

SUBMISSION NO. A0024/2024

April 25, 2024

OWNER(S): MIJANOU GABOURY, 1794 Old HWY 69 N Val Caron ON P3N 1M3  
MATHIEU FANTIN, 1794 Old HWY 69 N Val Caron ON P3N 1M3

AGENT(S):

LOCATION: PINs 73498 0112 & 73498 0257, Parcels 37174A SEC SES SRO & 30532 SEC SES, Surveys Plan SR-348 Part(s) 1 & Plan 53R-10402 Part(s) 1 and 2, Lot(s) Part 5, Subdivision M-220, Lot Part Lot 5, Concession 3 and 4, Township of Blezard, 1794 Highway 69N, Val Caron

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### SUMMARY

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

Application: Approval to construct an addition on the existing single detached dwelling on the subject property providing a high water mark setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 19, 2024

The purpose and effect of the application is to permit the construction of a 129 m<sup>2</sup> addition to the single detached dwelling no closer than 24.3 m from the high water mark, whereas a 30 m setback is required for residential dwellings.

The subject lands are designated 'Living Area II' within the Greater City of Sudbury Official Plan, are zoned 'Low Density Residential One (R1-2)' within the Greater City of Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA). The subject lands are an existing lot of record and have an area of 3,319 m<sup>2</sup>, an irregular depth, and a frontage of 45 m along Municipal Road 80. The subject lands contain an 81 m<sup>2</sup> single detached dwelling with a carport and a 6.25 m<sup>2</sup> boat house. The existing dwelling is setback 21.4 m from the high water mark of the subject lands. The applicant is proposing that the addition be located on the west side of the existing dwelling, located further back from the lake, with a setback of 24.3 m. Both the existing dwelling and the proposed addition will be located outside of the shoreline buffer area. The applicant has advised that due to the location of the existing septic system and the ground characteristics being rocky in nature, there were limited alternative locations for the house addition. Strategic and Environmental Planning did not provide any objections to the proposal. Conservation Sudbury has requested further information on the floodplain areas, which may impact the location of the proposed addition. As such, staff have included a recommendation that is contingent upon obtaining a permit from the conservation authority.

Staff are of the opinion that the variances are minor in nature, are an appropriate use of the land, and meets the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted subject to the following condition:

1. That a permit be obtained from the Nickel District Conservation Authority.

CGS: Infrastructure Capital Planning Services, April 18, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Greater Sudbury Hydro Inc., April 17, 2024

This application is outside of our territory.

The Nickel District Conservation Authority, April 17, 2024

The property is subject to the flood hazard of McCrea Lake. There is no mapped flood hazard for this lake, and as such a proxy flood elevation of 1.2 m above the high-water mark is applied. Based on high level mapping it is unclear if the existing dwelling and the proposed addition are within the proxy flood elevation.

A permit from Conservation Sudbury will be required prior to the issuance of a building permit for the development of the addition. Through permit review, modification to the location of the addition may be required. If the existing dwelling does not meet floodproofing standards then restrictions to the size of the addition will apply. Proponent is encouraged to consult with Conservation Sudbury at [NDCA@ConservationSudbury.ca](mailto:NDCA@ConservationSudbury.ca)

Conservation Sudbury has no objection to the high-water mark setback of 24.4m as described in Minor Variance A0024/2024 on the condition that the proponent can obtain a permit under Section 28 of the Conservation Authorities Act.

#### Notes

Please note that any additional development or lot grading within areas regulated by the Conservation Authority, requires permission prior to development. '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.

CGS: Building Services Section, April 16, 2024

Building Services has reviewed your application and sketch for the requested minor variance and can advise that we have no concerns.

Owner to be advised that a Building Permit to the satisfaction of the Chief Building Official is required for the proposed addition.

Ministry of Transportation, April 15, 2024

The subject lands are not located within the MTO's permit control area, therefore, we have no comments to provide at this time.

CGS: Strategic and Environmental Planning, April 12, 2024

Staff of the City's Strategic and Environmental Planning Section are not opposed to the approval of this application as the proposed addition will be set back farther from the shoreline than the existing dwelling and will lie outside of the Shoreline Buffer Area.

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).

CGS: Site Plan Control, April 11, 2024

No objections.

CGS: Development Engineering, April 11, 2024

No objection.

The applicants appeared before Committee and one of the applicants, Mathieu Fantin, provided a summary of their application.

Committee Chair Dumont asked the applicants if the location of the addition was due to the septic system location and the applicants confirmed that it was.

Committee Member Castanza expressed no concerns with the Application.

Committee Member Goswell asked staff if the condition requested in the comments was reflected in the resolution and staff confirmed that it was.

Committee Member Murray asked staff to clarify the need for the condition and staff provided their rationale for requesting the condition. Committee Member Murray asked staff if imposing the condition would be a problem if the applicants are able to show that the development was not impacted by the floodplain and staff advised that the applicants would be required to obtain a permit from Conservation Sudbury regardless.

Committee Chair Dumont commented on the condition and explained the building permit process and the requirement of obtaining a permit from Conservation Sudbury to the applicants.

Committee Member Murray expressed concern with imposing the condition and asked staff to explain why the condition was being requested. Committee Member Murray advised that he wanted the condition removed. Committee Chair Dumont explained to the applicant what Committee was proposing.

Committee Member Goswell expressed concern with removing the condition and asked staff what the legal ramifications would be if they did remove the condition. Staff advised that they could not comment on the legal ramifications but explained the appeal rights and the permit requirements that would be required.

Committee Member Murray put forward a motion to delete the condition and Committee Member Castanza seconded the motion. The motion was supported and carried.

The following decision was reached:

**DECISION:**

THAT the application by:

MIJANOU GABOURY AND MATHIEU FANTIN

the owner(s) of PINs 73498 0112 & 73498 0257, Parcels 37174A SEC SES SRO & 30532 SEC SES, Surveys Plan SR-348 Part(s) 1 & Plan 53R-10402 Part(s) 1 and 2, Lot(s) Part 5, Subdivision M-220, Lot Part Lot 5, Concession 3 and 4, Township of Blezard, 1794 Highway 69N, Val Caron

for relief from Part 4, Section 4.41, subsection 4.41.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an addition to the existing single detached dwelling providing a high water mark setback of 24.4m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, be granted.

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

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

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

SUBMISSION NO. A0025/2024

April 25, 2024

OWNER(S): NANCY DIGBY, 19 Cobalt Street BOX 845 Copper Cliff ON P0M 1N0  
PAT DIGBY, 19 Cobalt Street BOX 845 Copper Cliff ON P0M 1N0

AGENT(S): PAT DIGBY, 19 Cobalt Street BOX 845 Copper Cliff ON P0M 1N0

LOCATION: PIN 73599 0620, Parcel 40670 SEC SES SRO, Lot(s) 17, Subdivision M-1023, Lot Part 1, Concession 2, Township of Snider, 19 Cobalt Street, Copper Cliff

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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 permit an existing shed on the subject property providing an interior side yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 19, 2024

The purpose and effect of the application is to recognize an existing accessory building with the following variances:

1. an interior side yard setback of 0.6 m, whereas a 1.2 m interior side yard setback is required; and
2. an eave encroachment of 0.24 m into the proposed 0.6 m, whereas a 0.6 m encroachment is permitted no closer than 0.6 m.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'Low Density Residential One (R1-5) within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential in nature. The subject lands contain a single detached dwelling, a deck, a pool, and a shed. The shed is 8.9 m<sup>2</sup> in area with a height of 2.8 m and is located at the end of the driveway in the rear yard. The applicant has advised that the placement of the shed closer to the property line than permitted is due to the location of the existing deck and pool, preventing the shed from being located further away from the interior side lot line. Staff are of the opinion that 0.6 m will provide sufficient space for maintenance purposes between the shed and the property line. It is the applicant's responsibility to ensure that the building is designed in a way that would not result in water run off into the neighbouring property. Staff are of the opinion that the variance is minor in nature, is an appropriate use of the land, and meets the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

CGS: Infrastructure Capital Planning Services, April 18, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Greater Sudbury Hydro Inc., April 17, 2024

No conflict.

The Nickel District Conservation Authority, April 17, 2024

Conservation Sudbury does not object to Minor Variance A0025/2024. 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: Building Services Section, April 16, 2024

Building Services has reviewed your application and sketch for the requested minor variances and can advise that we have no concerns.

Owner to be advised that in accordance with Zoning By-law Table 4.1., no pool heating or circulating equipment can be located closer than 1.5m to the interior side property line.

Ministry of Transportation, April 15, 2024

The subject lands are not located within the MTO's permit control area, therefore, we have no comments to provide at this time.

CGS: Strategic and Environmental Planning, April 12, 2024

No concerns.

CGS: Site Plan Control, April 11, 2024

No objections.

CGS: Development Engineering, April 11, 2024

We have no issue with the variance request for the shed. However, the existing pool and deck appear to encroach into the City's easement along the rear yard. Development Engineering is unaware of any encroachment agreement or letter of tolerance to allow the pool/deck to encroach within this easement. If there is not an encroachment agreement or letter of tolerance for the pool and deck, then the applicant is required to contact Building Services to rectify this encroachment.

The applicants appeared before Committee and provided a summary of their Application.

Area resident Dianne Carter of 17 Cobalt Street appeared before Committee and expressed concerns with the lot lines, the fence, the shed and drainage and objected to the Application.

Committee Chair Dumont asked the applicants to respond to the comments provided by Dianne Carter and the applicants explained the history of the shed and its location. The applicants further explained the shed's drainage.

Committee Member Goswell requested clarification on the area resident's comments about the drainage and staff clarified the area resident's comments regarding the drainage and Development Approval's advisory comments.

Committee Member Murray asked staff if the area resident's comments were considered in the recommendation and staff confirmed that they had.

Committee Chair Dumont summarized the variance process, staff's comments and Committee's role and limitation.

The following decision was reached:

**DECISION:**

THAT the application by:

NANCY DIGBY AND PAT DIGBY

the owner(s) of PIN 73599 0620, Parcel 40670 SEC SES SRO, Lot(s) 17, Subdivision M-1023, Lot Part 1, Concession 2, Township of Snider, 19 Cobalt Street, Copper Cliff

for relief from Part 4, Section 4.2, subsection 4.2.5, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing shed providing an interior side yard setback of 0.6m with eaves encroaching 0.24m into the proposed 0.6m interior side yard, where an accessory building greater than 2.5m in height shall be no closer than 1.2m from the side lot line and where eaves may encroach 0.6m into the required interior side yard but not closer than 0.6m to the lot line, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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.

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

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

SUBMISSION NO. A0029/2024

April 25, 2024

OWNER(S): WAYNE SABZALI, 4378 St. Michel Street, Hanmer, ON P3P 1N1  
ALISON SABZALI, 4378 St. Michel Street, Hanmer, ON P3P 1N1

AGENT(S):

LOCATION: PIN 73508 0590, Parcel 28782 SEC SES SRO, Survey Plan 53R-7021 Part(s) 1, Lot(s) Part 10, Subdivision M-337, Lot Part 11, Concession 2, Township of Capreol, 4378 St Michel Street, Hanmer

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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 accessory lot coverage and height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 19, 2024

The purpose and effect of the application is to permit the construction of an 88.37 m<sup>2</sup> accessory building with the following variances:

1. a maximum height of 5.94 m, whereas the maximum height permitted for an accessory building is 5 m; and
2. a maximum lot coverage for accessory buildings of 13%, whereas 10% is the maximum permitted.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'Low Density Residential One (R1-5)' within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential in nature. The subject lands contain a single detached dwelling, two decks, and a shipping container that the applicant has identified as being removed. Shipping containers are not permitted in the residential zone category and as such staff have included a condition to that effect.

The accessory building is proposed to be located in the rear yard, 1.2 m from the rear lot line and east interior side lot line. The proposed accessory building will be subordinate in ground floor area and height in comparison to the main use of the land, being the single detached dwelling. Staff are of the opinion that replacing the shipping containers with an accessory building will bring the lands closer to conformity with the zoning by-law. Staff are of the opinion that the building will be accessory to the residential dwelling. The applicants should be advised that the accessory building is to be utilized for residential accessory purposes only. Contractors' yard and other commercial business uses are not permitted as of right. Staff are of the opinion that the variances are minor in nature, are an appropriate use of the land, and meet the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted subject to the following condition:

1. That the shipping container(s) be removed from the subject lands.

CGS: Infrastructure Capital Planning Services, April 18, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation

No concerns.

Greater Sudbury Hydro Inc., April 17, 2024

This application is outside of our territory.

The Nickel District Conservation Authority, April 17, 2024

Conservation Sudbury does not object to Minor Variance A0029/2024. 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: Building Services Section, April 16, 2024

Building Services has reviewed your application and sketch for the requested minor variances and can advise that we have no concerns.  
Owner to be advised that a Building Permit to the satisfaction of The Chief Building Official is required for the proposed garage.

Ministry of Transportation, April 15, 2024

The subject lands are not located within the MTO's permit control area, therefore, we have no comments to provide at this time.

CGS: Strategic and Environmental Planning, April 12, 2024

No concerns.

CGS: Site Plan Control, April 11, 2024

No objections.

CGS: Development Engineering, April 11, 2024

No objection.

The applicants appeared before Committee and provided a summary of their Application. Committee had no comments or questions in relation to the Application.

The following decision was reached:

**DECISION:**

THAT the application by:

WAYNE SABZALI AND ALISON SABZALI  
the owner(s) of PIN 73508 0590, Parcel 28782 SEC SES SRO, Survey Plan 53R-7021 Part(s) 1, Lot(s) Part 10, Subdivision M-337, Lot Part 11, Concession 2, Township of Capreol, 4378 St Michel Street, Hanmer

for relief from Part 4, Section 4.2, subsection 4.2.3 and 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, firstly, accessory lot coverage of 13%, 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 5.94m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted, subject to the following condition:

1. That the shipping container(s) be removed from the subject lands to the satisfaction of the Director of Planning Services within 90 days of the variance decision.

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

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

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

SUBMISSION NO. A0029/2024

April 25, 2024

OWNER(S): WAYNE SABZALI, 4378 St. Michel Street, Hanmer, ON P3P 1N1  
ALISON SABZALI, 4378 St. Michel Street, Hanmer, ON P3P 1N1

AGENT(S):

LOCATION: PIN 73508 0590, Parcel 28782 SEC SES SRO, Survey Plan 53R-7021 Part(s) 1, Lot(s) Part 10, Subdivision M-337, Lot Part 11, Concession 2, Township of Capreol, 4378 St Michel Street, Hanmer

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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 accessory lot coverage and height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 19, 2024

The purpose and effect of the application is to permit the construction of an 88.37 m<sup>2</sup> accessory building with the following variances:

1. a maximum height of 5.94 m, whereas the maximum height permitted for an accessory building is 5 m; and
2. a maximum lot coverage for accessory buildings of 13%, whereas 10% is the maximum permitted.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'Low Density Residential One (R1-5)' within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential in nature. The subject lands contain a single detached dwelling, two decks, and a shipping container that the applicant has identified as being removed. Shipping containers are not permitted in the residential zone category and as such staff have included a condition to that effect.

The accessory building is proposed to be located in the rear yard, 1.2 m from the rear lot line and east interior side lot line. The proposed accessory building will be subordinate in ground floor area and height in comparison to the main use of the land, being the single detached dwelling. Staff are of the opinion that replacing the shipping containers with an accessory building will bring the lands closer to conformity with the zoning by-law. Staff are of the opinion that the building will be accessory to the residential dwelling. The applicants should be advised that the accessory building is to be utilized for residential accessory purposes only. Contractors' yard and other commercial business uses are not permitted as of right. Staff are of the opinion that the variances are minor in nature, are an appropriate use of the land, and meet the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted subject to the following condition:

1. That the shipping container(s) be removed from the subject lands.

CGS: Infrastructure Capital Planning Services, April 18, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation

No concerns.

Greater Sudbury Hydro Inc., April 17, 2024

This application is outside of our territory.

The Nickel District Conservation Authority, April 17, 2024

Conservation Sudbury does not object to Minor Variance A0029/2024. 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: Building Services Section, April 16, 2024

Building Services has reviewed your application and sketch for the requested minor variances and can advise that we have no concerns.  
Owner to be advised that a Building Permit to the satisfaction of The Chief Building Official is required for the proposed garage.

Ministry of Transportation, April 15, 2024

The subject lands are not located within the MTO's permit control area, therefore, we have no comments to provide at this time.

CGS: Strategic and Environmental Planning, April 12, 2024

No concerns.

CGS: Site Plan Control, April 11, 2024

No objections.

CGS: Development Engineering, April 11, 2024

No objection.

The applicants appeared before Committee and provided a summary of their Application. Committee had no comments or questions in relation to the Application.

The following decision was reached:

**DECISION:**

THAT the application by:

WAYNE SABZALI AND ALISON SABZALI  
the owner(s) of PIN 73508 0590, Parcel 28782 SEC SES SRO, Survey Plan 53R-7021 Part(s) 1, Lot(s) Part 10, Subdivision M-337, Lot Part 11, Concession 2, Township of Capreol, 4378 St Michel Street, Hanmer

for relief from Part 4, Section 4.2, subsection 4.2.3 and 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, firstly, accessory lot coverage of 13%, 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 5.94m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted, subject to the following condition:

1. That the shipping container(s) be removed from the subject lands to the satisfaction of the Director of Planning Services within 90 days of the variance decision.

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

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

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

SUBMISSION NO. A0031/2024

April 25, 2024

OWNER(S): CITY OF GREATER SUDBURY, 200 Brady Street Sudbury ON P3A 5P3

AGENT(S): 3RDLINE STUDIO INC. , 289 Centre St. Suite 300, Sudbury, On P3B 1M8

LOCATION: PINs 73477 0498 & 73476 0482, Parcel 18243 and 19743A SEC SES, Survey Plan 53R-5024 Part(s) 1, Lot Part 5, Concession 3 as in LT105347, LT114800, Township of Broder, 4472 Long Lake Road, Sudbury

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SUMMARY

Zoning: The property is zoned P (Park), I (Institutional), RU (Rural) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit the existing accessory structure comprised of two storage containers with a roof as well as the addition of two attached storage containers on the subject property providing an interior side yard setback, eaves and use of accessory structures in the form of storage containers at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 19, 2024

The purpose and effect of the application is to permit the existing accessory structure comprised of two shipping containers with a roof, as well as, two new shipping containers with the following variances:

1. to permit four shipping containers as accessory structures, whereas accessory shipping containers are only permitted in conjunction with a permitted agricultural, extractive, transport terminal or warehouse use;
2. a minimum interior side yard setback of 1.5 m, where 10 m is required; and
3. an eave encroachment of 7 m into the required interior side yard, whereas eaves may encroach 0.6 m into the interior side yard but no closer than 0.6 m to the lot line.

The subject lands are designated 'Parks & Open Space' and 'Rural' within the City of Greater Sudbury Official Plan and are zoned 'Park', 'Institutional', and 'Rural' within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential, rural, and open space in nature. The subject lands contain Kivi Park used for outdoor recreation purposes. The existing and proposed shipping containers are setback +/-100 m from the front property line and are well buffered by natural vegetation. Due to the setback location and the natural vegetation on site, the shipping containers will be adequately screened and not visible from the road. Although in separate ownership, the abutting parcel is also operated as Kivi Park as such staff do not have compatibility or visual concerns with the proposed interior side lot line setback deficiency. Staff are of the opinion that the variances are minor in nature, are an appropriate use of the land, and meet the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

CGS: Infrastructure Capital Planning Services, April 18, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Greater Sudbury Hydro Inc., April 17, 2024

No conflict.

The Nickel District Conservation Authority, April 17, 2024

Conservation Sudbury does not object to Minor Variance A0031/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Building Services Section, April 16, 2024

Building Services has reviewed your application and sketch for the requested minor variances and can advise that we have no concerns. Applicant to be advised that a Building Permit to the satisfaction of the Chief Building Official is required.

Ministry of Transportation, April 15, 2024

The subject lands are not located within the MTO's permit control area, therefore, we have no comments to provide at this time.

CGS: Strategic and Environmental Planning, April 12, 2024

No concerns.

CGS: Site Plan Control, April 11, 2024

A site plan control agreement was registered on March 19, 2024.

CGS: Development Engineering, April 11, 2024

No objection.

The applicant's authorized agent, Jeff Pafford, Director of Leisure Services, and the agent, Kerry Lamarche of 3rd Line Studio, appeared before Committee and provided a summary of the Application. Committee Member Castanza asked the agent if the storage containers would have new facades installed and the agent confirmed that the structures would be reclad to not look like sea cans.

The following decision was reached:

DECISION:

THAT the application by:

CITY OF GREATER SUDBURY

the owner(s) of PINs 73477 0498 & 73476 0482, Parcel 18243 and 19743A SEC SES, Survey Plan 53R-5024 Part(s) 1, Lot Part 5, Concession 3 as in LT105347, LT114800, Township of Broder, 4472 Long Lake Road, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.5, Table 4.1, Section 4.34 and Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing accessory structure comprised of two storage containers with a roof as well as the addition of two storage containers providing, firstly, eaves to encroach 7.0m into the required interior side yard, where eaves may encroach 0.6m into the required interior side yard but not closer than 0.6m to the lot line, secondly, to permit four accessory structures in the form of storage containers used in conjunction with a park use, whereas accessory structures in the form of storage containers may only be used in conjunction with a permitted agricultural, extractive, transport terminal or warehouse use, and thirdly, a minimum interior side yard setback of 1.5m, where 10.0m is required, be granted.

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

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

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

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

SUBMISSION NO. A0120/2023

April 25, 2024

OWNER(S): ERIC KOIENGU, 1011 Tilly Street, Hanmer ON P3P 1C4

AGENT(S): LEO CHALOUX, 18-1771 Maley Drive, Sudbury ON P3A 4R7

LOCATION: PIN 73504 1513, Parcel 37474 SEC SES, Survey Plan 53R-7090 Part(s) 1, Lot(s) Part 101, Subdivision M-507, Lot Part 4, Concession 2, Township of Hanmer, 1011 Tilly Street, Hanmer

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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 accessory lot coverage and height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 19, 2024

REVISED

The purpose and effect of the application is to permit the construction of an 89.93 m<sup>2</sup> accessory building with the following variances:

1. a maximum height of 5.64 m, whereas the maximum height permitted for an accessory building is 5 m; and
2. a maximum lot coverage for accessory buildings of 13%, whereas 10% is the maximum permitted.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'Low Density Residential One (R1-5)' within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential and park in nature. The subject lands contain a single detached dwelling and an existing accessory building that is identified by the applicant as being removed. This application was previously deferred to allow the applicant an opportunity to address concerns in regard to the proposed height of the building. The applicant has revised their proposal from a two-storey building to a one-storey building and therefore staff are satisfied that previous comments have been addressed.

The accessory building is proposed to be located in the rear yard, 1.83 m from the rear lot line and 1.38 m from the east interior side lot line. The proposed accessory building will be subordinate in ground floor area in comparison to the main use of the land, being the single detached dwelling. Staff are of the opinion that the one-storey building will maintain the character of the surrounding neighbourhood which consists of one-storey buildings.

The applicant should be advised that the accessory building is to be utilized for residential accessory purposes only. Contractors' yard and other commercial business uses are not permitted as of right. Staff are of the opinion that the variances are minor in nature, are an appropriate use of the land, and meet the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

CGS: Infrastructure Capital Planning Services, April 18, 2024

REVISED

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Greater Sudbury Hydro Inc., April 17, 2024

REVISED  
This application is outside of our territory.

The Nickel District Conservation Authority, April 17, 2024

REVISED  
Conservation Sudbury does not object to Minor Variance A0120/2023 REVISED. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Building Services Section, April 16, 2024

REVISED  
Building Services has reviewed your application and sketch for the requested minor variances and can advise that we have no concerns.  
Applicant to be advised that a Building Permit to the satisfaction of the Chief Building Official is required.

Ministry of Transportation, April 15, 2024

REVISED  
The subject lands are not located within the MTO's permit control area, therefore, we have no comments to provide at this time.

CGS: Strategic and Environmental Planning, April 12, 2024

REVISED  
No concerns.

CGS: Site Plan Control, April 11, 2024

REVISED  
No objections.

CGS: Development Approvals Section, November 03, 2023

The variances being sought would facilitate the construction of a two-storey detached garage with secondary dwelling on the second storey. The lands are designated Living Area 1 in the City's Official Plan and are zoned R1-5, Low Density Residential 1 per the City's Zoning By-law 2010-100Z. The proposed minor variances are analyzed below.

Minor Variances – (1) an accessory lot coverage of 12.6%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and (2) maximum height of 7.41m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m. In general, staff is not concerned with the first proposed variance of an increase in lot coverage for accessory buildings. The analysis below focuses on the variance for increased height to 7.41 metres. Intent of the Official Plan – The Official Plan permits residential development of all type and tenure in Living Area 1 areas. Associated accessory structures that support and/or enhance the parcel are also permitted, subject to the zoning by-law. The Official Plan includes policy that speaks to compatibility of development through intensification with the existing character of the neighbourhood in terms of height, massing, etc. Staff notes that the existing built form on Tilly Street is single storey residential. Staff is concerned that a two-storey accessory structure is not compatible with the existing character of the neighbourhood.

Intent of Zoning By-law 2010-100Z – The intent of Zoning By-law 2010-100Z is to permit accessory structures that are accessory to, and not the dominant built form and/or use on the subject lands. The intent of accessory structures is not to inhibit the enjoyment of surrounding parcels. The proposed detached garage would be a storey taller than the primary dwelling and is located in close proximity to the adjacent neighbours to the east and south without any vegetative or other buffer.

Are the variances minor? – The proposed variances would permit the construction of one of the tallest structures on the street, in close proximity of the adjacent parcels to the east and south.  
Are the variances desirable? – Staff is of the opinion that the variance for height is not desirable as it will dominate the streetscape and may inhibit the enjoyment of surrounding properties.  
Staff is of the opinion that the proposed minor variances do not pass the four tests of minor variance.  
Staff recommend deferral of A0120/2023 to allow the proponent the opportunity to address comments noted above through site design, building design, or other mitigative measures.

CGS: Building Services Section, November 01, 2023

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

However, Applicant/Owner is to be advised of the following comments:

1) With respect to the relief requested, a search of our records indicates that an associated building permit for the proposed detached garage has not yet been received by Building Services. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official. Applicant/Owner to be informed that the location and dimension of all parking spaces for the existing single family dwelling and proposed detached garage/secondary unit are to be reflected on the plot plan at the time of building permit submission.

CGS: Infrastructure Capital Planning Services, November 01, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

The Nickel District Conservation Authority, October 29, 2023

Conservation Sudbury does not object to Minor Variance A0120/2023. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, October 26, 2023

No objection.  
REVISED: No objection.  
REVISED: No objection.

Greater Sudbury Hydro Inc., October 26, 2023

Please note application A0120/2023 is outside of our territory.

Ministry of Transportation, October 26, 2023

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

CGS: Site Plan Control, October 26, 2023

No objection.

November 08, 2023

The Agent of the Applicant, Leo Chaloux of Nortec Building Solutions, appeared before the Committee and provided a summary of the Application. The agent advised that the owner wished to create a secondary dwelling unit for his sons. He indicated that the property behind the subject property had a two storey dwelling and that there are some trees on the property that could offer a buffer between the proposed secondary dwelling and neighbouring properties. He advised that he believed there were other two storey dwellings existing on Tilly Street despite comments from Staff.

The Secretary-Treasurer advised that an email of concern was received from Mary Ann Ceccarelli of 1007 Tilly Street on November 3, 2023, with respect to the height of the structure causing privacy concerns and that the email of concern had been provided to the owner, agent and the Committee Members prior to the meeting.

Chair Dumont confirmed that the recommendation of staff is to defer the application. He reiterated the concerns of staff that the proposed structure does not conform with the existing character of the neighbourhood and that the proposed structure would dominate the neighbourhood resulting in the reduction of privacy to the neighbouring properties. The Chair recommended that the Agent review the comments thoroughly and try to address the issues identified therein prior to returning the application to the Committee.

April 25, 2024

Committee Member Murray abstained from the discussion and voting on this matter as he was not in attendance when the Application was originally heard on November 8, 2023.

The applicant and his agent, Leo Chaloux, appeared before Committee and provided a summary of the Application. The Secretary-Treasurer advised Committee that the City received two emails of concern. The first was received in response to the original submission from Mary Ann Ceccarelli of 1007 Tilly Street, however no concerns were received for the revised submission. The second was received in response to the original submission as well as the revised submission from Mathieu Rancourt of 998 Annette Street. The Secretary-Treasurer confirmed with Committee that they were in receipt of both emails.

Committee Chair Dumont asked the agent if they wished to address any of the concerns expressed in the emails and the agent advised that he was not in receipt of the emails. The applicant addressed the concerns expressed in the emails and explained how he amended his application in response to them. Committee Chair Dumont read the email of concern received from Mathieu Rancourt and requested the agent to address the concerns and the agent explained what they amended from the original submission.

Committee Member Goswell asked the Secretary-Treasurer to clarify staff comments and the resolution and the Secretary-Treasurer provided clarification.

Committee Chair Dumont provided an explanation of the discussion to the applicant.

The following decision was reached:

**DECISION:**

THAT the application by:

ERIC KOIENGU

the owner(s) of PIN 73504 1513, Parcel 37474 SEC SES, Survey Plan 53R-7090 Part(s) 1, Lot(s) Part 101, Subdivision M-507, Lot Part 4, Concession 2, Township of Hanmer, 1011 Tilly Street, Hanmer

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 providing, firstly, an accessory lot coverage of 13%, 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 5.64m, 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 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
Matt Dumont	Concurring
Ron Goswell	Concurring