not object to Minor Variance A0100/2023. The north-west portion of the property is adjacent to a watercourse. Future development within 15m of the watercourse requires permission of Conservation Sudbury.

CGS: Site Plan Control, August 17, 2023

No objection.

CGS: Development Engineering, August 16, 2023

No objection.

The Applicants, Debra Blanchette and Andrew Blanchette, 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:

DEBRA BLANCHETTE AND ANDREW BLANCHETTE  
the owner(s) of PIN 73347 0008, Parcel 10788 SEC SWS, Survey Plan 53R-3901 Part(s) except 11, Lot Part 6, Concession 2 as in LT72357, Township of Rayside, 436 Notre Dame Street West, Azilda

for relief from Part 10, Section 10.3, Table 10.3 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 Consent Application B0052/2022, providing a minimum lot area of 0.89 ha, where 4.0 ha 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
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



SUBMISSION NO. A0101/2023

August 30, 2023

OWNER(S): TODD MAZZUCA, 17A Young Street Capreol, ON P0N 1H0

MARGARET MAZZUCA, 17A Young Street Capreol, ON P0N 1H0

AGENT(S): TODD MAZZUCA, 17A Young Street Capreol, ON P0N 1H0

LOCATION: PIN 73507 0514, Parcel 5043 SEC SES, Lot(s) 133 - 134, Subdivision M-65, Lot Part 11, Concession 6, Township of Capreol, 81 Young Street, Capreol

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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 permit a duplex dwelling without a non-residential use, providing minimum lot area, lot frontage, front yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, August 24, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Ministry of Transportation, August 23, 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 Approvals Section, August 23, 2023

The variances being sought would facilitate construction of a duplex dwelling having frontage on Young Street in Capreol. The lands are designated Town Centre in the City's Official Plan and zoned "C2", General Commercial under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the duplex dwelling would not appear out of character given that this portion of Young Street contains similar residential built-forms on both sides of Young Street between King Street to the north and Bloor Street to the south. The variances if granted would also not remove the full range of "C2" land uses from the lands and in the future said land use permissions could be utilized to further develop or redevelop the site. Staff is supportive of the front yard setback variance as it would allow for the proposed duplex dwelling to align with abutting residential dwellings along the south side of Young Street. Staff notes however that the variances pertaining to a reduced minimum lot area and minimum lot frontage are not required as the lands form a legal existing lot of record. Staff does not recommend approval of the lot area and lot frontage variances. Staff recommends that the variances pertaining to a reduced front yard setback and to permit a duplex dwelling as a residential built-form on the lands 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, August 23, 2023

Based on the information provided, Building Services has no concerns with the Minor Variance requests.

For clarity only, the proposed build form for the project is a semi-detached.

Greater Sudbury Hydro Inc., August 22, 2023

No conflict.

The Nickel District Conservation Authority, August 22, 2023

Conservation Sudbury does not object to Minor Variance A0101/2023. 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, August 17, 2023

No objection.

CGS: Development Engineering, August 16, 2023

No objection.

One of the Applicants, Todd Mazzuca, appeared before the Committee and provided a summary of the Application.

Committee Member Castanza asked Staff to clarify the recommendations for the relief requested. Chair Dumont clarified the recommendations. Staff advised that at the time of application, variances were added to the application that were not needed for a legal-existing undersized lot.

Staff confirmed that the relief for lot frontage and lot area should be removed from the resolution to coincide with the recommendation from Staff. Staff also requested that the built form of the dwelling be changed from duplex to semi-detached as specified by Building Services.

The following decision was reached:

**DECISION:**

THAT the application by:

**TODD MAZZUCA AND MARGARET MAZZUCA**

the owner(s) of PIN 73507 0514, Parcel 5043 SEC SES, Lot(s) 133 - 134, Subdivision M-65, Lot Part 11, Concession 6, Township of Capreol, 81 Young Street, Capreol

for relief from Part 4, Section 4.2, Table 4.1 and Part 7, Section 7.2, Table 7.1 and 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 permit firstly, a residential use on the ground floor of a proposed semi-detached dwelling, where any dwelling containing not more than two dwelling units must have a permitted non-residential use as a main use on the ground floor provided that the lot is a fully serviced lot, and secondly, a minimum front yard setback of 4.72m with eaves encroaching 0.6m into the proposed 4.72m front yard setback, where a minimum front yard setback of 6.0m is required and where eaves may encroach 1.2m into the required front 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 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
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring