



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0001/2024

January 31, 2024

OWNER(S): CURTIS ANTOINE, 102 Silverbirch Crescent, Skead, ON P0M 2Y0
MELANIE ANTOINE, 102 Silverbirch Crescent, Skead, ON P0M 2Y0

AGENT(S):

LOCATION: PIN 73513 0483, Surveys Plan 53R-11842 Part(s) 2 & Plan 53R-19948 Part(s) 1, Lot(s) Part 37, Summer Resort Location, Subdivision M-137, Lot Part 6, Concession 4, Township of MacLennan, 102 Silverbirch Crescent, Sudbury

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 a detached garage on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 25, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, January 25, 2024

The purpose and effect of the application is to construct a 139.5 m² accessory building with a height of 7.3 m, whereas the maximum height permitted for accessory buildings is 5 m. The applicant had advised that the 7.3 m height is being requested in order to accommodate the storage of a boat and RV. The accessory building is proposed to be located in the front yard, approximately 100 m from Silverbirch Crescent, 89 m from the rear yard, 4.5 m from the west interior side lot line, and 63 m from the east interior side lot line. The subject lands contain a 120 m² single detached dwelling which has a height of 7.62 m and are otherwise vacant of buildings or structures. The subject lands are designated 'Living Area 2' within the City of Greater Sudbury Official Plan, are zoned 'Low Density Residential One (R1-1)' within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are residential and park. It is noted that due the proposed location of the structure and the natural vegetative character of the area the building will not be visible from Silverbirch Road, and there will be a visual buffer between the building and neighbouring property. Although the building will exceed the height by 2.3 m, it will remain subordinate in height in comparison to the main use of the lands being the single detached dwelling. Staff are satisfied that the proposed use of the building will be accessory to the single detached dwelling and do not anticipate negative impacts to surrounding land uses as a result of the variance. Staff are of the opinion that the requested variance is minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the variance be granted.

SUBMISSION NO. A0001/2024 Continued.

CGS: Building Services Section, January 24, 2024

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

However, Owner to be advised of the following comments:

1) A final inspection has not been completed on the Single-Family Dwelling constructed in 2020; Please contact building services to arrange for a final inspection.

Ministry of Transportation, January 24, 2024

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

CGS: Site Plan Control, January 23, 2024

No objection.

Greater Sudbury Hydro Inc., January 22, 2024

Please note A0001/2024 is outside of our territory.

The Nickel District Conservation Authority, January 19, 2024

Conservation Sudbury does not oppose Minor Variance A0001/2024 for the height of detached garage. Please be advised that Conservation Sudbury regulates development along Lake Wanapitei in the following locations and future development in these areas requires permission from Conservation Sudbury:

1. To the geodetic elevation of 269.15m above sea level, plus an additional 15m inland.
2. Any slopes steeper than 3:1 (horizontal:vertical), and setbacks from these (a horizontal distance equal to 3 times the height of the slope, plus an additional 15m).

Notes

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

CGS: Development Engineering, January 17, 2024

No objection.

CGS: Strategic and Environmental Planning, January 17, 2024

Staff of the City's Strategic and Environmental Planning Section are not opposed to this application as the proposed garage will be greater than 30 metres from the high-water mark.

The following advice is provided for informational purposes only:

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.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff nutrients and holding soil in place. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the lot. Imported soil can introduce considerable quantities of phosphorus to a site.

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

1. A natural vegetated buffer of at least 20 metres (the wider the better) from the high-water mark should be retained and supplemented with additional shrubs where necessary. 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. Cleared areas are allowed up to 276 square meters.
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 phosphorus to the lake or river 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 or river. 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 or river 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 applicant or owner must contact Conservation Sudbury at (705) 674-5249 before starting any work in water or on the shoreline or riverbank (retaining walls, etc).

One of the Applicants, Curtis Antoine, 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:

CURTIS ANTOINE AND MELANIE ANTOINE

the owner(s) of PIN 73513 0483, Surveys Plan 53R-11842 Part(s) 2 & Plan 53R-19948 Part(s) 1, Lot(s) Part 37, Summer Resort Location, Subdivision M-137, Lot Part 6, Concession 4, Township of MacLennan, 102 Silverbirch Crescent, Sudbury

SUBMISSION NO. A0001/2024 Continued.

for relief from Part 4, Section 4.2, subsection 4.2.4 a) 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 7.3m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0002/2024

January 31, 2024

OWNER(S): 1930167 ONTARIO LIMITED, 874 Lapointe Street, Sudbury ON P3A 5N8

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

LOCATION: PINs 02132 1279 & 02132 1282 & 02132 1284, Surveys Plan 53R-17879 Part(s) 2, and 4 to 18 & Plan 53R-17879 Part(s) subject to easement over Parts 4, 5, 7, 10, 12, 15, 16, 17, Lot(s) Part 6, 7, 8, 9, 10 and lots 34, 35, 36, Subdivision 28SB, Lot Part 5, Concession 4, Township of McKim, 0 Pearl Street, Sudbury

SUMMARY

Zoning: The property is zoned C3(17) Limited General Commercial according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a 38-unit affordable housing development with main floor office space on a lot to be retained, subject to Consent Application B0074/2023, providing reduced landscaped open space, refuse storage area, location of parking and rear yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 25, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, January 25, 2024

The purpose and effect of the application is to facilitate the construction of a 38-unit affordable housing development with the following variances:

1. 0 m landscaped area along lot line of all roads having a greater width than 10 m, whereas a 3 m landscaped area is required;
2. refuse storage located in an exterior side yard, whereas it is required to be located in the interior yard;
3. parking located 0 m from a road having a greater width than 10 m, whereas a 3 m setback is required; and
4. 0 m rear yard setback for a 2.9 m high retaining wall, whereas a setback of 7.5 m is required.

The lands are subject to Consent Application B0074/2023, which separated the former water tower from the subject lands, Zoning By-law Amendment Application 751-6/20-023 to permit affordable housing of multiple dwelling consisting of 38 dwelling units, and office and community services on the first floor, and Site Plan Control Application 2022-015. Through the site plan process it was identified

SUBMISSION NO. A0002/2024 Continued.

that the above variances were required. The subject lands are irregularly shaped and are encompassed by Pearl Street and Fairview Avenue along the front, corner side, and rear yards. The applicant advised that the above zoning standards are unable to be met due to the topographic/grading constraints on the subject lands.

The subject lands are designated 'Living Area 1' within the City of Greater Sudbury Official Plan and are zoned 'Special Limited General Commercial (C3-17)' within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential in nature, in the form of multiple dwellings. Staff do not anticipate impacts to surrounding land uses as a result of the requested variances.

Based on the above, staff are of the opinion that the requested variances are minor in nature, are an appropriate use of the land, and does meet the intent of the Official Plan and Zoning By-law. It is recommended that the variance be granted.

CGS: Building Services Section, January 24, 2024

No concerns.

Ministry of Transportation, January 24, 2024

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

CGS: Site Plan Control, January 23, 2024

Comments on the 2nd site plan control submission were provided to the applicant on December 12, 2023. The minor variances being requested are consistent with those comments.

Greater Sudbury Hydro Inc., January 22, 2024

No conflict.

The Nickel District Conservation Authority, January 19, 2024

Conservation Sudbury does not object to Minor Variance A0002/2024. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, January 17, 2024

No objection.

CGS: Strategic and Environmental Planning, January 17, 2024

No concerns.

The Agent of Applicant, Vanessa Smith from Tulloch Engineering, 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:

1930167 ONTARIO LIMITED

the owner(s) of PINs 02132 1279 & 02132 1282 & 02132 1284, Surveys Plan 53R-17879 Part(s) 2, and 4 to 18 & Plan 53R-17879 Part(s) subject to easement over Parts 4, 5, 7, 10, 12, 15, 16, 17, Lot(s) Part 6, 7, 8, 9, 10 and lots 34, 35, 36, Subdivision 28SB, Lot Part 5, Concession 4, Township of McKim, 0 Pearl Street, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.9 b) i) and Section 4.15, subsection 4.15.1 e) and Part 5, Section 5.2, subsection 5.2.4.3, paragraph c), clause ii) and Part 7, Section 7.3, Table 7.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a five storey, 38-unit affordable housing development with main floor office space on a lot to be retained, subject to Consent Application B0074/2023, firstly, to permit the refuse storage area to be located in an exterior yard, where refuse storage areas shall be located in the interior yard only, secondly, to permit no landscaped area along the lot line abutting Fairview Avenue, where a 3.0m wide landscaped area adjacent to the full length of the lot line shall be required abutting all public roads having a width greater than 10.0m, thirdly, to locate parking within 0.0m of the north lot line, where no outdoor parking area shall be permitted within 3.0m to any road having a width of more than 10.0m and fourthly, to permit a 2.9m high retaining wall along the northerly property line providing a minimum rear yard setback of 0m, where a minimum rear yard setback of 7.5m is required, be granted.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0003/2024

January 31, 2024

OWNER(S): ROBERT DESJARDINS, 89 Nepahwin Ave, Sudbury, ON P3E 2H5

AGENT(S):

LOCATION: PIN 02171 0207, Parcel 12919 SEC SES, Lot(s) Part 28, Subdivision M-190, Lot Part 3, Concession 6, Township of McKim, 1178 Rideau Street, Sudbury

SUMMARY

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

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

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 25, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, January 25, 2024

The purpose and effect of the application is to construct a 104.72 m² accessory building containing a secondary dwelling unit with the following variances:

1. a height of 7.34 m, whereas the maximum height permitted for accessory buildings is 5 m; and
2. an accessory lot coverage of 12.47%, whereas the maximum total permitted is 10%.

The accessory building is proposed to be located in the interior side and rear yard, approximately 10.25 m from Rideau Street, 2.12 m from the rear yard, 6 m from the west interior side lot line, and 21.37 m from the east interior side lot line. The subject lands contain an 84.72 m² one-storey single detached dwelling with a height of 5.05 m and represents 10% of the permitted 40% total lot coverage. Additionally, the subject lands contain an existing detached accessory building that has been identified by the applicant as to be removed. The subject lands are designated 'Living Area 1' within the City of Greater Sudbury Official Plan and are zoned 'Low Density Residential Two (R2-2)' within the City of Greater Sudbury Zoning By-law. Surrounding uses are a mix of one-storey and two-storey residential dwellings, institutional, and commercial. It is noted that the applicants have identified an existing vegetative buffer located between the proposed building and the front lot line and between the proposed building and the rear lot line. Additionally, there is an existing wood fence along the rear half of the west interior side lot line. Staff recommend that these buffer features remain on the subject lands as they will reduce visual impacts of the new proposed building from abutting lands and the street.

SUBMISSION NO. A0003/2024 Continued.

Given the character of the surrounding land uses/built forms and the existing buffers, staff are of the opinion that the requested variances would result in a building that would not be out of character with the surrounding land uses and do not anticipate impacts to surrounding uses.

Based on the above, staff are of the opinion that the proposed variances are minor in nature, are an appropriate use of the land, and does meet the intent of the Official Plan and Zoning By-law. It is recommended that the variance be granted.

CGS: Building Services Section, January 24, 2024

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

However, Owner to be advised of the following comments:

- 1) A demolition permit will be required for the demolition of the existing detached garage.
- 2) A building permit will be required for the proposed detached garage with a secondary dwelling unit to the satisfaction of the chief building official.

Ministry of Transportation, January 24, 2024

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

CGS: Site Plan Control, January 23, 2024

No objection.

Greater Sudbury Hydro Inc., January 22, 2024

Contact GSHI Energy Supply Department if service upgrade is required.

The Nickel District Conservation Authority, January 19, 2024

Conservation Sudbury does not object to Minor Variance A0003/2024. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, January 17, 2024

No objection.

CGS: Strategic and Environmental Planning, January 17, 2024

No concerns.

The Applicant, Robert Desjardins, appeared before the Committee and provided a summary of the Application. He explained that in order to have the second storey access staircase enclosed, there was a need to seek the variance for lot coverage. He explained that for snow accumulation reasons, the pitch of the roof was required to allow snow to fall off the roof naturally.

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

Staff explained that similar applications have not been approved but given the surrounding neighbourhood, proximity to the Lasalle Corridor, context specific development and surrounding development standards, Staff is of the opinion that this is consistent with the Official Plan and meets the four tests of a minor variance resulting in Staff being in support of this application.

The following decision was reached:

DECISION:

THAT the application by:

ROBERT DESJARDINS

the owner(s) of PIN 02171 0207, Parcel 12919 SEC SES, Lot(s) Part 28, Subdivision M-190, Lot Part 3, Concession 6, Township of McKim, 1178 Rideau Street, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.3 and subsection 4.2.4 a) 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 with secondary dwelling unit providing firstly, an accessory lot coverage of 12.47%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and secondly, a maximum height of 7.34m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0004/2024

January 31, 2024

OWNER(S): 2442618 ONTARIO LIMITED, 715 Lorne St Sudbury ON P3C 4R5

AGENT(S): ADRIAN BORTOLUSSI, 144 Elm Street, Sudbury ON P3C 1T7

LOCATION: PIN 73586 1076, Lot(s) 6, Subdivision 58-S, Lot 7, Concession 3, Township of McKim, 723 Lorne Street, Sudbury

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 construct a detached garage with second storey residential unit on the subject property providing a dwelling unit without a non-residential main use on the ground floor, rear yard setback, interior side yard setback and driveway width at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 25, 2024

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Development Approvals Section, January 25, 2024

The purpose and effect of the application is to construct an 83.24 m² dwelling containing not more than two dwelling units' with the following variances:

1. residential use on the ground floor in the form of a residential garage, whereas the ground floor is required to be the main commercial use;
2. a rear yard setback of 1.2 m, whereas the minimum required setback is 7.5 m;
3. an interior side yard setback of 1.2 m, whereas the minimum required is 1.8 m;
4. a driveway width of 5.24 m, whereas the minimum permitted is 6 m; and
5. an eavestrough encroachment of 0.6 m into the 1.2 m interior side yard and rear yard, whereas the maximum interior side yard setback encroachment is 0.6 m, and the maximum rear yard setback encroachment is 1.2 m.

The subject lands contain a commercial building and two accessory buildings. The proposed dwelling with residential ground floor is proposed to be located to the rear of the commercial building, replacing the existing framed garage. The framed garage currently encroaches 0.12 m over the rear lot line, and

is setback 0.15 m from the interior side lot line. The dwelling is proposed to be located 1.2 m from the rear and interior side lot lines. Parking spaces for the dwelling unit are proposed to be located within the ground floor residential garage and would need to be accessed through unnamed lane #37, which appears to be maintained year-round. No change in use is proposed for the existing commercial building and metal garage. The applicant has submitted a sketch which demonstrates adequate parking spaces for both the existing commercial use and dwelling unit. The applicant has also identified the required 3 m wide planting strip on the sketch. It is noted that the zoning by-law requires two bicycle parking spaces for an office building, staff have included a condition to that effect.

The subject lands are designated 'Mixed Use Commercial' within the City of Greater Sudbury Official Plan and are zoned 'General Commercial (C2)' within the City of Greater Sudbury Zoning By-law. Surrounding uses are commercial on either side of the subject lands, institutional and residential across the lane to the rear, and rail across Lorne Street to the front. Staff do not anticipate impacts to surrounding land uses as a result of the requested variances. The subject lands appear to have adequate space to accommodate both commercial and residential uses from a functionality perspective. The Official Plan and Zoning allow for a mix use of residential and commercial uses. Staff do not have any land use compatibility concerns between the existing commercial uses and proposed dwelling unit.

Based on the above, staff are of the opinion that the requested variances are minor in nature, are an appropriate use of the land, and does meet the intent of the Official Plan and Zoning By-law. It is recommended that the variance be granted subject to the following condition:

1. That a 3 m wide planting strip and two bicycle parking spaces be established within one year from the date of decision.

CGS: Building Services Section, January 24, 2024

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

However, Owner to be advised of the following comments:

- 1) 2 Bicycle parking spaces are required as per zoning by-law 2010-100z.

Ministry of Transportation, January 24, 2024

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

CGS: Site Plan Control, January 23, 2024

No objection.

Greater Sudbury Hydro Inc., January 22, 2024

No conflict.

The Nickel District Conservation Authority, January 19, 2024

Conservation Sudbury does not object to Minor Variance A0004/2024. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, January 17, 2024

No objection.

CGS: Strategic and Environmental Planning, January 17, 2024

No concerns.

The Agent of the Applicant, Adrian Bortolussi, appeared before the Committee and provided a summary of the Application.

Chair Dumont asked the Agent if they were aware of the recommended condition of approval where a 3m planting strip and two bicycle spaces were to be established on the property within 365 days from the date of decision. The Agent confirmed.

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

The following decision was reached:

DECISION:

THAT the application by:

2442618 ONTARIO LIMITED
the owner(s) of PIN 73586 1076, Lot(s) 6, Subdivision 58-S, Lot 7, Concession 3, Township of McKim, 723 Lorne Street, Sudbury

for relief from Part 4, Section 4.2, Table 4.1, Part 5, Section 5.2, subsection 5.2.9.3, 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 detached garage containing a second-storey residential unit, 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, secondly, a minimum rear yard setback of 1.2m, where a minimum rear yard setback of 7.5m is required, thirdly, an interior side yard setback of 1.2m, where a minimum interior side yard setback of 2.4m is required, fourthly, eaves to encroach 0.6m into the proposed 1.2m interior side yard setback and rear yard setback, where eaves may encroach 0.6m into the required interior side yard and 1.2m into the required rear yard, but not closer than 0.6m to the lot line, and fifthly, a minimum driveway width of 5.24m, where a minimum driveway width of 6.0m is required for two-way traffic, be granted, subject to the following condition:

1. That a 3 m wide planting strip and two bicycle parking spaces be established within one year (365 days) from the date of decision to the satisfaction of the Chief Building Official.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0005/2024

January 31, 2024

OWNER(S): STEPHANIE MUZYKA, 4139 Frost Ave Hanmer ON P3P 1E2

MIKE MUZYKA, 4139 Frost Ave Hanmer ON P3P 1E2

AGENT(S):

LOCATION: PIN 73504 0841, Parcel 43110 SEC SES SRO, Survey Plan 53R-6839 Part(s) 1, subject to LT114876 and LT114877, Lot(s) Part 63, Subdivision M-396, Lot 4, Concession 2, Township of Hanmer, 4139 Frost Avenue, Hanmer

SUMMARY

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

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

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 25, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, January 25, 2024

The purpose and effect of the application is to construct a 120.35 m² accessory building with a height of 5.75 m, whereas the maximum height permitted for accessory buildings is 5 m. The applicant had advised that the 5.75 m height is being requested in order to accommodate the storage of a boat. The accessory building is proposed to be located in the rear yard, approximately 11.5 m from the rear lot line of 4145 Frost Avenue, 54 m from the rear yard, 3.6 m from the north interior side lot line, and 18 m from the south interior side lot line. The subject lands contain a 182.5 m² single detached dwelling which has a height of 6.7 m, a deck, and swimming pool. The subject lands are designated 'Living Area 1' within the City of Greater Sudbury Official Plan, are zoned 'Low Density Residential One (R1-5)' within the City of Greater Sudbury Zoning By-law, and are located within the 'Wellhead Protection Zone A and B' within the Source Water Protection Plan. The proposed accessory building will be subordinate in ground floor area and height in comparison to the main use of the lands being the single detached dwelling, remaining accessory in nature. Staff are satisfied that the proposed use of the building will be accessory to the single detached dwelling and do not anticipate negative impacts to surrounding land uses as a result of the variance. Staff are of the opinion that the requested variance is minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the variance be granted.

CGS: Building Services Section, January 24, 2024

SUBMISSION NO. A0005/2024 Continued.

No concerns.

Source Water Protection Plan, January 24, 2024

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

Ministry of Transportation, January 24, 2024

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

CGS: Site Plan Control, January 23, 2024

No objection.

Greater Sudbury Hydro Inc., January 22, 2024

Please note A0005/2024 is outside of our territory.

The Nickel District Conservation Authority, January 19, 2024

Conservation Sudbury does not object to Minor Variance A0005/2024. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, January 17, 2024

No objection.

CGS: Strategic and Environmental Planning, January 17, 2024

No concerns.

One of the Applicants, Mike Muzyka, 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:

STEPHANIE MUZYKA AND MIKE MUZYKA

the owner(s) of PIN 73504 0841, Parcel 43110 SEC SES SRO, Survey Plan 53R-6839 Part(s) 1, subject to LT114876 and LT114877, Lot(s) Part 63, Subdivision M-396, Lot 4, Concession 2, Township of Hanmer, 4139 Frost Avenue, Hanmer

for relief from Part 4, Section 4.2, subsection 4.2.4 a) 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 5.75m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

SUBMISSION NO. A0005/2024 Continued.

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

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

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