

Tom Davies Square  
200 Brady St

Thursday, February 23, 2023

**PUBLIC HEARINGS**

**A0005/2023**

**NEW SUDBURY CENTRE INC.**

Ward: 11

PINs 02125-0201, 02125-0195, and 02125-0197, Firstly, Part Lot 1, Concession 5, Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Plan 53R-10597, except Part 12, Plan 53R-17876; Secondly, Part Lot 9, Plan M-170, Parts 3 and 4, Plan 53R-17362; Thirdly, Part Lot 10, Plan M-170, Part 1, Plan 53R-17853, Township of McKim, 1349 Lasalle Boulevard, Sudbury, [2010-100Z, C5 (Shopping Centre Commercial), C5(2) (Shopping Centre)]

For relief from Part 4, Section 4.37, subsection 4.37.2 a) 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 approve the lands to be severed, subject of future Consent Application, providing, firstly, a minimum railroad setback of 11.5m, where all buildings and structures shall be setback 15.0m from any lot line abutting a railroad right-of-way, secondly, a minimum lot frontage of 66.9m, where 100.0m is required, and thirdly, a minimum landscaped open space of 10.1%, where 15% is required.

PREVIOUSLY SUBJECT TO MINOR VARIANCE APPLICATIONS A127/19 (OCT 16/19), A74/96 (MAY 6/96) AND A80/85 (MAY 27/85)

**A0006/2023**

**NEW SUDBURY CENTRE INC.**

Ward: 11

PINs 02125-0201, 02125-0195, and 02125-0197, Firstly, Part Lot 1, Concession 5, Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Plan 53R-10597, except Part 12, Plan 53R-17876; Secondly, Part Lot 9, Plan M-170, Parts 3 and 4, Plan 53R-17362; Thirdly, Part Lot 10, Plan M-170, Part 1, Plan 53R-17853, Township of McKim, 1349 Lasalle Boulevard, Sudbury, [2010-100Z, C5 (Shopping Centre Commercial), C5(2) (Shopping Centre)]

For relief from 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 approve the lands to be severed, subject of future Consent Application, to permit a minimum landscaped open space of 10.9%, where 15% is required.

PREVIOUSLY SUBJECT TO MINOR VARIANCE APPLICATIONS A127/19 (OCT 16/19), A74/96 (MAY 6/96) AND A80/85 (MAY 27/85)

**A0007/2023**

**2834662 ONTARIO LIMITED**

Ward: 12

PIN 02123-0436, Part Lot 2, Concession 5, Parts 1 to 7 on Plan 53R-18610, except Parts 1 and 2 on Plan 53R-21490, Township of McKim, 835 Lasalle Boulevard, Sudbury, [2010-100Z, C2(118) (General Commercial)]

For relief from Part 5, Section 5.6, subsection 5.6.6 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the location of a loading space within a queueing lane, where it is required that any required loading space shall be unobstructed and available for loading purposes and used exclusively for that purpose at all times.

PREVIOUSLY SUBJECT TO CONSENT APPLICATION B53/20 (OCT 26/20)

ALSO SUBJECT TO REZONING APPLICATION 751-6/20-18

**A0008/2023**

**RACHEL CHOUINARD  
CAMERON GREEN**

Ward: 10

PIN 73584-0509, Lot 339 on Plan 37S, Part Lot 5, Concession 3, Township of McKim, 71 Wembley Drive, Sudbury, [2010-100Z, R2-2 (Low Density Residential Two)]

For relief from Part 4, Section 4.2, subsection 4.2.5 Table 4.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the reconstruction of a three season addition on an existing single detached dwelling providing, firstly, a landing and uncovered stairs to encroach 6.0m into the required front yard, where open, roofless and uncovered steps and landings providing access to a ground floor of a dwelling is permitted no closer than 0.6m to the lot line, and secondly, a minimum front yard setback of 1.95m with eaves encroaching 0.30m into the proposed 1.95m front yard setback, where 6.0m is required.

**A0009/2023**

**CORI HOULE  
ROLAND HOULE**

Ward: 6

PIN 73504-1621, Parcel 36417 SEC SES SRO, Part Lot 67, Plan M-507, being Part 1 on Plan 53R-7220, Part Lot 4, Concession 2, Township of Hanmer, 4475 Beaver Avenue, Hanmer, [2010-100Z, R1-5 (Low Density Residential One)]

For relief from Part 4, Section 4.2, subsection 4.2.3 and subsection 4.2.4 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 14.14%, 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 6.5m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m.

PREVIOUSLY SUBJECT TO CONSENT APPLICATION B96/77 (MAR 21/77) AND MINOR VARIANCE APPLICATION A49/77 (MAR 21/77)

**A0010/2023**

**DIANE MESSIER  
CLAUDE MESSIER**

Ward: 8

PIN 73567-0333, Parcel 33280 SEC SES SRO, Part Lot 12, Plan M-287, being Part 1 on Plan SR-1050, Part Lot 12, Concession 6, Township of Neelon, 1297 and 1299 Paquette Street, Sudbury, [2010-100Z, R2-2 (Low Density Residential Two)]

For relief from Part 4, Section 4.2, subsection 4.2.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a secondary dwelling unit providing an accessory lot coverage of 12.54%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%.

**A0011/2023**

**ALEXEI MALKOV  
SVIATLANA TSIUSHAVA**

Ward: 1

PIN 73585-0922, Part Lot 109, Plan 31SA, Part Lot 6, Concession 3, Township of McKim, 409 Alder Street, Sudbury, [2010-100Z, R2-3 (Low Density Residential Two)]

For relief from Part 6, Section 6.3, Table 6.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a single family dwelling providing firstly, a minimum lot depth of 18.28m, where 30.0m is required, secondly, a minimum front yard setback of 2.13m, where 6.0m is required, and thirdly, a minimum rear yard setback of 4.52m, where 7.5m is required.

**A0012/2023**

**SHEILA TASTULA  
DAVID GIGLIOTTI**

Ward: 9

PIN 73473-0070, Parcel 8336 SEC SES, Part Broken Lot 10, Concession 3, as in LT46728A, Township of Broder, 1673 Sunnyside Road, Sudbury, [2010-100Z, R1-2 (Low Density Residential One)]

For relief from Part 4, Section 4.3, Section 4.41, subsection 4.41.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, in order to facilitate the construction of a single-detached dwelling providing, firstly, no frontage onto an assumed road, whereas no person shall erect any building on any lot that does not have frontage on an assumed road, secondly, a minimum lot frontage of 0.0m and no front lot line at the street line, where 36.0m is required and where no lot shall have a front lot line less than 10.5m in length, measured at the street line, thirdly, a minimum water frontage of 29.70m, where 36.0m is required, and fourthly, a minimum front yard setback of 4.8m, where a minimum 6.0m setback is required.

**A REMINDER... THE NEXT SCHEDULED MEETING IS  
FRIDAY, MARCH 3, 2023**



Box 5000, Station 'A', 200 Brady Street  
Sudbury ON P3A 5P3  
Tel. (705) 671-2489, Ext. 4376/4346  
Fax (705) 673-2200

## City of Greater Sudbury APPLICATION FOR MINOR VARIANCE

APPLICATION FEE: \$1,025.00 (includes \$245.00 legal notice fee)  
APPLICATION FEE FOR HEDGEROWS: \$312.00 (includes \$245.00 legal notice fee)  
CASH, DEBIT OR CHEQUE MADE PAYABLE TO: CITY OF GREATER SUDBURY

Personal information on this form is collected pursuant to the Planning Act, R.S.O. 1990 c.P.13. Any questions regarding the collection of this information may be directed to the Manager of Development Approvals. In accordance with Section 1.0.1 of the Planning Act, R.S.O. 1990 information and material required to be provided to a municipality or approval authority as part of this application shall be considered public information and shall be made available to the public.

**PLEASE PRINT. SCHEDULES MAY BE INCLUDED, IF NECESSARY.**

- 1) The undersigned hereby applies to the Committee of Adjustment of the City of Greater Sudbury under Section 45 of the Planning Act R.S.O. 1990, c.P. 13 for relief, as described in this application, from the By-Law, as amended.

Registered Owner(s): New Sudbury Centre Inc. c/o Primaris REIT Email: [REDACTED]  
Mailing Address: 26 Wellington St. Suite 400 Home: [REDACTED]  
Business Phone: [REDACTED]  
City: Toronto Postal Code: M5E 1S2 Fax Phone: [REDACTED]

- 2) If the application will be represented by someone other than the registered owner(s) and/or the application is prepared and submitted by someone other than the registered owner(s), please specify.

Name of Agent: J.L Richards & Associates Ltd Email: [REDACTED]  
Mailing Address: 384 Countryside Drive Home: [REDACTED]  
1349 LaSalle Boulevard Business: [REDACTED]  
City: Sudbury Postal Code: P3E6G2 Fax Phone: [REDACTED]  
Note: Unless otherwise requested, all communication will be sent to the agent, if any.

- 3) Names and mailing addresses of any mortgagees, holders of charges or other encumbrances. (Give full particulars to ensure that any individual, company, financial institution holding a mortgage, etc. on the subject lands can be notified of this application).

Name: N/A  
Mailing Address: [REDACTED]  
City: [REDACTED] Postal Code: [REDACTED]

- 4) Current Official Plan designation: Regional Centre Current Zoning By-law designation: C5

- 5) a) Nature and extent of relief from the Zoning By-law for which the application is being made. (If more than five variances are being sought, a schedule may be attached to the application form). Measurements must be in metric.

Variance To	By-law Requirement	Proposed	Difference
Minimum Landscaped Open Space	15%	10.1%	4.9%
Minimum Interior Side Yard Setback	15m	11.5m	23.3%
Minimum Lot Frontage	100m	66.9	33%

- b) Is there an eave encroachment? ☐ Yes ☒ No If 'Yes', size of eaves: \_\_\_\_\_ (m)

- c) Description of Proposal:

The creation of the subject land, pursuant to a consent application which will sever the southeast portion of the property, which currently has the role of Ardene and Dollarama. The subject lands will continue to have the same land use within the same building and no material changes are proposed at this time.

- d) Provide reason why the proposal cannot comply with the provisions of the Zoning By-law:

•Minimum lot frontage: 66.9 metres, whereas 100.0 metres is required •Minimum interior side yard setback: 11.5 metres, whereas 15.0 metres is required •Minimum landscaped open space: 10.1%, whereas 15% is required.

Severed Lot

Office Use Only
2022.01.01
A0005/2023
S.P.P. AREA
YES _____ NO <input checked="" type="checkbox"/>
NDCA REG. AREA
YES <input checked="" type="checkbox"/> NO _____

- 6) Legal Description (include any abutting property registered under the same ownership).

PIN(s): 021250202, 021250197, 021250195, 021250196  
Township: CITY OF GRE

Lot No.: Concession No.: Parcel(s):

Subdivision Plan No.: Lot: Reference Plan No.: Part(s):

Municipal Address or Street(s): 1349 LaSalle Boulevard

- 7) Date of acquisition of subject land. Jan 2022

- 8) Dimensions of land affected.

Frontage 403 (m) Depth 252.4 (m) Area 162,075 (m<sup>2</sup>) Width of Street (m)

- 9) Particulars of all buildings:

	Existing	Proposed
Ground Floor Area:	(m <sup>2</sup> )	(m <sup>2</sup> )
Gross Floor Area:	548845 (m <sup>2</sup> )	23685 (m <sup>2</sup> )
No. of storeys:	2	2
Width:	(m)	(m)
Length:	(m)	(m)
Height:	(m)	(m)

- 10) Location of all buildings and structures on or proposed for the subject lands (specify distances from side, rear and front lot lines).

	Existing	Proposed
Front:	10.2 (m)	76.3 (m)
Rear:	24 (m)	10 (m)
Side:	60.3 (m)	15.9 (m)
Side:	11.5 (m)	11.5 (m)

- 11) What types of water supply, sewage disposal and storm drainage are available?

Municipally owned & operated piped water system ☒

Municipally owned & operated sanitary sewage system ☒

Lake ☐

Individual Well ☐

Communal Well ☐

Individual Septic System ☐

Communal Septic System ☐

Pit Privy ☐

Municipal Sewers/Ditches/Swales ☐

What type of access to the land?

Provincial Highway ☐

Municipal Road ☐

Maintained Yearly ☐

Maintained Seasonal ☐

Right-of-way ☐

Water ☐

If access is by water only, provide parking and docking facilities to be used.

- 12) Date(s) of construction of all buildings and structures on the subject land.

N/A

- 13) Existing use(s) of the subject property and length of time it / they have continued.

Use(s): Shopping Centre Length of time: 2003 to Current

- 14) Proposed use(s) of the subject property.

Same as #13 ☐ or,

- 15) What is the number of dwelling units on the property?

- 16) If this application is approved, would any existing dwelling units be legalized?

☐ Yes ☒ No

If "yes", how many?

- 17) Existing uses of abutting properties:

\* Located to the north and east of the subject property are a range of commercial land uses, a mix of residential and non-residential land uses are located south of the subject property, separated by the

- 18) To the best of your knowledge has the subject land ever been subject of a previous application for minor variance/permission? ☐ Yes ☒ No

If "yes", indicate the application number(s): \_\_\_\_\_  
or, describe briefly, \_\_\_\_\_

- 19) Is the property the subject of a current application for Consent (i.e. severance) under Section 53 of the Planning Act, R.S.O. 1990 c.P.13? ☐ Yes ☒ No

If "yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 20) Is the property the subject of a current application for a Plan of Subdivision under Section 51 of the Planning Act, R.S.O. 1990, c.P.13, or its predecessors? ☐ Yes ☒ No

If 'Yes', indicate application number(s) and status of application(s): \_\_\_\_\_

- 21) Is this property located within an area subject to the Greater Sudbury Source Protection Plan?  
☐ Yes ☒ No

If "yes", provide details on how the property is designated in the Source Protection Plan. \_\_\_\_\_

#### **PART A: OWNER ACKNOWLEDGEMENT AND CONSENT**

I/We, Colm Sharkey c/o New Sudbury Centre Inc (please print all names), the registered owner(s) of the property described as 1349 Lasalle Boulevard Sudbury, ON P3A 1Z3  
in the City of Greater Sudbury:

##### **Collection, Use and Disclosure of Information:**

- acknowledge that personal information collected on this form is collected pursuant to the *Planning Act*, R.S.O. 1990, c.P.13 for the purpose of processing this planning application;
- acknowledge that it is the practice of the City of Greater Sudbury, in accordance with section 1.0.1 of the *Planning Act*, R.S.O. 1990, c.P.13, to provide public access to all planning applications and documents, including but not limited to reports, studies and drawings, required by the City of Greater Sudbury in support of this application ("Supporting Documentation") and provided to the City by me, my agents, my consultants and my solicitors;
- in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, consent to the use and disclosure of this application and any Supporting Documentation, inclusive of any personal information, to any person or entity, in any manner chosen by the City, including copying, posting on the City's website, advertising in a newspaper, routine distribution to members of council and in staff reports, or releasing to a third party upon third party request;
- grant the City permission to reproduce, in whole or in part, the application and Supporting Documentation for internal use, inclusion in staff reports, distribution to the public for the purpose of public consultation or any other use associated with the purpose of review and implementation of the application;

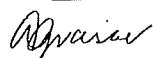
##### **Authority to Enter Land and Photograph**

- grant the City permission to attend, photograph and conduct inspections of the lands subject to this application as part of the City's review and processing of this application;
- acknowledge that, in the event of a third party appeal of this application (where applicable) to the Ontario Land Tribunal, the City of Greater Sudbury may not attend at the Ontario Land Tribunal hearing unless the City is provided with the City's required fee for attendance at the hearing;

##### **Appointment of Authorized Agent**

- appoint and authorize J.L. Richards & Associates Ltd (please print name of Agent), to act as my/our agent with regard to this application to the City of Greater Sudbury, including but not limited to receiving all correspondence, attending at any hearings, fulfilling any conditions, and providing any approvals or consents and ratify, confirm, and adopt as my/our own, the acts, representations, replies and commitments made by the agent on my/our behalf.

Dated this 22 day of December, 20 22

  
(witness)

signature of Owner(s) or Signing Officer or Authorized Agent  
Digitally signed by Colm Sharkey  
Print Name: Colm Sharkey Date: 2022.12.22 10:11:13 -05'00'

\*I have authority to bind the Corporation

A0005/2023

I/We, Colm Sharkey c/o New Sudbury Centre Inc (please print all names),  
the registered owner(s) or authorized agent of the property described as 1349 Lasalle Boulevard Sudbury, ON P3A 1Z3

solemnly declare that all of the statements contained in this application and in the Supporting Documentation are true and complete, and I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Dated this 22 day of december, 20 22

Karen Elizabeth Pigeau, a Commissioner for taking Affidavits in and for the Courts of Ontario, while within the Territorial District of Sudbury and while appointed as a Deputy-Clerk for the City of Greater Sudbury.

Colm Sharkey Digitally signed by Colm Sharkey  
Date: 2022.12.22 10:12:04 -05'00'

signature of Owner(s) or Signing Officer or Authorized Agent  
(\*where a Corporation)

Print Name:

\*I have authority to bind the Corporation

\* Where the owner is a firm or corporation, the person signing this instrument shall state that he/she has authority to bind the corporation or affix the corporate seal.

**FOR OFFICE USE ONLY**

Date of Receipt: Jan 16/23 Hearing Date: Feb 23/23 Received By: S. Pinkerton  
Zoning Designation: C5 Resubmission: ☐ Yes ☒ No  
Previous File Number(s): See below  
Previous Hearing Date:  
Notes: A0074/1996 (May 6/96)  
A0127/2019 (Oct 16/19)  
A0080/1985 (May 27/85)

AD005/2023



**J.L. Richards  
& Associates Limited**  
314 Countryside Drive  
Sudbury, ON Canada  
P3E 6G2  
Tel: 705 522 8174  
Fax: 613 728 6012

December 23, 2022  
Our File No.: 32160-000

**VIA: HAND DELIVERY**

Committee of Adjustments  
City of Greater Sudbury  
200 Brady Street, Tom Davies Square  
Sudbury, Ontario  
P3A 5P3

Dear Committee of Adjustments:

**Re: Minor Variance Application  
New Sudbury Shopping Centre, 1349 LaSalle Boulevard  
(Proposed Severed Lot)**

J.L. Richards & Associates Ltd. (JLR) is the planning consultant firm representing Primaris REIT, the registered owner of the property located at 1349 LaSalle Boulevard (herein described as the 'subject property'), in the City of Greater Sudbury. On behalf of our client, Primaris REIT, JLR is pleased to submit this Application for Minor Variance, to facilitate a proposed consent application and zoning by-law development standard modifications to the proposed severed lot.

**SUBJECT PROPERTY AND SURROUNDING AREA**

The subject property is generally located at the intersection of Barry Downe Road and LaSalle Boulevard. The subject lands are known municipally as 1349 LaSalle Boulevard. The lot is described as corner lot with approximately 399m of frontage on BarryDowne Road and 424m frontage on LaSalle Boulevard with a total area of 162,075m<sup>2</sup>. There are two public access driveways along LaSalle Boulevard and three public access driveways along Barry Downe Road which provide vehicular and pedestrian access to the subject property. The subject property is currently improved with a regional commercial mall and two free-standing buildings that are used for retail (Adrene's and Dollarama) and restaurant (Swiss Chalet) uses.

Located to the north and east of the subject property are a range of commercial land uses; a mixture of residential and non-residential land uses are located south of the subject property, separated by the railway corridor; and a mix of residential and open space uses are located to the west.

The subject lands are designated 'Regional Centre' in the City's Official Plan and zoned 'Shopping Centre Commercial (C5)' in the City's Zoning By-Law, given the role of the New Sudbury Shopping Centre as a local and regional retail and tourism destination.



Committee of Adjustments, 200 Brady Street, Tom Davies Square

## **PROPOSED DEVELOPMENT AND VARIANCE(S)**

Our client is proposing the creation of the subject land, pursuant to a consent application which will sever the southeast portion of the property, which currently has the role of Ardene and Dollarama. The subject lands will continue to have the same land use within the same building and no material changes are proposed at this time.

Subject to the pursuant consent application our client is proposing the creation of two new lots.

- The first lot is described as the retained lot which will continue to be used as primary lot for the regional commercial mall and free-standing restaurant (Swiss Chalet). The retained lot will be generally described as a corner lot with approximately 399m of frontage on Barry Down Road and 358m frontage on LaSalle Boulevard and have a total area of 151,473m<sup>2</sup>. Public access to the site will be maintained via the two driveway's along LaSalle Boulevard and the three driveway's along Barry Downe road.
- The second lot is described as the proposed lot which will continue to be used for retail (Ardene's and Dollarama). The proposed lot will be generally described as an interior lot with approximately 133m abutting a railway corridor, 67m of frontage along Barry Downe Road and an interior lot line of 130m adjacent to the retained lot. The total area of the proposed site is approximately 10,602m<sup>2</sup> and access to the site will be via an easement over the most southerly Barry Downe Road public driveway to continue shared access to both the retained and proposed sites.

The commercial building on the proposed lot was constructed in 2004/2005 and originally used as a Future Shop. When Future shop left the market, the building was re-demised in 2017 for Ardene and Dollarama. The construction of the building in 2004/2005 was regulated under and met the standards of former Zoning By-law 95-500Z, including setback from the railway line. Section 4.37.2 of the Zoning By-Law 2010-100Z specifies a special 15m setback from commercial zones abutting railroads. As discussed below, the existing interior side yard setback between the southern face of the commercial building and rail corridor is legal non-complying.

In addition to the easement to allow for continued shared access to the sites our client will be applying for two additional easements. The first easement is to continue the proposed site to have access to the water main which connects off Barry Downe Road and has a private tie-in point connecting the Ardene's and Dollarama to the municipal water service. The second easement is for the sanitary sewer line which tie's into the west of the Ardene's and Dollarama building which crosses the parking lot of the retained lot before connecting into the main trunk line to the south west of the building. These applications are separate from this minor variance application.

Committee of Adjustments, 200 Brady Street, Tom Davies Square

If approved, the proposed severance application would create a new lot. We have compared the proposed severed lot to the C5 Zone development standards. This comparison demonstrates that, if the proposed lot is approved, three variances are required from eleven development standards for the C5 Zone, as follows and illustrated below:

- Minimum lot frontage: 66.9 metres, whereas 100.0 metres is required
- Minimum interior side yard setback: 11.5 metres, whereas 15.0 metres is required
- Minimum landscaped open space: 10.1%, whereas 15% is required.

**Table 7.3 – Standards for Commercial Zones (By-laws 2012-67Z, 2021-152Z)**

Zone	Min Lot Area (m <sup>2</sup> )	Min Lot Frontage	Min Required Front Yard	Min Required Rear Yard	Min Required Interior Side Yard	Min Required Corner Side Yard	Min Lot Coverage	Min Height	Min Landscaped Open Space	Other Provisions
C5	No minimum	100.0 m	10.0 m (1)(i)	10.0 m (1)(i)	10.0 m	10 m (1)(i)	No maximum	20.0 m	15%	(6)(7)
Proposed Lot	N/A	66.9m	76.3m	10m	11.5m (4.37.2 Railroads... "a) 15.0 metres in any Commercial © or Industrial (M) Zone"	N/A	N/A	N/A	10.1%	

Please see attached Minor Variance sketch prepared by J.L Richards & Associates Ltd, dated December 22, 2022.

#### **FOUR TESTS UNDER SECTION 45(1) OF THE PLANNING ACT**

In support of the proposed minor variance, we have conducted a thorough analysis of the relevant Official Plan Policies and Zoning By-law provisions. In addition, we have examined the context of the surrounding community to provide a professional planning opinion on the appropriateness of the variance.

Section 45(1) of the Planning Act, as amended, identifies the four tests which must be satisfied in order for the Committee to approve this application. The following section provides an analysis demonstrating how the variance satisfied these tests.

*1. The variance is minor in nature.*

As discussed, the proposed lot, follows all applicable provisions of the Zoning By-law except for the proposed variances minimum required frontage, minimum landscape open space and to recognize a legal non-conforming setback.

- The deficiency in the minimum frontage is approximately a third of the required frontage;
- The deficiency in the minimum landscape space is approximately a third;

Committee of Adjustments, 200 Brady Street, Tom Davies Square

- The special setback requirement detailed in Section 4.37.2 of the Zoning By-law has been identified as legal non-complying.

In our opinion the variances are minor in nature as there is no proposed changes to the physical or built environment on the proposed lot and the deficiencies are not expected to have any impact on the surrounding lands.

*2. The variance is desirable for the appropriate development or use of the land.*

As discussed, the variances are not a result of a proposed material change to the subject lands but rather a result of a future consent application. There is no reduction in the amount of existing landscape open space on the subject property and no environmental, natural heritage or foreseeable impacts will result as a result of the future consent application. The frontage deficiency is created as a result of the future consent application and required to maintain the shared driveway access to the subject property and abutting lot, while the landscape and open space is being maintained as no additional parking spaces are being created.

In our opinion the variances are appropriate and desirable as the use of the land is being maintained and will continue to be compatible with surrounding land uses.

*3. The variance maintains the general intent and purpose of the Zoning By-law.*

The general intent of the variances maintains the intent and purpose of the Zoning By-law as the application ensures that commercial properties will continue to have sufficient frontage and allow for flexible land use over time and that the parking spaces will have adequate amounts of landscaping to break up the parking areas. Finally, the legal non-complying setback to the railway corridor is intended to ensure compatibility between the existing commercial property and rail corridor.

In our opinion the variances maintain the general intent and purpose of the Zoning By-law.

*4. The variance maintains the general intent and purpose of the Official Plan*

The proposed variances are not a result of any changes to the built environment and there is no change to the existing landscape open space and will continue to meet the Official Plan policies.

In our opinion the variance maintains the general intent and purpose of the Official Plan.

## **CONCLUSION**

Based on the findings presenting in this brief, it is our opinion that the proposed minor variance application meets the four tests as established in the Planning Act. As such, we respectfully request that the Committee of Adjustments approve this application.

Committee of Adjustments, 200 Brady Street, Tom Davies Square

## APPLICATION MATERIAL

In support of the application, please find enclosed the following materials:

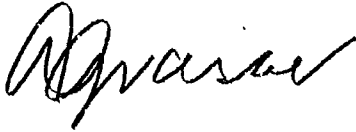
- Minor Variance Application Form;
- Minor Variance sketch prepared by J.L Richards & Associates Ltd, dated December 22, 2022.

We trust that these materials are sufficient for Staff's review. Please contact the undersigned at [REDACTED] or [REDACTED], if you require additional information or wish to clarify anything contained in this application.

Yours very truly,

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:



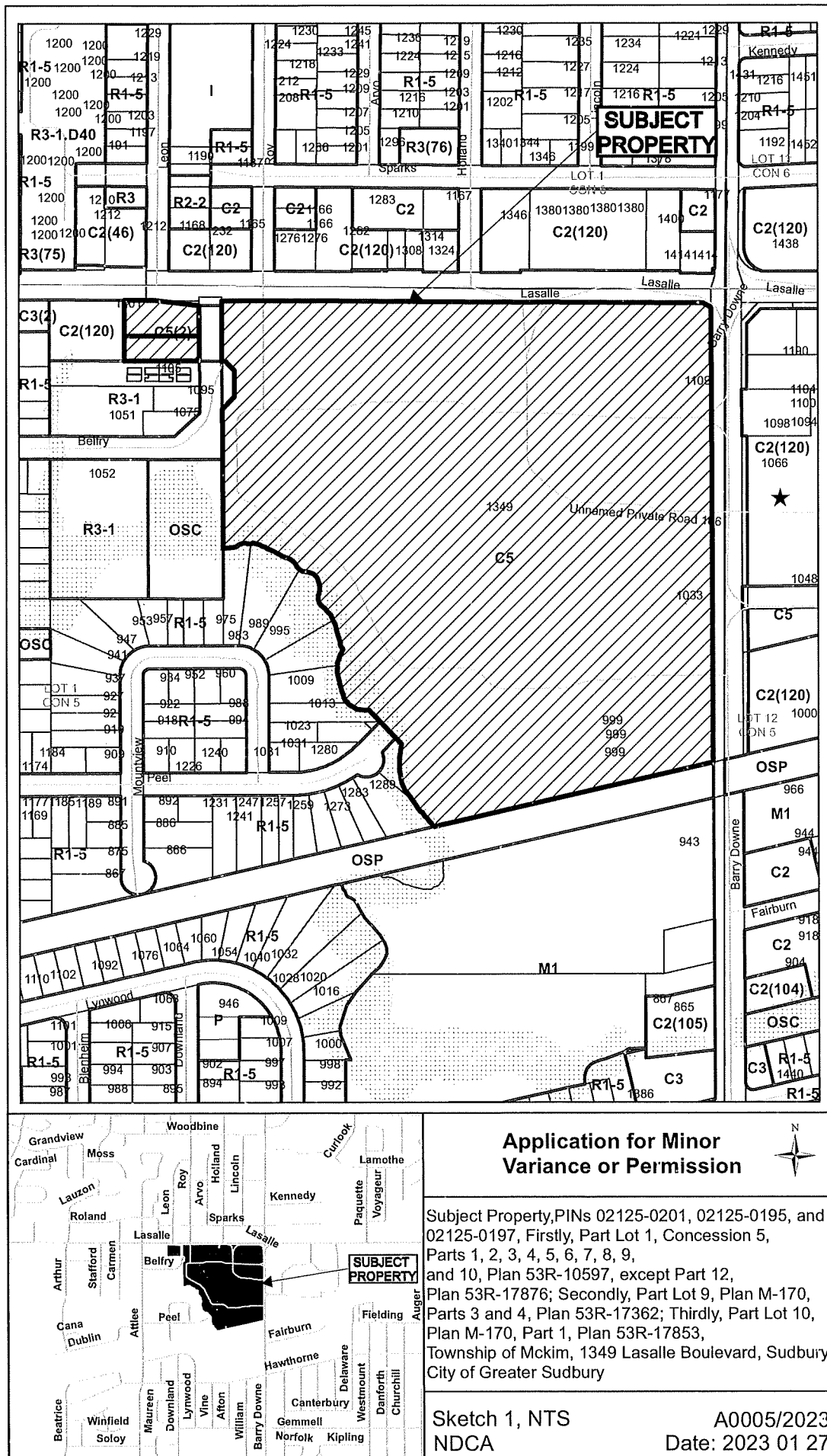
Arianna Grasser, MURP  
Planner

Reviewed by:



Jason Ferrigan, RPP, MCIP, MSc.PI  
Associate; Senior Planner

11000512023









Returned



Box 5000, Station 'A', 200 Brady Street  
Sudbury ON P3A 5P3  
Tel. (705) 671-2489, Ext. 4376/4346  
Fax (705) 673-2200

Office Use Only	
2022.01.01	
A000612023	
S.P.P. AREA	
YES	NO <input checked="" type="checkbox"/>
NDCA REG. AREA	
YES <input checked="" type="checkbox"/>	NO

## City of Greater Sudbury

### APPLICATION FOR MINOR VARIANCE

APPLICATION FEE: \$1,025.00 (includes \$245.00 legal notice fee)  
APPLICATION FEE FOR HEDGEROWS: \$312.00 (includes \$245.00 legal notice fee)  
CASH, DEBIT OR CHEQUE MADE PAYABLE TO: CITY OF GREATER SUDBURY

Personal information on this form is collected pursuant to the Planning Act, R.S.O. 1990 c.P.13. Any questions regarding the collection of this information may be directed to the Manager of Development Approvals. In accordance with Section 1.0.1 of the *Planning Act*, R.S.O. 1990 information and material required to be provided to a municipality or approval authority as part of this application shall be considered public information and shall be made available to the public.

**PLEASE PRINT. SCHEDULES MAY BE INCLUDED, IF NECESSARY.**

- 1) The undersigned hereby applies to the Committee of Adjustment of the City of Greater Sudbury under Section 45 of the Planning Act R.S.O. 1990, c.P. 13 for relief, as described in this application, from the By-Law, as amended.

Registered Owner(s): New Sudbury Centre Inc. c/o Primaris REIT Email: [REDACTED]  
Mailing Address: 26 Wellington St. Suite 400 Home: [REDACTED]  
Business Phone: [REDACTED]  
City: Toronto Postal Code: M5E 1S2 Fax Phone: [REDACTED]

- 2) If the application will be represented by someone other than the registered owner(s) and/or the application is prepared and submitted by someone other than the registered owner(s), please specify.

Name of Agent: J.L Richards & Associates Ltd Email: [REDACTED]  
Mailing Address: 384 Countryside Drive Home: [REDACTED]  
1349 LaSalle Boulevard Business: [REDACTED]  
City: Sudbury Postal Code: P3E6G2 Fax Phone: [REDACTED]

Note: Unless otherwise requested, all communication will be sent to the agent, if any.

- 3) Names and mailing addresses of any mortgagees, holders of charges or other encumbrances. (Give full particulars to ensure that any individual, company, financial institution holding a mortgage, etc. on the subject lands can be notified of this application).

Name: N/A  
Mailing Address: [REDACTED]  
City: [REDACTED] Postal Code: [REDACTED]

- 4) Current Official Plan designation: Regional Centre Current Zoning By-law designation: C5

- 5) a) Nature and extent of relief from the Zoning By-law for which the application is being made. (If more than five variances are being sought, a schedule may be attached to the application form). Measurements must be in metric.

Variance To	By-law Requirement	Proposed	Difference
Minimum Landscaped Open Space	15%	10.9%	4.1%

- b) Is there an eave encroachment? ☐ Yes ☒ No If 'Yes', size of eaves: \_\_\_\_\_ (m)

c) Description of Proposal:  
the creation of the subject land, pursuant to a consent application which will sever the southeast portion of the property, which currently has the role of Ardene and Dollarama. The subject lands will continue to have the same land use and no material changes are proposed at this time.

d) Provide reason why the proposal cannot comply with the provisions of the Zoning By-law:  
Minimum Landscape open space requirement is 15% and creation of the new lot will only have a minimum landscaped open space of 10.9%.

- 6) Legal Description (include any abutting property registered under the same ownership).

PIN(s): 021250202, 021250197, 021250195, 021250196 Township: CITY OF GRE

Lot No.: Concession No.: Parcel(s):

Subdivision Plan No.: Lot: Reference Plan No.: Part(s):

Municipal Address or Street(s): 1349 LaSalle Boulevard

- 7) Date of acquisition of subject land. Jan 2022

- 8) Dimensions of land affected. Please see attached memo

Frontage 403 (m) Depth 252.4 (m) Area 162075 (m<sup>2</sup>) Width of Street (m)

- 9) Particulars of all buildings:

	Existing		Proposed	
Ground Floor Area:		(m <sup>2</sup> )		(m <sup>2</sup> )
Gross Floor Area:	548845	(m <sup>2</sup> )	525160	(m <sup>2</sup> )
No. of storeys:	2		2	
Width:		(m)		(m)
Length:		(m)		(m)
Height:		(m)		(m)

- 10) Location of all buildings and structures on or proposed for the subject lands (specify distances from side, rear and front lot lines).

	Existing		Proposed	
Front:	10.2	(m)	10.2	(m)
Rear:	24	(m)	24	(m)
Side:	60.3	(m)	60.3	(m)
Side:	11.5	(m)	96.1	(m)

- 11) What types of water supply, sewage disposal and storm drainage are available?

Municipally owned & operated piped water system ☒

Municipally owned & operated sanitary sewage system ☒

Lake ☐

Individual Well ☐

Communal Well ☐

Individual Septic System ☐

Communal Septic System ☐

Pit Privy ☐

Municipal Sewers/Ditches/Swales ☐

What type of access to the land?

Provincial Highway ☐

Municipal Road ☐

Maintained Yearly ☒

Maintained Seasonal ☐

Right-of-way ☐

Water ☐

If access is by water only, provide parking and docking facilities to be used.

- 12) Date(s) of construction of all buildings and structures on the subject land.

Approx. 2003/2004

- 13) Existing use(s) of the subject property and length of time it / they have continued.

Use(s): Shopping Centre Length of time: 2003 to Current

- 14) Proposed use(s) of the subject property.

Same as #13 ☐ or, \_\_\_\_\_

- 15) What is the number of dwelling units on the property? \_\_\_\_\_

- 16) If this application is approved, would any existing dwelling units be legalized?

☐ Yes ☒ No

If "yes", how many? \_\_\_\_\_

- 17) Existing uses of abutting properties:

Located to the north and east of the subject property are a range of commercial land uses; a mixture of residential and non-residential land uses are located south of the subject property, separated by the rd

A0006/2023



- 18) To the best of your knowledge has the subject land ever been subject of a previous application for minor variance/permission? ☐ Yes ☒ No

If "yes", indicate the application number(s): \_\_\_\_\_  
or, describe briefly, \_\_\_\_\_

- 19) Is the property the subject of a current application for Consent (i.e. severance) under Section 53 of the Planning Act, R.S.O. 1990 c.P.13? ☐ Yes ☒ No

If "yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 20) Is the property the subject of a current application for a Plan of Subdivision under Section 51 of the Planning Act, R.S.O. 1990, c.P.13, or its predecessors? ☐ Yes ☒ No

If 'Yes', indicate application number(s) and status of application(s): \_\_\_\_\_

- 21) Is this property located within an area subject to the Greater Sudbury Source Protection Plan? ☐ Yes ☒ No

If "yes", provide details on how the property is designated in the Source Protection Plan. \_\_\_\_\_

### **PART A: OWNER ACKNOWLEDGEMENT AND CONSENT**

I/We, Colm Sharkey c/o New Sudbury Centre Inc (please print all names), the registered owner(s) of the property described as 1349 Lasalle Boulevard Sudbury, ON P3A 1Z3  
in the City of Greater Sudbury:

#### **Collection, Use and Disclosure of Information:**

- acknowledge that personal information collected on this form is collected pursuant to the *Planning Act*, R.S.O. 1990, c.P.13 for the purpose of processing this planning application;
- acknowledge that it is the practice of the City of Greater Sudbury, in accordance with section 1.0.1 of the *Planning Act*, R.S.O. 1990, c.P.13, to provide public access to all planning applications and documents, including but not limited to reports, studies and drawings, required by the City of Greater Sudbury in support of this application ("Supporting Documentation") and provided to the City by me, my agents, my consultants and my solicitors;
- in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, consent to the use and disclosure of this application and any Supporting Documentation, inclusive of any personal information, to any person or entity, in any manner chosen by the City, including copying, posting on the City's website, advertising in a newspaper, routine distribution to members of council and in staff reports, or releasing to a third party upon third party request;
- grant the City permission to reproduce, in whole or in part, the application and Supporting Documentation for internal use, inclusion in staff reports, distribution to the public for the purpose of public consultation or any other use associated with the purpose of review and implementation of the application;


#### **Authority to Enter Land and Photograph**

- grant the City permission to attend, photograph and conduct inspections of the lands subject to this application as part of the City's review and processing of this application;
- acknowledge that, in the event of a third party appeal of this application (where applicable) to the Ontario Land Tribunal, the City of Greater Sudbury may not attend at the Ontario Land Tribunal hearing unless the City is provided with the City's required fee for attendance at the hearing;

#### **Appointment of Authorized Agent**

- appoint and authorize J.L. Richards & Associates Ltd (please print name of Agent), to act as my/our agent with regard to this application to the City of Greater Sudbury, including but not limited to receiving all correspondence, attending at any hearings, fulfilling any conditions, and providing any approvals or consents and ratify, confirm, and adopt as my/our own, the acts, representations, replies and commitments made by the agent on my/our behalf.

Dated this 22 day of December, 20 22

  
(witness)

**Colm Sharkey**

Digitally signed by Colm Sharkey  
Date: 2022.12.22 10:13:22 -05'00'

signature of Owner(s) or Signing Officer or Authorized Agent

Print Name: Colm Sharkey

\*I have authority to bind the Corporation

Approved 2023

I/We, Colm Sharkey c/o New Sudbury Centre Inc (please print all names),  
the registered owner(s) or authorized agent of the property described as 1349 Lasalle Boulevard Sudbury, ON P3A 1Z3

solemnly declare that all of the statements contained in this application and in the Supporting Documentation are true and complete, and I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Dated this 22 day of december, 20 22

Karen Elizabeth Pigeau, a Commissioner for taking Affidavits in and for the Courts of Ontario, while within the Territorial District of Sudbury and while appointed as a Deputy-Clerk for the City of Greater Sudbury.

**Colm Sharkey** Digitally signed by Colm Sharkey  
Date: 2022.12.22 10:14:49 -05'00'

signature of Owner(s) or Signing Officer or Authorized Agent  
(\*where a Corporation)

Print Name: Golm Sharkey  
 \*I have authority to bind the Corporation

\* Where the owner is a firm or corporation, the person signing this instrument shall state that he/she has authority to bind the corporation or affix the corporate seal.

**FOR OFFICE USE ONLY**

Date of Receipt: Jan 16/23 Hearing Date: February 23, 2023 Received By: S. Pinkerton  
Zoning Designation: C-3 Resubmission: ☐ Yes ☒ No  
Previous File Number(s): See below  
Previous Hearing Date:  
Notes: A0074/1996 (May 6/96)  
A0127/2019 (Oct 16/19)  
A0080/1985 (May 27/85)

A0006/2023



**J.L. Richards  
& Associates Limited**  
314 Countryside Drive  
Sudbury, ON Canada  
P3E 6G2  
Tel: 705 522 8174  
Fax: 613 728 6012

December 23, 2022  
Our File No.: 32160-000

**VIA: HAND DELIVERY**

Committee of Adjustments  
City of Greater Sudbury  
200 Brady Street, Tom Davies Square  
Sudbury, Ontario  
P3A 5P3

Dear Committee of Adjustments:

**Re: Minor Variance Application  
New Sudbury Shopping Centre, 1349 LaSalle Boulevard  
(Proposed Retained Lot)**

J.L. Richards & Associates Ltd. (JLR) is the planning consultant firm representing Primaris REIT, the registered owner of the property located at 1349 LaSalle Boulevard (herein described as the 'subject property'), in the City of Greater Sudbury. On behalf of our client, Primaris REIT, JLR is pleased to submit this Application for Minor Variance, to facilitate a proposed consent application and zoning by-law development standard modifications to the proposed retained lot.

**SUBJECT PROPERTY AND SURROUNDING AREA**

The subject property is generally located at the intersection of Barry Downe Road and LaSalle Boulevard. The subject lands are known municipally as 1349 LaSalle Boulevard. The lot is described as corner lot with approximately 399m of frontage on Barry Down Road and 424m frontage on LaSalle Boulevard with a total area of 162,075m<sup>2</sup>. There are two public access driveways along LaSalle Boulevard and three public access driveways along Barry Downe Road which provide vehicular and pedestrian access to the subject property. The subject property is currently improved with a regional commercial mall and two free-standing buildings that are used for retail (Adrene's and Dollarama) and restaurant (Swiss Chalet) uses.

Located to the north and east of the subject property are a range of commercial land uses; a mixture of residential and non-residential land uses are located south of the subject property, separated by the railway corridor; and a mix of residential and open space uses are located to the west.

The subject lands are designated 'Regional Centre' in the City's Official Plan and zoned 'Shopping Centre Commercial (C5)' in the City's Zoning By-Law, given the role of the New Sudbury Shopping Centre as a local and regional retail and tourism destination.

Committee of Adjustments, 200 Brady Street, Tom Davies Square

## PROPOSED DEVELOPMENT AND VARIANCE

Our client is proposing the creation of the subject land, pursuant to a consent application which will sever the southeast portion of the property, which currently has the role of Ardene and Dollarama. The subject lands will continue to have the same land use and no material changes are proposed at this time.

Subject to the pursuant consent application our client is proposing the creation of two new lots.

- The first lot is described as the retained lot which will continue to be used as primary lot for the regional commercial mall and free-standing restaurant (Swiss Chalet). The retained lot will be generally described as a corner lot with approximately 399m of frontage on Barry Down Road and 358m frontage on LaSalle Boulevard and have a total area of 151,473m<sup>2</sup>. Public access to the site will be maintained via the two driveway's along LaSalle Boulevard and the three driveway's along Barry Downe road.
- The second lot is described as the proposed lot which will continue to be used for retail (Ardene's and Dollarama). The proposed lot will be generally described as an interior lot with approximately 133m abutting a railway corridor, 67m of frontage along Barry Downe Road and an interior lot line of 130m adjacent to the retained lot. The total area of the proposed site is approximately 10, 602m<sup>2</sup> and access to the site will be via an easement over the most southerly Barry Downe Road public driveway to continue shared access to both the retained and proposed sites.

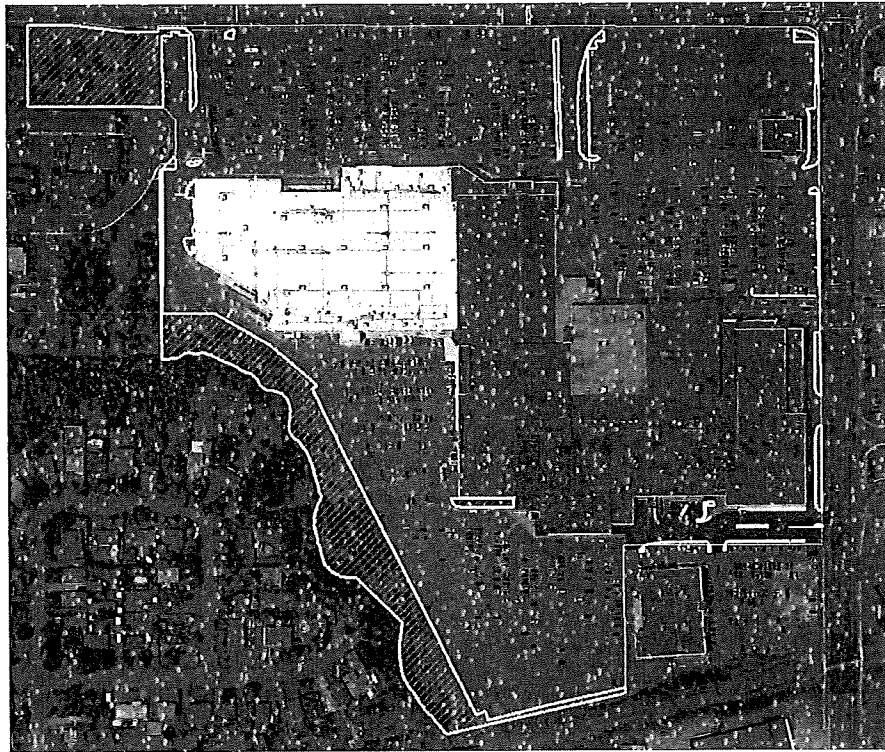
In addition to the easement to allow for continued shared access to the sites our client will be applying for two additional easements. The first easement is to continue the proposed site to have access to the water main which connects off Barry Downe Road and has a private tie-in point connecting the Ardene's and Dollarama to the municipal water service. The second easement is for the sanitary sewer line which tie's into the west of the Ardene's and Dollarama building which crosses the parking lot of the retained lot before connecting into the main trunk line to the south west of the building.

If approved, the proposed severance application would create a new lot. We have compared the retained lot to the C5 Zone development standards. This comparison demonstrates that, if the consent application is approved, one variance is required from eleven development standards for the C5 Zone, as follows and illustrated below:

**Table 7.3 – Standards for Commercial Zones (By-laws 2012-67Z, 2021-152Z)**

Zone	Min Lot Area (m <sup>2</sup> )	Min Lot Frontage	Min Required Front Yard	Min Required Rear Yard	Min Required Interior Side Yard	Min Required Corner Side Yard	Min Lot Coverage	Min Height	Min Landscaped Open Space	Other Provisions
C5	No minimum	100.0 m	10.0 m (1)(i)	10.0 m (1)(i)	10.0 m	10 m (1)(i)	No maximum	20.0 m	15%	(6)(7)
Retained Lot	N/A	330m	11.09	22.8m	106.2m	20.49m	N/A	N/A	10.9% (see figure below)	(6)(7)

Committee of Adjustments, 200 Brady Street, Tom Davies Square



#### **FOUR TESTS UNDER SECTION 45(1) OF THE PLANNING ACT**

In support of the proposed minor variance, we have conducted a thorough analysis of the relevant Official Plan Policies and Zoning By-law provisions. In addition, we have examined the context of the surrounding community in order to provide an informed opinion on the compatibility of the variance on the surrounding development.

Section 45(1) of the Planning Act, as amended, identifies the four tests which must be satisfied in order for the Committee to approve this application. The following section provides an analysis demonstrating how the variance satisfied these tests.

*1. The variance is minor in nature.*

As discussed, the retained lot, follows all applicable provisions of the Zoning By-law except for the minimum landscape open space requirement. The deficiency is not a result of material change to the existing built environment but rather a consent application. A minimum of 15% landscape open space is required in C5 zones, however, the application will result in a deficiency of 4.1% in landscape open space.

In our opinion the variance is minor in nature as there is no proposed changes to the physical or built environment of the retained lot and the deficiency is no expected to have any impact on the surrounding lands.

*2. The variance is desirable for the appropriate development or use of the land.*

Committee of Adjustments, 200 Brady Street, Tom Davies Square

As discussed, the proposed variance is not a result of material change to the retained lands but rather a result of a future consent application. There is no reduction in the amount of existing landscape open space on the subject property and no environmental, natural heritage or foreseeable impacts will result from the future consent application.

In our opinion the variance is appropriate and desirable as the land use is being maintained and will continue to be compatible with surrounding land uses.

*3. The variance maintains the general intent and purpose of the Zoning By-Law.*

The general intent of the application largely conforms to the intent of the Zoning By-Law with the exception of the minimum landscape open space. The Zoning By-Law requires C5 zones to have a minimum of 15% landscape open space and as a result of the future consent application the retained lot will have a 4.1% deficiency in the minimum landscape open space requirement. Overall, this deficiency does not impact the use of the lands, nor does the deficiency in landscape space impact the surrounding lands and uses.

In our opinion the variance maintains the general intent and purpose of the Zoning By-law.

*4. The variance maintains the general intent and purpose of the Official Plan*

The proposed variance is not a result of any changes to the built environment and there is no change to the existing landscape open space and will continue to meet the Official Plan policies.

In our opinion the variance maintains the general intent and purpose of the Official Plan.

## CONCLUSION

Based on the findings presenting in this brief, it is our opinion that the proposed minor variance application meets the four tests as established in the Planning Act. As such, we respectfully request that the Committee of Adjustments approve this application.

Committee of Adjustments, 200 Brady Street, Tom Davies Square

## APPLICATION MATERIAL

In support of the application, please find enclosed the following materials:

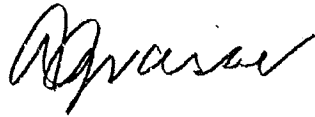
- Minor Variance Application Form;
- Minor Variance sketch prepared by J.L Richards & Associates Ltd, dated December 22, 2022.

We trust that these materials are sufficient for Staff's review. Please contact the undersigned at [REDACTED] or [REDACTED], if you require additional information or wish to clarify anything contained in this application.

Yours very truly,

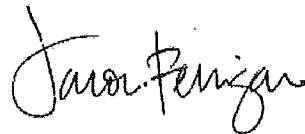
J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:



Arianna, MURP  
Planner

Reviewed by:



Jason Ferrigan, RPP, MCIP, MSc.PI.,  
Associate; Senior Planner

170006/2023











Box 5000, Station 'A', 200 Brady Street  
Sudbury ON P3A 5P3  
Tel. (705) 671-2489, Ext. 4376/4346  
Fax (705) 673-2200

Office Use Only	
2022.01.01	
A0007/2023	
S.P.P. AREA	
YES	NO <input checked="" type="checkbox"/>
NDCA REG. AREA	
YES <input checked="" type="checkbox"/>	NO

## City of Greater Sudbury APPLICATION FOR MINOR VARIANCE

APPLICATION FEE: \$1,025.00 (includes \$245.00 legal notice fee)  
APPLICATION FEE FOR HEDGEROWS: \$312.00 (includes \$245.00 legal notice fee)  
CASH, DEBIT OR CHEQUE MADE PAYABLE TO: CITY OF GREATER SUDBURY

Personal information on this form is collected pursuant to the Planning Act, R.S.O. 1990 c.P.13. Any questions regarding the collection of this information may be directed to the Manager of Development Approvals. In accordance with Section 1.0.1 of the *Planning Act*, R.S.O. 1990 information and material required to be provided to a municipality or approval authority as part of this application shall be considered public information and shall be made available to the public.

PLEASE PRINT. SCHEDULES MAY BE INCLUDED, IF NECESSARY.

- 1) The undersigned hereby applies to the Committee of Adjustment of the City of Greater Sudbury under Section 45 of the Planning Act R.S.O. 1990, c.P. 13 for relief, as described in this application, from the By-Law, as amended.

Registered Owner(s): 2834662 Ontario Limited  
Mailing Address: 1895 Clements Road, Unit #156 &157  
City: Pickering Postal Code: L1W 3V5

- 2) If the application will be represented by someone other than the registered owner(s) and/or the application is prepared and submitted by someone other than the registered owner(s), please specify:

Name of Agent: Nitin Malhotra  
Mailing Address: 9120 Leslie St. Suite 208  
City: Richmond Hill Postal Code: L4B 3J9

Note: Unless otherwise requested, all communication will be sent to the agent, if any.

- 3) Names and mailing addresses of any mortgagees, holders of charges or other encumbrances. (Give full particulars to ensure that any individual, company, financial institution holding a mortgage, etc. on the subject lands can be notified of this application).

Name:  
Mailing Address:  
City: Postal Code:

- 4) Current Official Plan designation: Secondary Community Node  
Current Zoning By-law designation: C2(118)

- 5) a) Nature and extent of relief from the Zoning By-law for which the application is being made. (If more than five variances are being sought, a schedule may be attached to the application form). Measurements must be in metric.

Variance To	By-law Requirement	Proposed	Difference
Relief to loading requirement for Mr Lube	5.6.6 Exclusive Use	Use queuing lane in front of a service bay	

- b) Is there an eave encroachment? ☐ Yes ☒ No If 'Yes', size of eaves: (m)

- c) Description of Proposal: New 3 bay automotive lube shop and restaurant with drive-thru.

- d) Provide reason why the proposal cannot comply with the provisions of the Zoning By-law:  
Mr. Lube delivery trucks offload supplies using one of the 3 queuing lanes and bring supplies in through the overhead door while the remaining 2 lube bays are accessible to the customers.

- 6) Legal Description (include any abutting property registered under the same ownership).

PIN(s): 02123-0423 Township: McKIM  
 Lot No.: 2 Concession No.: 5 Parcel(s):  
 Subdivision Plan No.: Lot: Reference Plan No.: 53R-18610 Part(s): 1-7  
 Municipal Address or Street(s): 835 LASALLE BLVD

- 7) Date of acquisition of subject land.
- September 20<sup>th</sup>, 2021

- 8) Dimensions of land affected.

Frontage 33.85 (m) Depth 133.22 (m) Area 5313.5 (m<sup>2</sup>) Width of Street 18.5 (m)

- 9) Particulars of all buildings:

	Existing	Mr. Lube	Proposed	Mary Browns
Ground Floor Area:	(m <sup>2</sup> )	251		204.5 (m <sup>2</sup> )
Gross Floor Area:	(m <sup>2</sup> )	371.5		204.5 (m <sup>2</sup> )
No. of storeys:		1		1
Width:	(m)	10.35		9.7 (m)
Length:	(m)	25.08		22.55 (m)
Height:	(m)	6.87		5.94 (m)

- 10) Location of all buildings and structures on or proposed for the subject lands (specify distances from side, rear and front lot lines).

	Existing	Mr. Lube	Proposed	Mary Browns
Front:	None (m)	9.33		56.38 (m)
Rear:	(m)	111.24		51.98 (m)
Side: (East)	(m)	12.3		6.092 (m)
Side: (West)	(m)	3.18		24.98 (m)

- 11) What types of water supply, sewage disposal and storm drainage are available?

Municipally owned & operated piped water system ☒  
 Municipally owned & operated sanitary sewage system ☒  
 Lake ☐  
 Individual Well ☐  
 Communal Well ☐  
 Individual Septic System ☐  
 Communal Septic System ☐  
 Pit Privy ☐  
 Municipal Sewers/Ditches/Swales ☒

- What type of access to the land?

Provincial Highway ☐  
 Municipal Road ☐  
 Maintained Yearly ☐  
 Maintained Seasonal ☐  
 Right-of-way ☒  
 Water ☐  
 If access is by water only, provide parking and docking facilities to be used.

- 12) Date(s) of construction of all buildings and structures on the subject land.

VACANT

- 13) Existing use(s) of the subject property and length of time it / they have continued.

Use(s): VACANT

Length of time:

- 14) Proposed use(s) of the subject property.

Same as #13 ☐ or, AUTOMOTIVE LUBE SHOP & RESTAURANT

- 15) What is the number of dwelling units on the property?
- NONE

- 16) If this application is approved, would any existing dwelling units be legalized?

☐ Yes ☒ No

If "yes", how many? \_\_\_\_\_

- 17) Existing uses of abutting properties:
- RESIDENTIAL, COMMERCIAL, WETLANDS

A000712023

- 18) To the best of your knowledge has the subject land ever been subject of a previous application for minor variance/permission? ☐ Yes ☒ No

If "yes", indicate the application number(s): \_\_\_\_\_  
or, describe briefly, \_\_\_\_\_

- 19) Is the property the subject of a current application for Consent (i.e. severance) under Section 53 of the Planning Act, R.S.O. 1990 c.P.13? ☐ Yes ☐ No

If "yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 20) Is the property the subject of a current application for a Plan of Subdivision under Section 51 of the Planning Act, R.S.O. 1990, c.P.13, or its predecessors? ☐ Yes ☒ No

If "Yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 21) Is this property located within an area subject to the Greater Sudbury Source Protection Plan? ☐ Yes ☒ No

If "yes", provide details on how the property is designated in the Source Protection Plan. \_\_\_\_\_

#### PART A: OWNER ACKNOWLEDGEMENT AND CONSENT

I/We, 2834662 ONTARIO LIMITED REPRESENTED (please print all names), the registered owner(s) of the property described as BY IT'S DIRECTOR  
KARIM KARA-VIRANI -- 835 LASALLE BLVD, SUDBURY.  
in the City of Greater Sudbury:

#### Collection, Use and Disclosure of information:

- acknowledge that personal information collected on this form is collected pursuant to the *Planning Act*, R.S.O. 1990, c.P.13 for the purpose of processing this planning application;
- acknowledge that it is the practice of the City of Greater Sudbury, in accordance with section 1.0.1 of the *Planning Act*, R.S.O. 1990, c.P.13, to provide public access to all planning applications and documents, including but not limited to reports, studies and drawings, required by the City of Greater Sudbury in support of this application ("Supporting Documentation") and provided to the City by me, my agents, my consultants and my solicitors;
- in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, consent to the use and disclosure of this application and any Supporting Documentation, inclusive of any personal information, to any person or entity, in any manner chosen by the City, including copying, posting on the City's website, advertising in a newspaper, routine distribution to members of council and in staff reports, or releasing to a third party upon third party request;
- grant the City permission to reproduce, in whole or in part, the application and Supporting Documentation for internal use, inclusion in staff reports, distribution to the public for the purpose of public consultation or any other use associated with the purpose of review and implementation of the application;

#### Authority to Enter Land and Photograph

- grant the City permission to attend, photograph and conduct inspections of the lands subject to this application as part of the City's review and processing of this application;
- acknowledge that, in the event of a third party appeal of this application (where applicable) to the Ontario Land Tribunal, the City of Greater Sudbury may not attend at the Ontario Land Tribunal hearing unless the City is provided with the City's required fee for attendance at the hearing;

#### Appointment of Authorized Agent

- appoint and authorize n Architecture Inc. (please print name of Agent), to act as my/our agent with regard to this application to the City of Greater Sudbury, including but not limited to receiving all correspondence, attending at any hearings, fulfilling any conditions, and providing any approvals or consents and ratify, confirm, and adopt as my/our own, the acts, representations, replies and commitments made by the agent on my/our behalf.

Dated this 8<sup>th</sup> day of DECEMBER, 2022

(witness)

signature of Owner(s) or Signing Officer or Authorized Agent

Print Name: KARIM KARA-VIRANI

I have authority to bind the Corporation

**SUBRAMANYAM NARASIMHAN**  
Barrister, Solicitor & Notary Public  
309 - 200 Consumers Road  
Toronto, ON M2J 4R4 Canada  
Tel/Fax: 416-496-7828  
Email: subu@scnlaw.com

A000712023

REP BY KARIM KARA-VIRANI

the registered owner(s) or authorized agent of the property described as 835 LASALLE BLVD, SUDBURY.

solemnly declare that all of the statements contained in this application and in the Supporting Documentation are true and complete, and I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

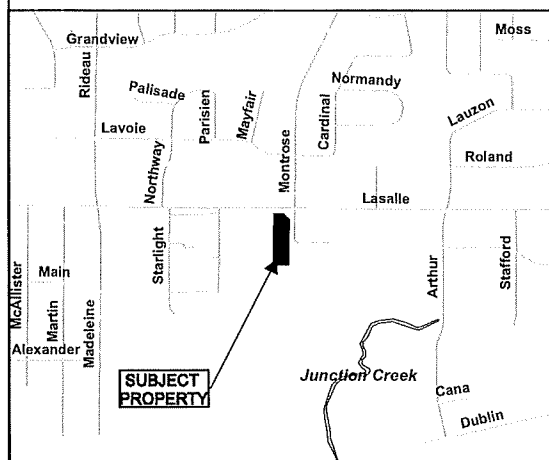
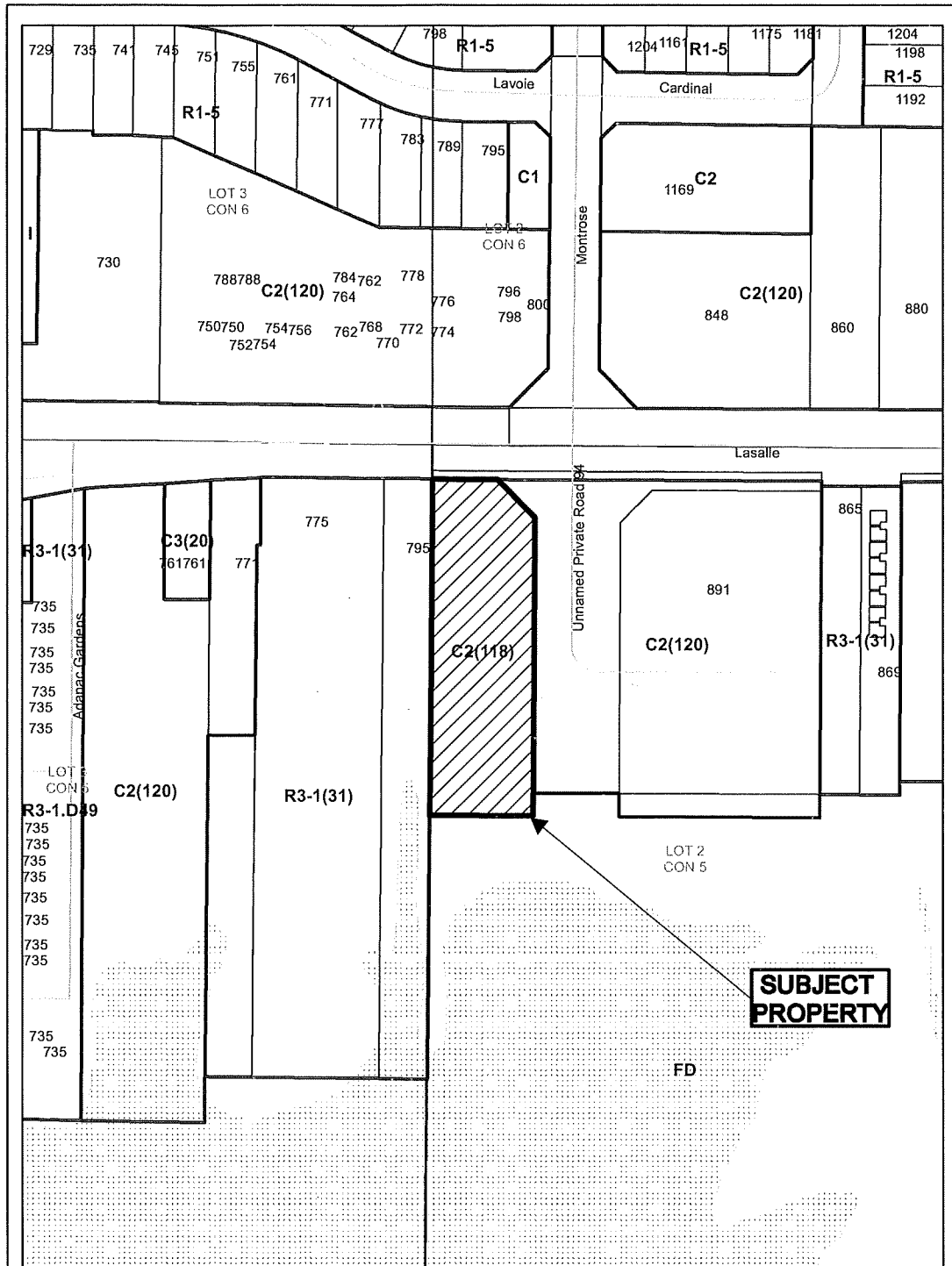
Dated this 8<sup>th</sup> day of DECEMBER, 20 22

Tel/Fax: 416-490-8808 or affix the corporate seal.

**FOR OFFICE USE ONLY**

Date of Receipt: Jan 25/23 Hearing Date: Feb 23/23 Received By: S. Pinkerton  
Zoning Designation: C2(118) Resubmission: ☐ Yes ☒ No  
Previous File Number(s): See below.  
Previous Hearing Date:  
Notes:  
Rezoning 751-6/20-18  
B0053/2020 (Oct 26/20)

A000712023



## Application for Minor Variance or Permission

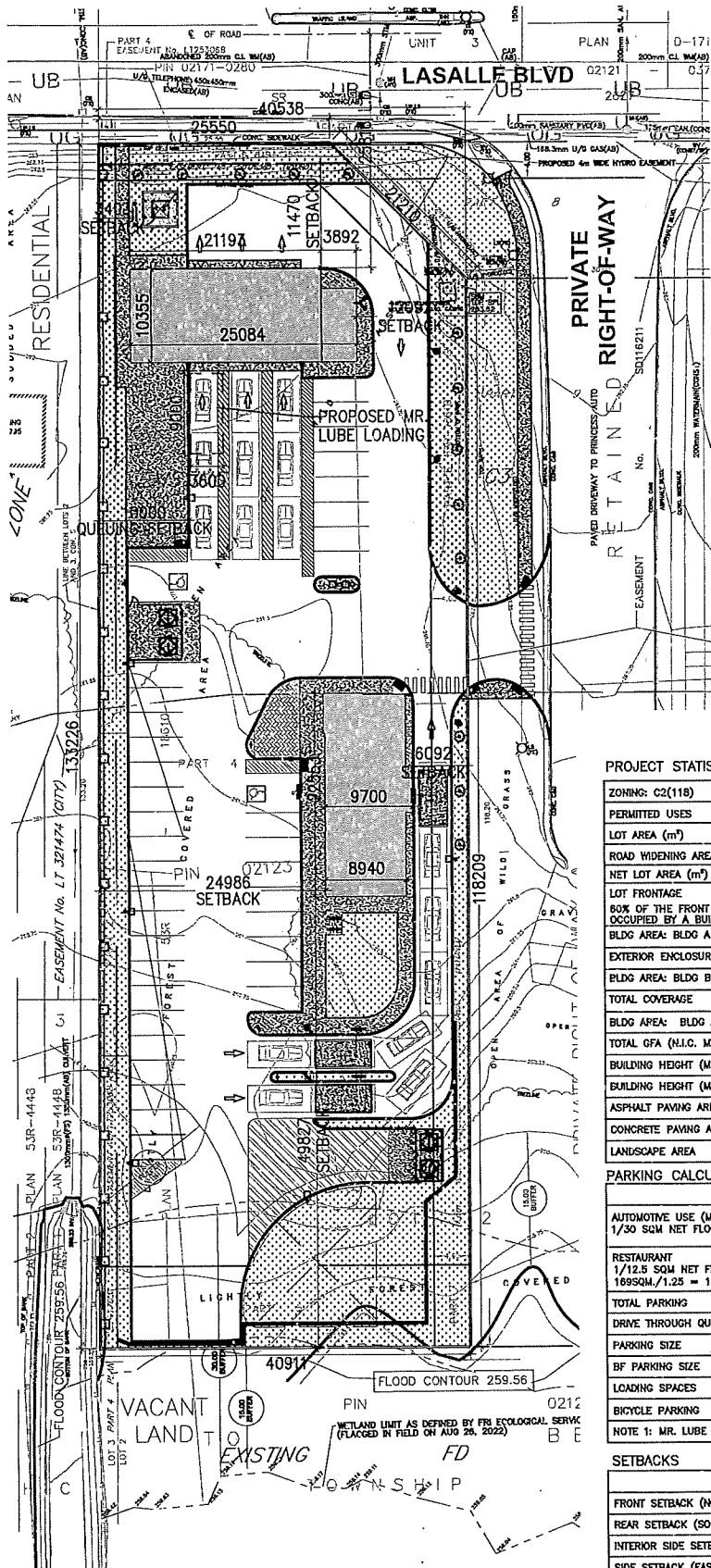


Subject Property,  
PIN 02123-0436,  
Part Lot 2, Concession 5,  
Parts 1, 2, 3, 4, 5, 6, and 7 on,  
Plan 53R-18610, except Parts 1 and 2 on  
Plan 53R-21490, Township of McKim,  
835 Lasalle Boulevard, Sudbury,  
City of Greater Sudbury

Sketch 1, NTS  
NDCA

A0007/2023  
Date: 2023 01 27

A000712023  
Sketch 2



1 SITE PLAN  
A-1.0 SCALE: 1:600

PROJECT STATISTICS

ZONING: C2(118)	REQUIRED	PROVIDED
PERMITTED USES	AUTOMOTIVE LUBE SHOP AND RESTAURANT	
LOT AREA (m <sup>2</sup> )	1350.0 SQM	5313.50 SQM (1.31 Acre)
ROAD WIDENING AREA (m <sup>2</sup> )		61.41 SQM
NET LOT AREA (m <sup>2</sup> )		5252.09 SQM (1.29 Acre)
LOT FRONTAGE	60%	74% (33.65 M)
BOX OF THE FRONT LOT LINE SHALL BE OCCUPIED BY A BUILDING		
BLDG AREA: BLDG A (MR. LUBE)		218.45 SQM (4.18%)
EXTERIOR ENCLOSURE AREA (MR. LUBE):		31.50 SQM (0.60%)
BLDG AREA: BLDG B (MARY BROWN'S)		204.5 SQM (3.89%)
TOTAL COVERAGE	50 %	453.45 SQM (8.67%)
BLDG AREA: BLDG A - MR. LUBE BSMT		152.0 SQM
TOTAL GFA (N.L.C. MR. LUBE EXT. ENCLOSURE)		578.0 SQM
BUILDING HEIGHT (MR. LUBE)		6.87M (1 STOREY)
BUILDING HEIGHT (MARY BROWN'S)		5.94M (1 STOREY)
ASPHALT PAVING AREA		2984.38 SQM (56.82%)
CONCRETE PAVING AREA		551.38 SQM (10.50%)
LANDSCAPE AREA	5%	1260.90 SQM (24.01%)

PARKING CALCULATION

	REQUIRED	PROVIDED
AUTOMOTIVE USE (MR. LUBE): 1/30 SQM NET FLOOR AREA 170/30 = 6 SPACES	6	16 (INC.1 B.F)
RESTAURANT 1/12.5 SQM NET FLOOR AREA 169SQM/12.5 = 14 SPACES	14	22 (INC.1 B.F)
TOTAL PARKING	20	38
DRIVE THROUGH QUEUING SPACES	10	10
PARKING SIZE	2750x6000	2750x6000
BF PARKING SIZE	4400x6000	4400x6000
LOADING SPACES	2	1 (NOTE1)
BICYCLE PARKING	3	4


NOTE 1: MR. LUBE USES A SERVICE BAY AS A LOADING SPACE.

SETBACKS

	REQUIRED	PROVIDED
FRONT SETBACK (NORTH) (LASALLE BLVD)	4.5 m	11.47 m
REAR SETBACK (SOUTH)	7.5 m	49.83 m
INTERIOR SIDE SETBACK (WEST)	-	3.4 m
SIDE SETBACK (EAST) (PRIVATE R.O.W.)	4.5 m	6.09 m

LANDSCAPE BUFFER

	REQUIRED	PROVIDED
LANDSCAPE BUFFER	2.3 m 3.0 m	2.3m (LASALLE BLVD) 4.2m (PRIVATE RIGHT OF WAY)



n Architecture Inc  
Principal: NITIN M. LALITPRA, Architect  
9120 Leslie Street, Suite 208  
Richmond Hill, Ontario L4B 3J9  
T: 416.298.9741  
E: info@narchitecture.com  
www.narchitecture.com

PROJECT:  
**PROPOSED MR. LUBE & MARY BROWN'S RESTAURANT**  
835 LASALLE BLVD,  
GREATER SUDBURY, ON

DRAWING TITLE:  
**SITE PLAN**

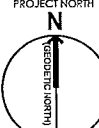
CHECKED BY: NM  
DATE: 13 JAN. 2023

DRAWN BY: TT  
SCALE: AS NOTED

PROJECT NO.  
**20-36**

DRAWING NO.  
**A-1.0**

PROJECT NORTH





Box 5000, Station 'A', 200 Brady Street  
Sudbury ON P3A 5P3  
Tel. (705) 671-2489, Ext. 4376/4346  
Fax (705) 673-2200

Office Use Only	
2022.01.01	
A00081/2023	
S.P.P. AREA	
YES	NO <input checked="" type="checkbox"/>
NDCA REG. AREA	
YES	NO <input checked="" type="checkbox"/>

## City of Greater Sudbury APPLICATION FOR MINOR VARIANCE

APPLICATION FEE: \$1,025.00 (includes \$245.00 legal notice fee)  
APPLICATION FEE FOR HEDGEROWS: \$312.00 (includes \$245.00 legal notice fee)  
CASH, DEBIT OR CHEQUE MADE PAYABLE TO: CITY OF GREATER SUDBURY

Personal information on this form is collected pursuant to the Planning Act, R.S.O. 1990 c.P.13. Any questions regarding the collection of this information may be directed to the Manager of Development Approvals. In accordance with Section 1.0.1 of the *Planning Act*, R.S.O. 1990 information and material required to be provided to a municipality or approval authority as part of this application shall be considered public information and shall be made available to the public.

**PLEASE PRINT. SCHEDULES MAY BE INCLUDED, IF NECESSARY.**

- 1) The undersigned hereby applies to the Committee of Adjustment of the City of Greater Sudbury under Section 45 of the Planning Act R.S.O. 1990, c.P. 13 for relief, as described in this application, from the By-Law, as amended.

Registered Owner(s): Cameron Green and Rachel Chouinard	Email:
Mailing Address: 71 Wembley Drive	Home Phone: [REDACTED]
	Business Phone:
City: Sudbury, ON	Fax Phone:
Postal Code: P3E 1M7	

- 2) If the application will be represented by someone other than the registered owner(s) and/or the application is prepared and submitted by someone other than the registered owner(s), please specify.

Name of Agent: Centreline Architecture	Email:
Mailing Address: 158 Elgin Street Suite 201	Home: [REDACTED]
71 Wembley Dr.	Business: [REDACTED]
City: Sudbury ON	Fax Phone:
Postal Code: P3E 3N5	

Note: Unless otherwise requested, all communication will be sent to the agent, if any.

- 3) Names and mailing addresses of any mortgagees, holders of charges or other encumbrances. (Give full particulars to ensure that any individual, company, financial institution holding a mortgage, etc. on the subject lands can be notified of this application).

Name: Cameron Green and Rachel Chouinard
Mailing Address: <del>158 Elgin Street Suite 201</del> 71 Wembley Dr.
City: Sudbury ON
Postal Code: P3E 1M7

- 4) Current Official Plan designation: Current Zoning By-law designation:

- 5) a) Nature and extent of relief from the Zoning By-law for which the application is being made. (If more than five variances are being sought, a schedule may be attached to the application form). Measurements must be in metric.

Variance To	By-law Requirement	Proposed	Difference
Front Yard Setback	6.0m	1.95m	4.05m
Uncovered Steps	0.6m	0	0.6m

- b) Is there an eave encroachment? ☒ Yes ☐ No If 'Yes', size of eaves: 0.3 (m)

- c) Description of Proposal:  
Removal and reconstruction of existing 3 season porch.

- d) Provide reason why the proposal cannot comply with the provisions of the Zoning By-law:  
Proposed construction is within existing footprint.



- 6) Legal Description (include any abutting property registered under the same ownership).

PIN(s): \_\_\_\_\_ Township: \_\_\_\_\_  
 Lot No.: \_\_\_\_\_ Concession No.: \_\_\_\_\_ Parcel(s): \_\_\_\_\_  
 Subdivision Plan No.: \_\_\_\_\_ Lot: \_\_\_\_\_ Reference Plan No.: \_\_\_\_\_ Part(s): \_\_\_\_\_  
 Municipal Address or Street(s): 71 Wembley Dr.

- 7) Date of acquisition of subject land. October 7 2019

- 8) Dimensions of land affected.

Frontage 15.264 (m) Depth 39.624 (m) Area 604.821 (m<sup>2</sup>) Width of Street \_\_\_\_\_ (m)

- 9) Particulars of all buildings:

	Existing		Proposed	
Ground Floor Area:	82.40	(m <sup>2</sup> )	82.40	(m <sup>2</sup> )
Gross Floor Area:	113.76	(m <sup>2</sup> )	113.76	(m <sup>2</sup> )
No. of storeys:	1.5		1.5	
Width:	7.57	(m)	7.57	(m)
Length:	12.95	(m)	12.95	(m)
Height:	6.69	(m)	6.69	(m)

- 10) Location of all buildings and structures on or proposed for the subject lands (specify distances from side, rear and front lot lines).

	Existing		Proposed	
Front:	+/- 1.95	(m)	+/- 1.95	(m)
Rear:	+/- 24.56	(m)	+/- 24.56	(m)
Side:	+/- 5.92	(m)	+/- 5.92	(m)
Side:	+/- 1.27	(m)	+/- 1.27	(m)

- 11) What types of water supply, sewage disposal and storm drainage are available?

Municipally owned & operated piped water system ☒  
 Municipally owned & operated sanitary sewage system ☐  
 Lake ☐  
 Individual Well ☐  
 Communal Well ☐  
 Individual Septic System ☐  
 Communal Septic System ☐  
 Pit Privy ☐  
 Municipal Sewers/Ditches/Swales ☐

What type of access to the land?

Provincial Highway ☐  
 Municipal Road ☐  
 Maintained Yearly ☐  
 Maintained Seasonal ☐  
 Right-of-way ☐  
 Water ☐  
 If access is by water only, provide parking and docking facilities to be used.

- 12) Date(s) of construction of all buildings and structures on the subject land.

Porch addition between 1970-1975.

- 13) Existing use(s) of the subject property and length of time it / they have continued.

Use(s): Single family dwelling Length of time: Unknown

- 14) Proposed use(s) of the subject property.

Same as #13 ☐ or, \_\_\_\_\_

- 15) What is the number of dwelling units on the property? One

- 16) If this application is approved, would any existing dwelling units be legalized?

☐ Yes ☒ No

If "yes", how many? \_\_\_\_\_

- 17) Existing uses of abutting properties: Residential

A000812023

- 18) To the best of your knowledge has the subject land ever been subject of a previous application for minor variance/permission? ☐ Yes ☒ No

If "yes", indicate the application number(s): \_\_\_\_\_  
or, describe briefly, \_\_\_\_\_

- 19) Is the property the subject of a current application for Consent (i.e. severance) under Section 53 of the Planning Act, R.S.O. 1990 c.P.13? ☐ Yes ☒ No

If "yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 20) Is the property the subject of a current application for a Plan of Subdivision under Section 51 of the Planning Act, R.S.O. 1990, c.P.13, or its predecessors? ☐ Yes ☒ No

If "Yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 21) Is this property located within an area subject to the Greater Sudbury Source Protection Plan?  
☐ Yes ☒ No

If "yes", provide details on how the property is designated in the Source Protection Plan. \_\_\_\_\_

### PART A: OWNER ACKNOWLEDGEMENT AND CONSENT

I/We, Cameron Green and Rachel Chouinard (please print all names), the registered owner(s) of the property described as 71 Wembley Drive  
in the City of Greater Sudbury:

#### Collection, Use and Disclosure of Information:

- a) acknowledge that personal information collected on this form is collected pursuant to the *Planning Act*, R.S.O. 1990, c.P.13 for the purpose of processing this planning application;
- b) acknowledge that it is the practice of the City of Greater Sudbury, in accordance with section 1.0.1 of the *Planning Act*, R.S.O. 1990, c.P.13, to provide public access to all planning applications and documents, including but not limited to reports, studies and drawings, required by the City of Greater Sudbury in support of this application ("Supporting Documentation") and provided to the City by me, my agents, my consultants and my solicitors;
- c) in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, consent to the use and disclosure of this application and any Supporting Documentation, inclusive of any personal information, to any person or entity, in any manner chosen by the City, including copying, posting on the City's website, advertising in a newspaper, routine distribution to members of council and in staff reports, or releasing to a third party upon third party request;
- d) grant the City permission to reproduce, in whole or in part, the application and Supporting Documentation for internal use, inclusion in staff reports, distribution to the public for the purpose of public consultation or any other use associated with the purpose of review and implementation of the application;

#### Authority to Enter Land and Photograph

- e) grant the City permission to attend, photograph and conduct inspections of the lands subject to this application as part of the City's review and processing of this application;
- f) acknowledge that, in the event of a third party appeal of this application (where applicable) to the Ontario Land Tribunal, the City of Greater Sudbury may not attend at the Ontario Land Tribunal hearing unless the City is provided with the City's required fee for attendance at the hearing;

#### Appointment of Authorized Agent

- g) appoint and authorize Centreline Architecture (please print name of Agent), to act as my/our agent with regard to this application to the City of Greater Sudbury, including but not limited to receiving all correspondence, attending at any hearings, fulfilling any conditions, and providing any approvals or consents and ratify, confirm, and adopt as my/our own, the acts, representations, replies and commitments made by the agent on my/our behalf.

Dated this 12 day of January, 2023

[Signature]  
(witness)

[Signature]  
signature of Owner(s) or Signing Officer or Authorized Agent

Print Name: Rachel Chouinard, Cameron Green

\*I have authority to bind the Corporation

A0008/2023

### PART B: OWNER OR AUTHORIZED AGENT DECLARATION

I/We, Centreline Architecture (please print all names),

the registered owner(s) or authorized agent of the property described as 71 Wembley Drive


in the City of Greater Sudbury:

solemnly declare that all of the statements contained in this application and in the Supporting Documentation are true and complete, and I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Dated this 17 day of January, 20 23

Commissioner of Oaths

**Paula Elizabeth Green, a Commissioner for taking Affidavits in and for the Courts of Ontario, while within the Territorial District of Sudbury and while appointed as a Deputy-Clerk for the City of Greater Sudbury.**

  
signature of Owner(s) or Signing Officer or Authorized Agent  
(\*where a Corporation)

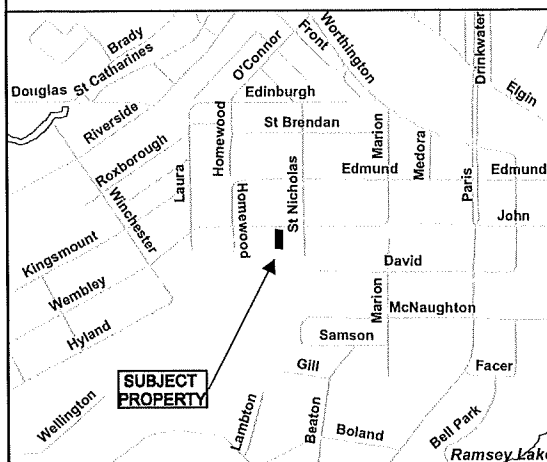
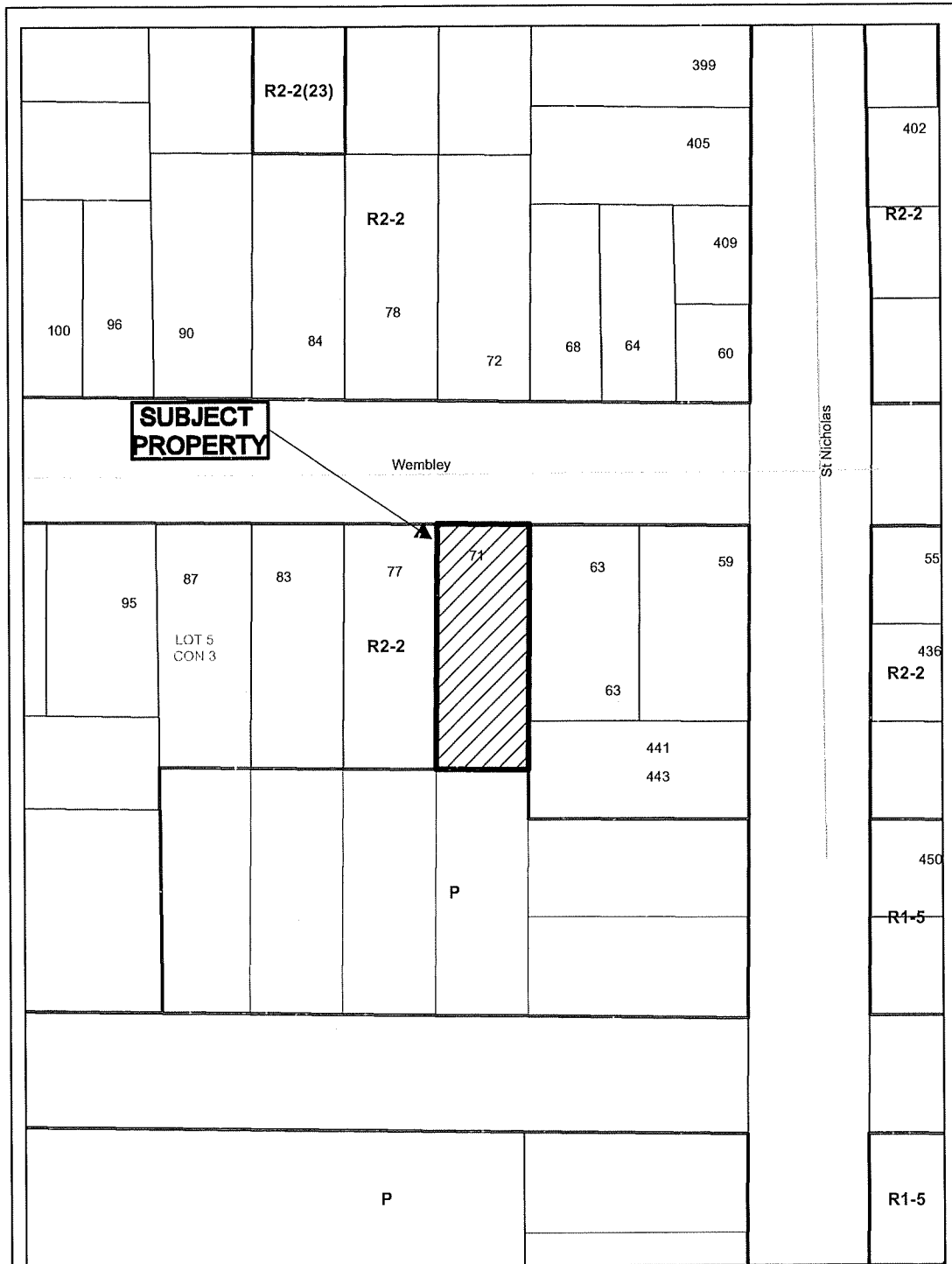
Print Name: Melissa Furino  
 \*I have authority to bind the Corporation

<sup>4</sup> Where the owner is a firm or corporation, the person signing this instrument shall state that he/she has authority to bind the corporation or affix the corporate seal.

**FOR OFFICE USE ONLY**

Date of Receipt: Jan 26/23 Hearing Date: February 23/23 Received By: S. Pinkerton  
Zoning Designation: R2.2 Resubmission: ☐ Yes ☒ No  
Previous File Number(s): n/a.  
Previous Hearing Date:  
Notes:

A0008/2023



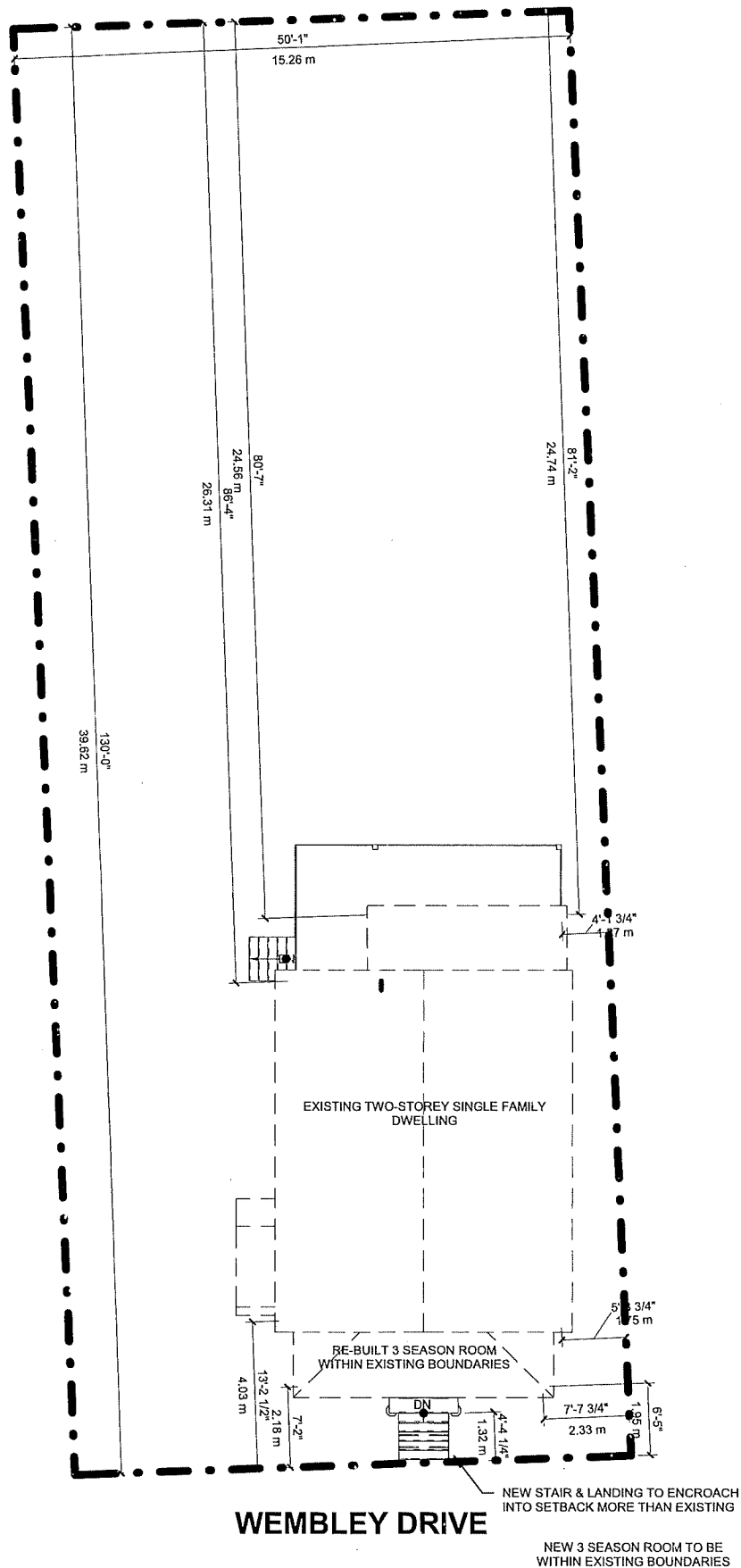
## Application for Minor Variance or Permission



Subject Property,  
PIN 73584-0509,  
Lot 339 on Plan 37S,  
Part Lot 5, Concession 3,  
Township of McKim,  
71 Wembley Drive, Sudbury,  
City of Greater Sudbury

Sketch 1, NTS  
NDCA

A0008/2023  
Date: 2023 01 27



A0008/2023  
Sketch 2



**CENTRELINE**  
ARCHITECTURE

158 Elgin Street, Suite 201  
Sudbury, ON P3E 1S7  
centrelinearchitecture.ca

CLIENT  
Cameron Green

Project No. 2022-053

PROJECT  
Green - 3 - season room  
addition

ISSUED FOR MINOR VARIANCE  
SITE REFERENCE PLAN

August 15, 2022

SCALE  
1" = 10'-0"

DRAWN BY / CHECKED BY  
DEG / DEG

SHEET NUMBER

**SK-1**



Box 5000, Station 'A', 200 Brady Street  
Sudbury ON P3A 5P3  
Tel. (705) 671-2489, Ext. 4376/4346  
Fax (705) 673-2200

Office Use Only 2022.01.01
A0009/2023
S.P.P. AREA YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
NDCA REG. AREA YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

## City of Greater Sudbury APPLICATION FOR MINOR VARIANCE

APPLICATION FEE: \$1,025.00 (includes \$245.00 legal notice fee)  
APPLICATION FEE FOR HEDGEROWS: \$312.00 (includes \$245.00 legal notice fee)  
CASH, DEBIT OR CHEQUE MADE PAYABLE TO: CITY OF GREATER SUDBURY

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### PLEASE PRINT. SCHEDULES MAY BE INCLUDED, IF NECESSARY:

- 1) The undersigned hereby applies to the Committee of Adjustment of the City of Greater Sudbury under Section 45 of the Planning Act R.S.O. 1990, c.P. 13 for relief, as described in this application, from the By-Law, as amended.

Registered Owner(s): Roland Houle Cari Chauvin Email: [REDACTED]  
Mailing Address: 4475 Beaver Avenue Home Phone: [REDACTED]  
City: Sudbury Postal Code: P3P 1L3 Fax Phone: [REDACTED]

- 2) If the application will be represented by someone other than the registered owner(s) and/or the application is prepared and submitted by someone other than the registered owner(s), please specify.

Name of Agent: Roland Houle Email: [REDACTED]  
Mailing Address: See above Home Phone: [REDACTED]  
City: Sudbury Postal Code: [REDACTED] Fax Phone: [REDACTED]

Note: Unless otherwise requested, all communication will be sent to the agent, if any.

- 3) Names and mailing addresses of any mortgagees, holders of charges or other encumbrances. (Give full particulars to ensure that any individual, company, financial institution holding a mortgage, etc. on the subject lands can be notified of this application).

Name: Scotiabank # 705-855-4552  
Mailing Address: 4764 Regional Rd 15 # 35 Chelmsford  
City: Sudbury Postal Code: P0M 1L0

- 4) Current Official Plan designation: LIVING AREA 1 Current Zoning By-law designation: R1-5

- 5) a) Nature and extent of relief from the Zoning By-law for which the application is being made. (If more than five variances are being sought, a schedule may be attached to the application form). Measurements must be in metric.

Variance To	By-law Requirement	Proposed	Difference
Lot Coverage	10%	14.14%	4.14%
Height	5m	6.5m	1.5m

- b) Is there an eave encroachment? ☐ Yes ☒ No If 'Yes', size of eaves: \_\_\_\_\_ (m)

- c) Description of Proposal: I would like to build a Garage and in doing so I'll be removing 3 sheds from the property

- d) Provide reason why the proposal cannot comply with the provisions of the Zoning By-law:  
To have a Workshop for a classic car we need the extra space.

- 6) Legal Description (include any abutting property registered under the same ownership).

PIN(s): \_\_\_\_\_ Township: Valley East - Hammer  
 Lot No.: 4 Concession No.: 2 Parcel(s): 36417 SES  
 Subdivision Plan No.: M-567 Lot: 4 Reference Plan No.: 53R722 Part(s): 1  
 Municipal Address or Street(s): 4425 Berne ave Hammer divt

- 7) Date of acquisition of subject land.
- 2018

- 8) Dimensions of land affected.

Frontage 4.33 (m) Depth 48.77 (m) Area 698.63 (m<sup>2</sup>) Width of Street \_\_\_\_\_ (m)

Particulars of all buildings:	Existing	Sheds to be removed	Proposed
Ground Floor Area:	<u>98.32</u>	<u>98.41</u>	<u>98.78</u> (m <sup>2</sup> )
Gross Floor Area:	<u>142.98</u>	<u>18.41</u>	<u>98.78</u> (m <sup>2</sup> )
No. of storeys:	<u>1</u>	<u>1</u>	<u>1</u>
Width:	<u>8.23</u>	<u>2.4</u>	<u>8.53</u> (m)
Length:	<u>11.58</u>	<u>3.6</u>	<u>11.58</u> (m)
Height:	<u>6.7</u>	<u>2.5</u>	<u>5.85</u> (m)
	<u>Shed 1</u>	<u>Shed 2</u>	

- 10) Location of all buildings and structures on or proposed for the subject lands (specify distances from side, rear and front lot lines).

	Existing	Proposed
Front:	<u>8.35</u>	<u>35.98</u> (m)
Rear:	<u>28.81</u>	<u>1.21</u> (m)
Side:	<u>4.05</u>	<u>1.21</u> (m)
Side:	<u>3.04</u>	<u>4.58</u> (m)
	<u>Shed 1</u>	<u>Shed 2</u>

- 11) What types of water supply, sewage disposal and storm drainage are available?

What type of access to the land?

Municipally owned & operated piped water system ☒  
 Municipally owned & operated sanitary sewage system ☒  
 Lake ☐  
 Individual Well ☐  
 Communal Well ☐  
 Individual Septic System ☐  
 Communal Septic System ☐  
 Pit Privy ☐  
 Municipal Sewers/Ditches/Swales ☐

Provincial Highway ☐  
 Municipal Road ☐  
 Maintained Yearly ☒  
 Maintained Seasonal ☐  
 Right-of-way ☐  
 Water ☐  
 If access is by water only, provide parking and docking facilities to be used.

- 12) Date(s) of construction of all buildings and structures on the subject land.

1971

- 13) Existing use(s) of the subject property and length of time it / they have continued.

Use(s): Single familyLength of time: Since build.

- 14) Proposed use(s) of the subject property.

Same as #13 ☒ or, \_\_\_\_\_

- 15) What is the number of dwelling units on the property?

One

- 16) If this application is approved, would any existing dwelling units be legalized?

☐ Yes☒ No

If "yes", how many? \_\_\_\_\_

- 17) Existing uses of abutting properties:

Residential

A0009/2023

- 18) To the best of your knowledge has the subject land ever been subject of a previous application for minor variance/permission? ☒ Yes ☐ No

If "yes", indicate the application number(s): A0049 / 1977  
 or, describe briefly, Relief requested from minimum frontage and side yard requirements.

- 19) Is the property the subject of a current application for Consent (i.e. severance) under Section 53 of the Planning Act, R.S.O. 1990 c.P.13? ☐ Yes ☒ No

If "yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 20) Is the property the subject of a current application for a Plan of Subdivision under Section 51 of the Planning Act, R.S.O. 1990, c.P.13, or its predecessors? ☐ Yes ☒ No

If "Yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 21) Is this property located within an area subject to the Greater Sudbury Source Protection Plan? ☐ Yes ☒ No

If "yes", provide details on how the property is designated in the Source Protection Plan. \_\_\_\_\_

### PART A: OWNER ACKNOWLEDGEMENT AND CONSENT

I/We, Cori Houle (Chauvin) Roland Houle (please print all names), the registered owner(s) of the property described as 4475 Beaver Ave Hawker in the City of Greater Sudbury:

#### Collection, Use and Disclosure of Information:

- acknowledge that personal information collected on this form is collected pursuant to the *Planning Act*, R.S.O. 1990, c.P.13 for the purpose of processing this planning application;
- acknowledge that it is the practice of the City of Greater Sudbury, in accordance with section 1.0.1 of the *Planning Act*, R.S.O. 1990, c.P.13, to provide public access to all planning applications and documents, including but not limited to reports, studies and drawings, required by the City of Greater Sudbury in support of this application ("Supporting Documentation") and provided to the City by me, my agents, my consultants and my solicitors;
- in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, consent to the use and disclosure of this application and any Supporting Documentation, inclusive of any personal information, to any person or entity, in any manner chosen by the City, including copying, posting on the City's website, advertising in a newspaper, routine distribution to members of council and in staff reports, or releasing to a third party upon third party request;
- grant the City permission to reproduce, in whole or in part, the application and Supporting Documentation for internal use, inclusion in staff reports, distribution to the public for the purpose of public consultation or any other use associated with the purpose of review and implementation of the application;

#### Authority to Enter Land and Photograph

- grant the City permission to attend, photograph and conduct inspections of the lands subject to this application as part of the City's review and processing of this application;
- acknowledge that, in the event of a third party appeal of this application (where applicable) to the Ontario Land Tribunal, the City of Greater Sudbury may not attend at the Ontario Land Tribunal hearing unless the City is provided with the City's required fee for attendance at the hearing;

#### Appointment of Authorized Agent

- appoint and authorize Roland Houle (please print name of Agent), to act as my/our agent with regard to this application to the City of Greater Sudbury, including but not limited to receiving all correspondence, attending at any hearings, fulfilling any conditions, and providing any approvals or consents and ratify, confirm, and adopt as my/our own, the acts, representations, replies and commitments made by the agent on my/our behalf.

Dated this Jan 18/23 day of \_\_\_\_\_, 20\_\_\_\_

[Signature]  
 (witness)

[Signature]  
 signature of Owner(s) or Signing Officer or Authorized Agent

Print Name: Roland Houle Cori Houle (Chauvin)

\*I have authority to bind the Corporation

A0009/2023



I/We, Roland Houde (please print all names),  
the registered owner(s) or authorized agent of the property described as \_\_\_\_\_

solemnly declare that all of the statements contained in this application and in the Supporting Documentation are true and complete, and I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Dated this 18 day of Jan, 2023

Commissioner of Oaths

Paula Elizabeth Green, a Commissioner for taking Affidavits in and for the Courts of Ontario, while within the Territorial District of Sudbury and while appointed as a Deputy-Clerk for the City of Greater Sudbury.

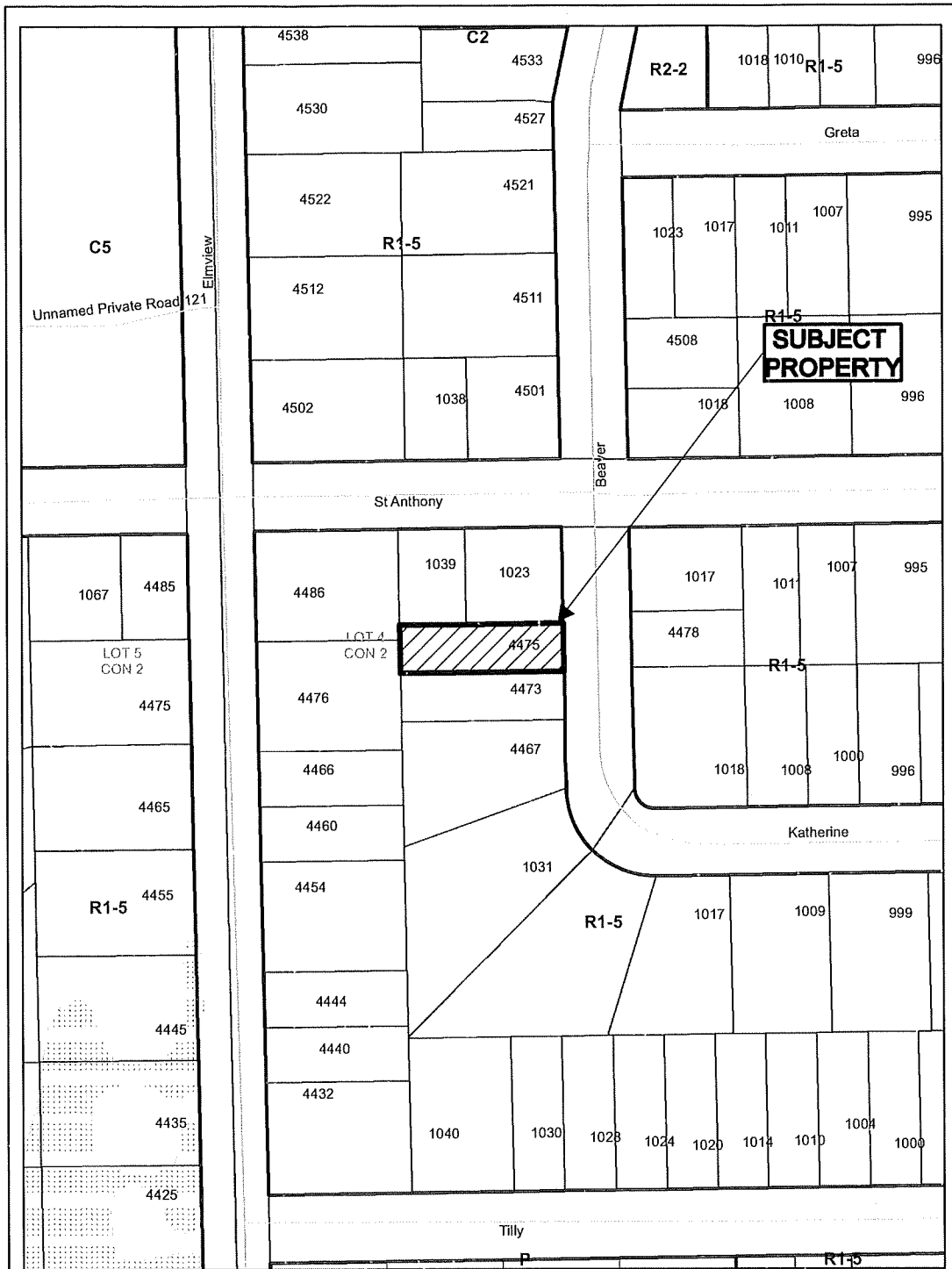
  
signature of Owner(s) or Signing Officer or Authorized Agent  
(\*where a Corporation)

Print Name: Roland Houder  
\*I have authority to bind the Corporation

\* Where the owner is a firm or corporation, the person signing this instrument shall state that he/she has authority to bind the corporation or affix the corporate seal.

**FOR OFFICE USE ONLY**

Date of Receipt: Jan 27/23 Hearing Date: February 23, 2023 Received By: S. Pinkerton  
Zoning Designation: R1-5 Resubmission: ☐ Yes ☒ No  
Previous File Number(s): See below  
Previous Hearing Date:  
Notes:  
B0096/1977 (Mar 21/77)  
A0049/1977 (Mar 21/77)  
A0009/2023



**SUBJECT PROPERTY**

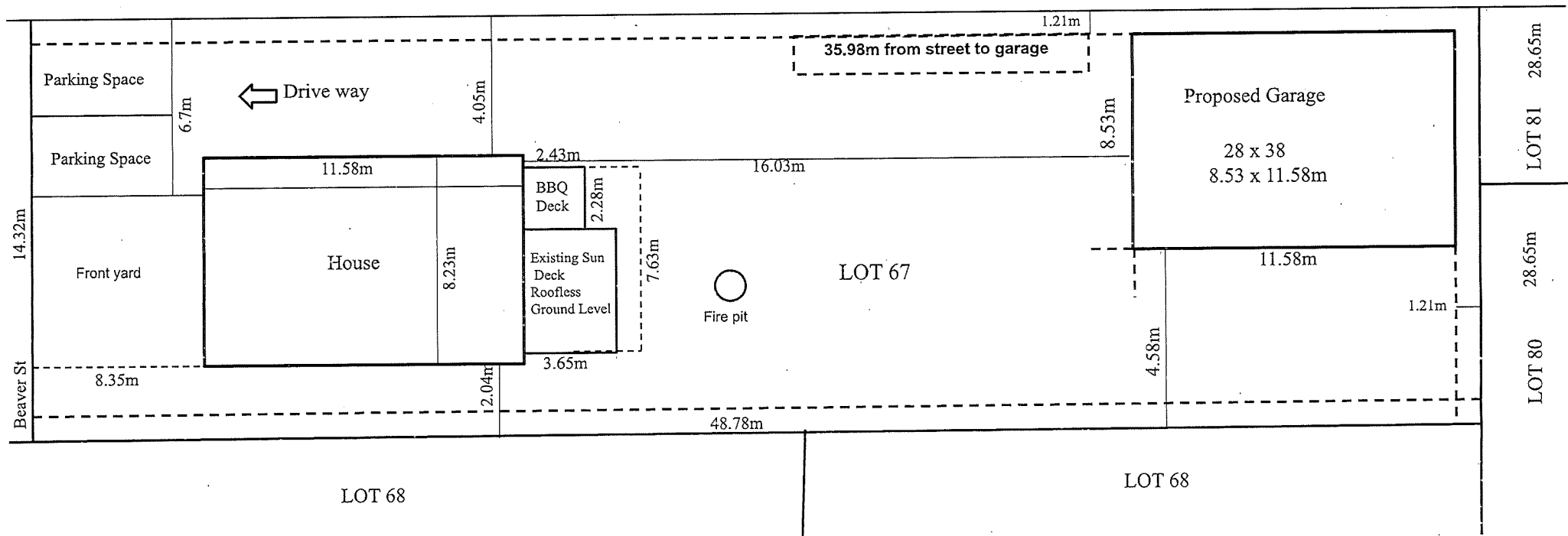
### Application for Minor Variance or Permission

Subject Property,  
 PIN 73504-1621,  
 Parcel 36417 SEC SES SRO,  
 Part Lot 67, Plan M-507, being Part 1 on  
 Plan 53R-7220, Part Lot 4, Concession 2,  
 Township of Hanmer,  
 4475 Beaver Avenue, Hanmer,  
 City of Greater Sudbury

Sketch 1, NTS  
NDCA

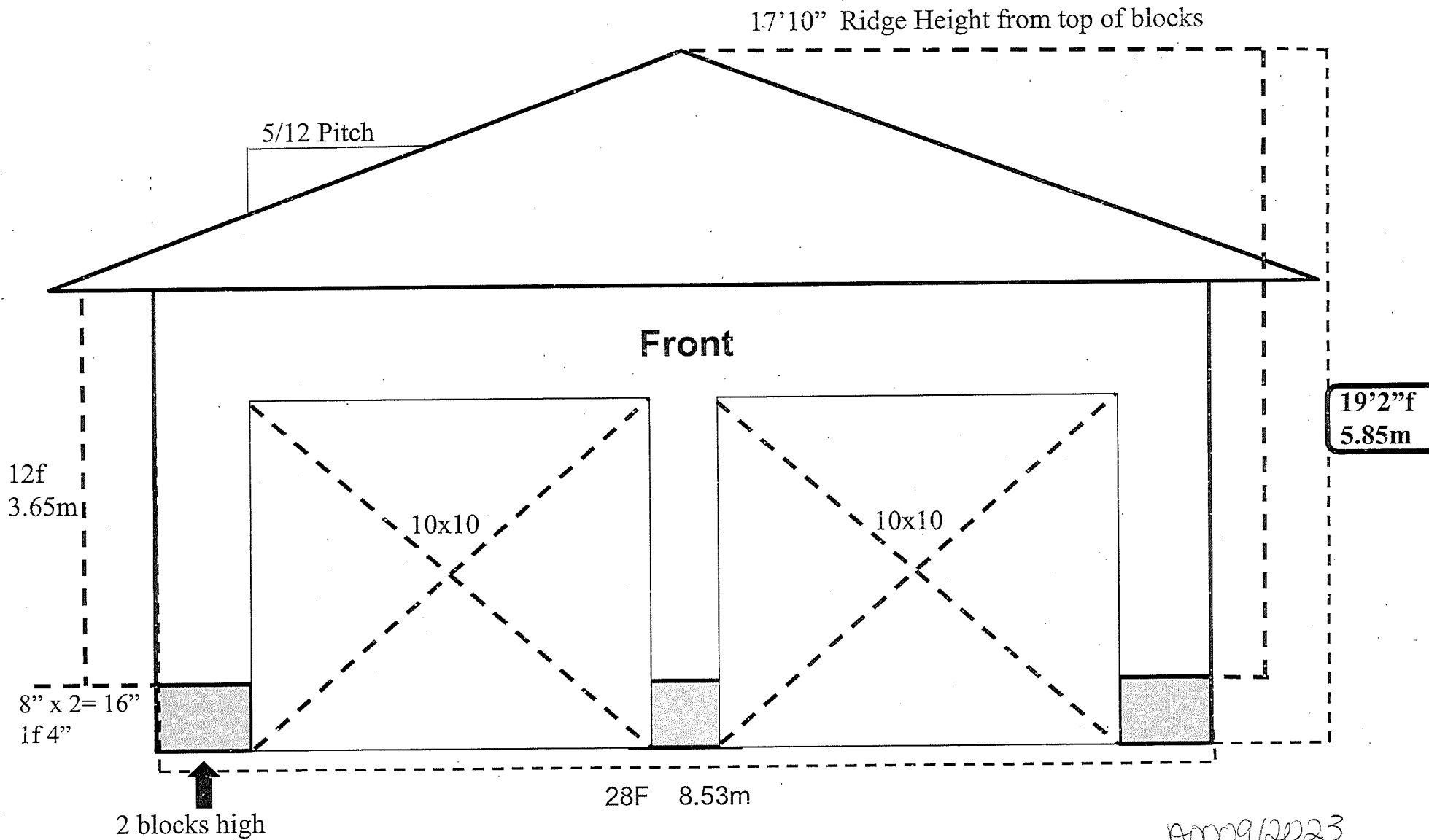
A0009/2023  
Date: 2023 01 27

Proposed



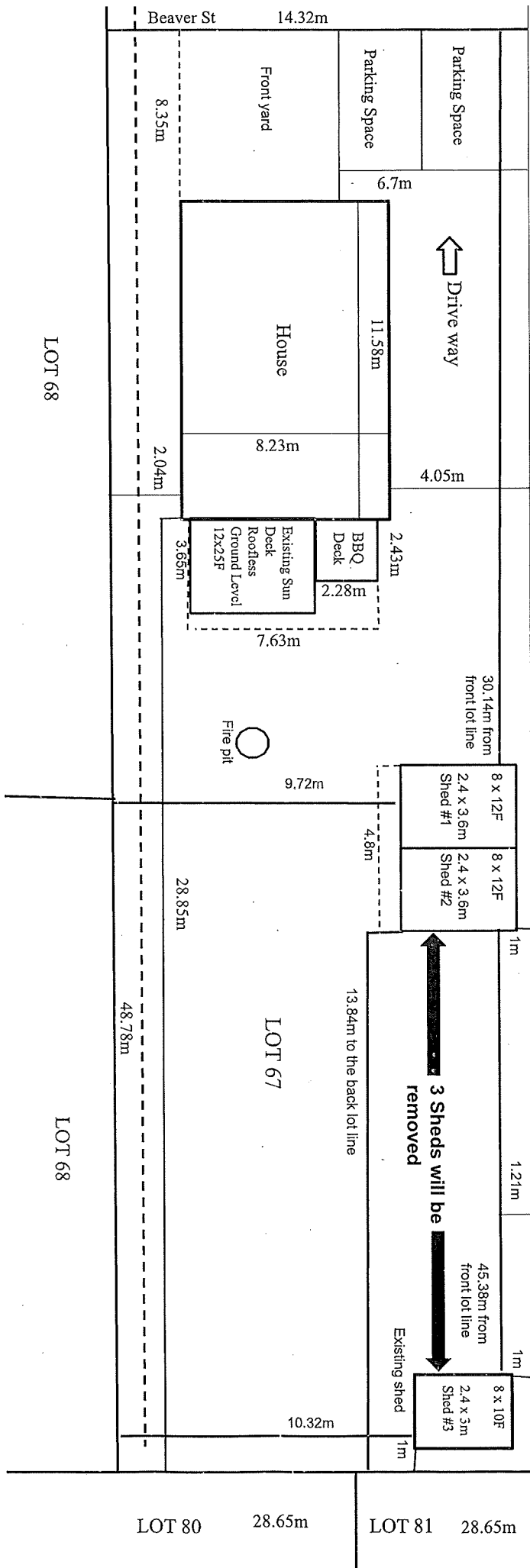
A0009/2023  
Sketch 2

Requesting 21f - 6.5m



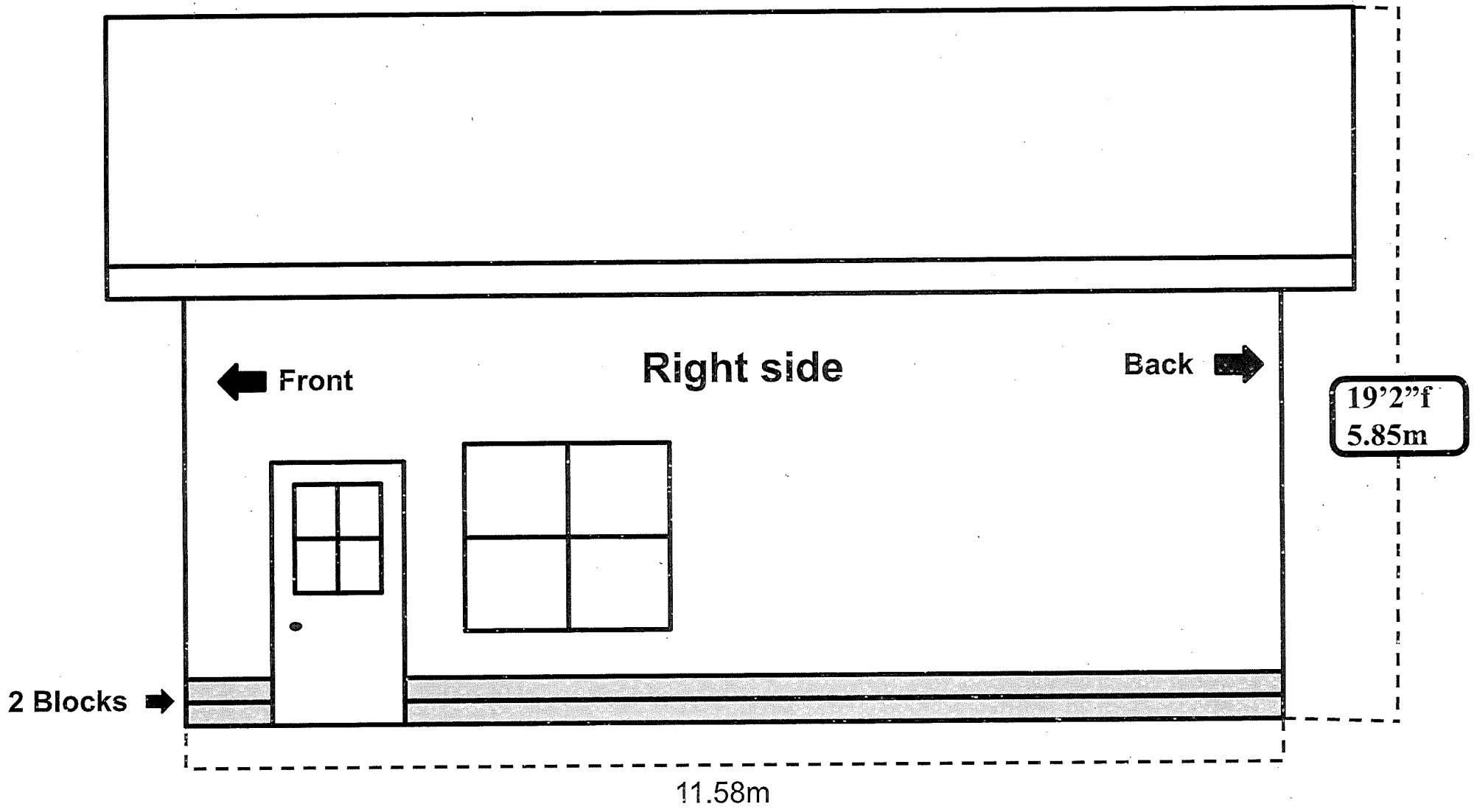
A0009/2023  
Sketch 3

Existing



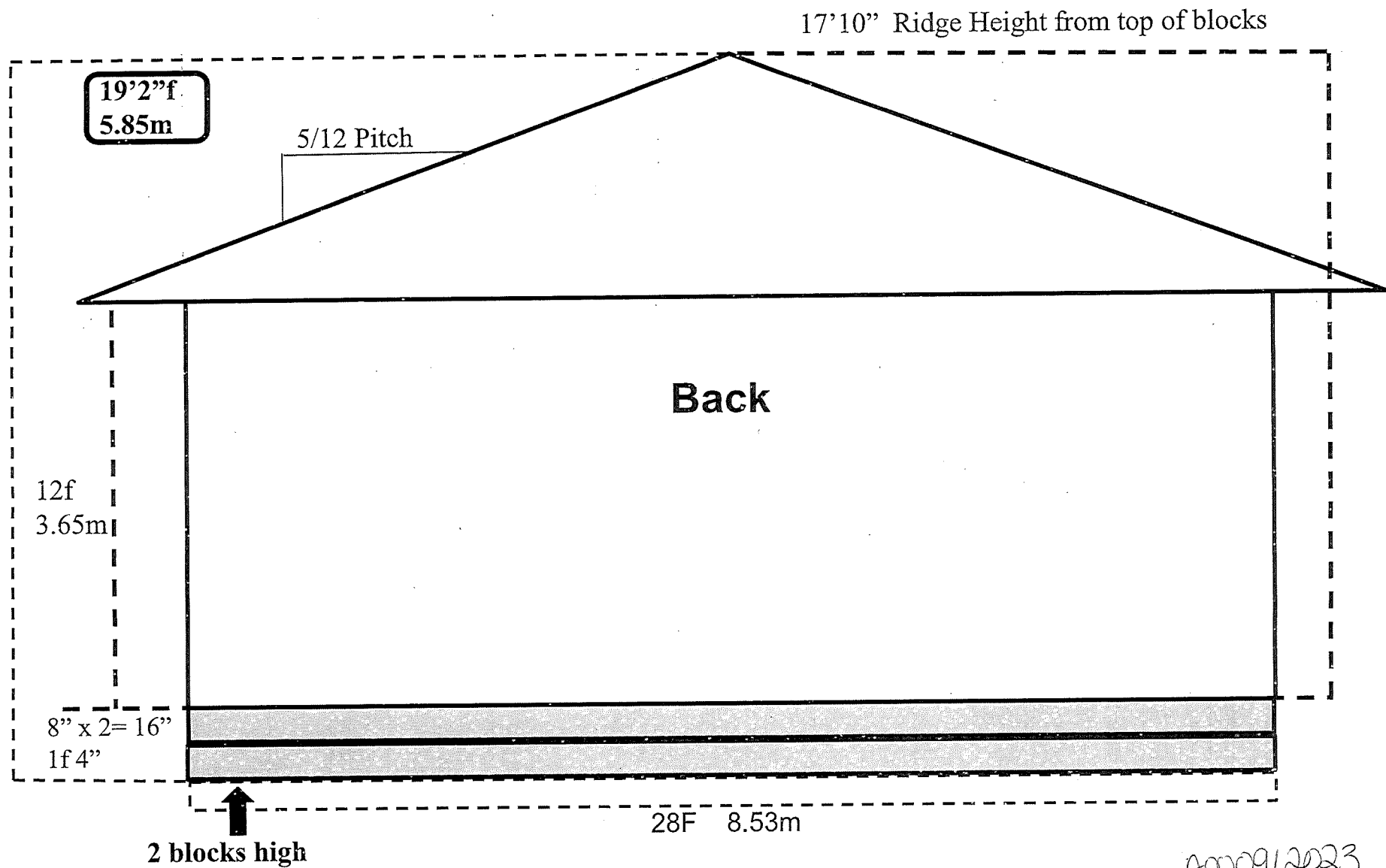
3 Sheds will be removed

A000912023  
Sketch 4

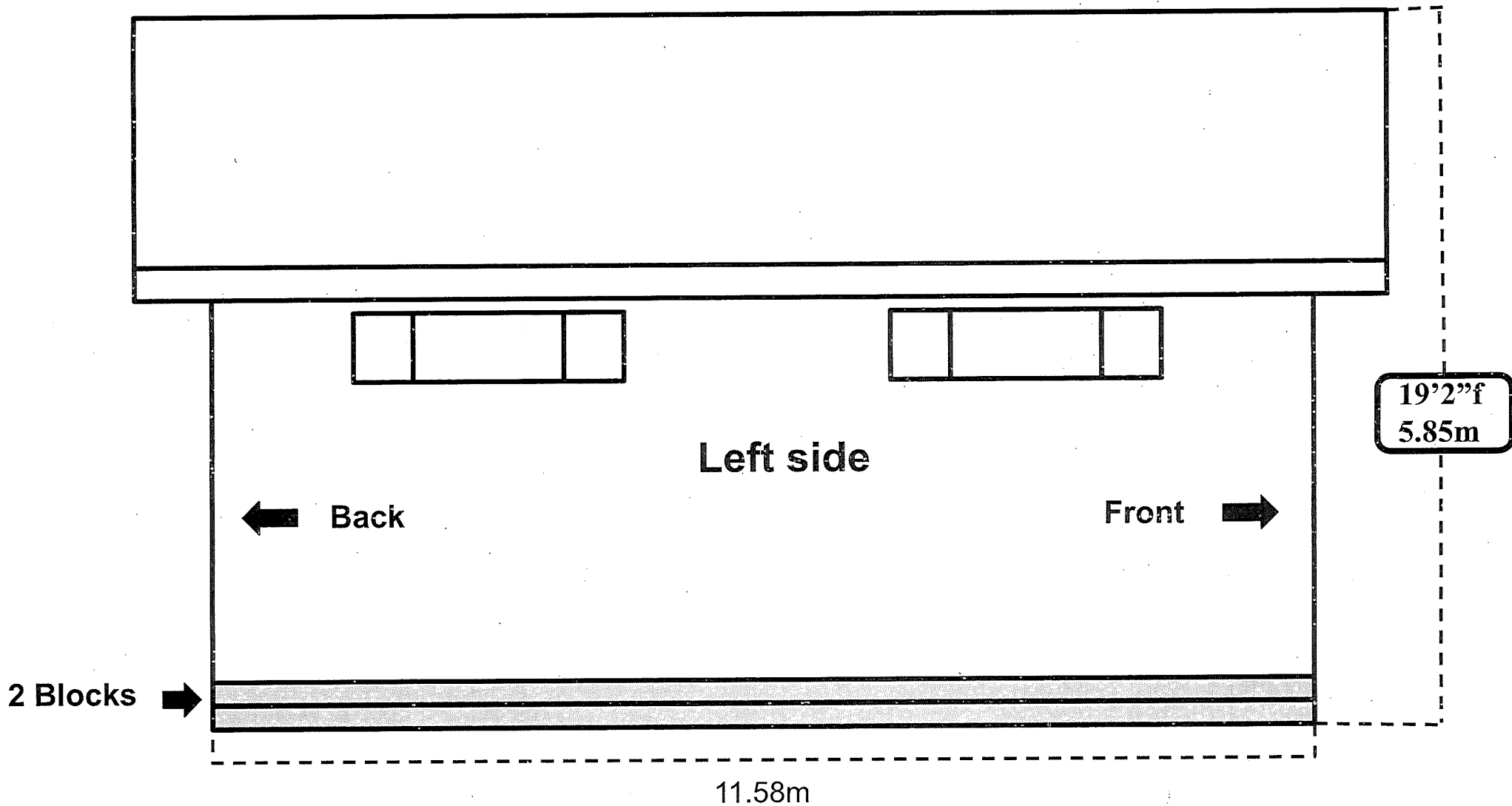


A000912023  
Sketch 5

Requesting 21f - 6.5m



A0009/2023  
Sketch 6



190009/2023  
Sketch 7





Box 5000, Station 'A', 200 Brady Street  
Sudbury ON P3A 5P3  
Tel. (705) 671-2489, Ext. 4376/4346  
Fax (705) 673-2200

## City of Greater Sudbury

### APPLICATION FOR MINOR VARIANCE

APPLICATION FEE: <sup>1,090</sup>~~\$1,025.00~~ (includes <sup>360.00</sup>~~\$245.00~~ legal notice fee)  
APPLICATION FEE FOR HEDGEROWS: \$312.00 (includes \$245.00 legal notice fee)  
CASH, DEBIT OR CHEQUE MADE PAYABLE TO: CITY OF GREATER SUDBURY

Personal information on this form is collected pursuant to the Planning Act, R.S.O. 1990 c.P.13. Any questions regarding the collection of this information may be directed to the Manager of Development Approvals. In accordance with Section 1.0.1 of the Planning Act, R.S.O. 1990 information and material required to be provided to a municipality or approval authority as part of this application shall be considered public information and shall be made available to the public.

PLEASE PRINT. SCHEDULES MAY BE INCLUDED, IF NECESSARY.

- 1) The undersigned hereby applies to the Committee of Adjustment of the City of Greater Sudbury under Section 45 of the Planning Act R.S.O. 1990, c.P. 13 for relief, as described in this application, from the By-law, as amended.

Registered Owner(s): Claude + Diane Messier Email: [REDACTED]  
Mailing Address: 1299 Piquette St. Home: [REDACTED]  
City: Sudbury Postal Code: P3A 3X9 Business Phone: [REDACTED]  
Fax Phone: [REDACTED]

- 2) If the application will be represented by someone other than the registered owner(s) and/or the application is prepared and submitted by someone other than the registered owner(s), please specify.

Name of Agent: Luc Messier Email: [REDACTED]  
Mailing Address: 3416 Martin Rd. Home: [REDACTED]  
City: Betzard Valley Postal Code: P0M 1E0 Business Phone: [REDACTED]  
Fax Phone: [REDACTED]  
Note: Unless otherwise requested, all communication will be sent to the agent, if any.

- 3) Names and mailing addresses of any mortgagees, holders of charges or other encumbrances. (Give full particulars to ensure that any individual, company, financial institution holding a mortgage, etc. on the subject lands can be notified of this application).

Name: Claude & Diane Messier  
Mailing Address: 1299 Piquette St.  
City: Sudbury Postal Code: P3A 3X9

- 4) Current Official Plan designation: LIVING AREA 1 Current Zoning By-law designation: R2-2

- 5) a) Nature and extent of relief from the Zoning By-law for which the application is being made. (If more than five variances are being sought, a schedule may be attached to the application form). Measurements must be in metric.

Variance To	By-law Requirement	Proposed	Difference
4.2.3 accessory Lot carriage.	10%	12.5%	2.5%

- b) Is there an eave encroachment? ☐ Yes ☒ No If 'Yes', size of eaves: \_\_\_\_\_ (m)

- c) Description of Proposal: Looking for minor Variance. Looking for an extra 17.28 sqm.

- d) Provide reason why the proposal cannot comply with the provisions of the Zoning By-law: Bigger living space.

Office Use Only 2022.01.01
A 0010/2023
S.P.P. AREA
YES _____ NO <input checked="" type="checkbox"/>
NDCA REG. AREA
YES _____ NO <input checked="" type="checkbox"/>

- 6) Legal Description (include any abutting property registered under the same ownership).

PIN(s): 735670333 Township: South Bay / Nelson  
 Lot No.: PT 12 Concession No.: 6 Parcel(s): 33280 SES  
 Subdivision Plan No.: M287 Lot: 12 Reference Plan No.: SR1050 Part(s): 1  
 Municipal Address or Street(s): 1299 Paquette St., P3A 3X9

- 7) Date of acquisition of subject land.
- May 31<sup>st</sup>, 2007

- 8) Dimensions of land affected.

Frontage 15.24 (m) Depth 45.72 (m) Area 696.7708 (m<sup>2</sup>) Width of Street (m)

- 9) Particulars of all buildings:

	Existing	Proposed
Ground Floor Area:	<u>124.8617</u> (m <sup>2</sup> )	<u>86.95724</u> (m <sup>2</sup> )
Gross Floor Area:	<u>375.1425</u> (m <sup>2</sup> )	<u>86.95724</u> (m <sup>2</sup> )
No. of storeys:	<u>2</u>	<u>1</u>
Width:	<u>8.5344</u> (m)	<u>7.3152</u> (m)
Length:	<u>14.6304</u> (m)	<u>11.8872</u> (m)
Height:	<u>9.144</u> (m)	<u>1.5</u> (m)

- 10) Location of all buildings and structures on or proposed for the subject lands (specify distances from side, rear and front lot lines).

	Existing	Proposed
Front:	<u>6.4736</u> (m)	<u>11.307</u> (m) <u>from rear of House</u>
Rear:	<u>12.619</u> (m)	<u>1.292</u> (m)
Side:	<u>4.5 (N)</u> (m)	<u>4.5 (N)</u> (m)
Side:	<u>1.2192 (S)</u> (m)	<u>2.4384 (S)</u> (m)

- 11) What types of water supply, sewage disposal and storm drainage are available?

What type of access to the land?

Municipally owned & operated piped water system	<input checked="" type="checkbox"/>	Provincial Highway	<input type="checkbox"/>
Municipally owned & operated sanitary sewage system	<input checked="" type="checkbox"/>	Municipal Road	<input type="checkbox"/>
Lake	<input type="checkbox"/>	Maintained Yearly	<input checked="" type="checkbox"/>
Individual Well	<input type="checkbox"/>	Maintained Seasonal	<input type="checkbox"/>
Communal Well	<input type="checkbox"/>	Right-of-way	<input type="checkbox"/>
Individual Septic System	<input type="checkbox"/>	Water	<input type="checkbox"/>
Communal Septic System	<input type="checkbox"/>	If access is by water only, provide parking and docking facilities to be used.	
Pit Privy	<input type="checkbox"/>		
Municipal Sewers/Ditches/Swales	<input type="checkbox"/>		

- 12) Date(s) of construction of all buildings and structures on the subject land.

1979

- 13) Existing use(s) of the subject property and length of time it / they have continued.

Use(s): Residential Semi D

Length of time:

- 14) Proposed use(s) of the subject property.

Same as #13 ☐ or, Residential Semi D

- 15) What is the number of dwelling units on the property?
- 2

- 16) If this application is approved, would any existing dwelling units be legalized?

☒ Yes ☐ NoIf "yes", how many? 1

- 17) Existing uses of abutting properties:

Residential to the Back.  
institutional to the west.

A0010/2023

- 18) To the best of your knowledge has the subject land ever been subject of a previous application for minor variance/permission? ☐ Yes ☒ No

If "yes", indicate the application number(s): \_\_\_\_\_  
or, describe briefly, \_\_\_\_\_

- 19) Is the property the subject of a current application for Consent (i.e. severance) under Section 53 of the Planning Act, R.S.O. 1990 c.P.13? ☐ Yes ☒ No

If "yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 20) Is the property the subject of a current application for a Plan of Subdivision under Section 51 of the Planning Act, R.S.O. 1990, c.P.13, or its predecessors? ☐ Yes ☒ No

If "Yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 21) Is this property located within an area subject to the Greater Sudbury Source Protection Plan? ☐ Yes ☒ No

If "yes", provide details on how the property is designated in the Source Protection Plan. \_\_\_\_\_

#### PART A: OWNER ACKNOWLEDGEMENT AND CONSENT

I/We, CLAUDE DIANE MESSIER (please print all names), the registered owner(s) of the property described as 1299 Paquette St. Sudbury in the City of Greater Sudbury:

##### Collection, Use and Disclosure of Information:

- acknowledge that personal information collected on this form is collected pursuant to the *Planning Act*, R.S.O. 1990, c.P.13 for the purpose of processing this planning application;
- acknowledge that it is the practice of the City of Greater Sudbury, in accordance with section 1.0.1 of the *Planning Act*, R.S.O. 1990, c.P.13, to provide public access to all planning applications and documents, including but not limited to reports, studies and drawings, required by the City of Greater Sudbury in support of this application ("Supporting Documentation") and provided to the City by me, my agents, my consultants and my solicitors;
- in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, consent to the use and disclosure of this application and any Supporting Documentation, inclusive of any personal information, to any person or entity, in any manner chosen by the City, including copying, posting on the City's website, advertising in a newspaper, routine distribution to members of council and in staff reports, or releasing to a third party upon third party request;
- grant the City permission to reproduce, in whole or in part, the application and Supporting Documentation for internal use, inclusion in staff reports, distribution to the public for the purpose of public consultation or any other use associated with the purpose of review and implementation of the application;

##### Authority to Enter Land and Photograph

- grant the City permission to attend, photograph and conduct inspections of the lands subject to this application as part of the City's review and processing of this application;
- acknowledge that, in the event of a third party appeal of this application (where applicable) to the Ontario Land Tribunal, the City of Greater Sudbury may not attend at the Ontario Land Tribunal hearing unless the City is provided with the City's required fee for attendance at the hearing;

##### Appointment of Authorized Agent

- appoint and authorize Luc Messier (please print name of Agent), to act as my/our agent with regard to this application to the City of Greater Sudbury, including but not limited to receiving all correspondence, attending at any hearings, fulfilling any conditions, and providing any approvals or consents and ratify, confirm, and adopt as my/our own, the acts, representations, replies and commitments made by the agent on my/our behalf.

Dated this 14 day of January, 20 23

Suzanne Fournier  
(witness)

Claude Messier  
signature of Owner(s) or Signing Officer or Authorized Agent

Print Name: CLAUDE MESSIER, DIANE MESSIER

\*I have authority to bind the Corporation

APPROVED

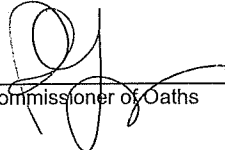
**PART B: OWNER OR AUTHORIZED AGENT DECLARATION**

I/We, ~~Luc Messier~~ Luc Messier, (please print all names),  
the registered owner(s) or authorized agent of the property described as \_\_\_\_\_

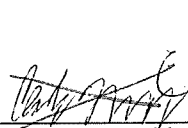
in the City of Greater Sudbury: 1299 Paquette St.

solemnly declare that all of the statements contained in this application and in the Supporting Documentation are true and complete, and I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Dated this 20<sup>th</sup> day of January, 2023

  
Commissioner of Oaths

Paula Elizabeth Green, a Commissioner for taking Affidavits in and for the Courts of Ontario, while within the Territorial District of Sudbury and while appointed as a Deputy Clerk for the City of Greater Sudbury.

  
signature of Owner(s) or Signing Officer or Authorized Agent  
(\*where a Corporation)

Print Name: ~~Charles Messier~~ Luc Messier  
\*I have authority to bind the Corporation

\* Where the owner is a firm or corporation, the person signing this instrument shall state that he/she has authority to bind the corporation or affix the corporate seal.

**FOR OFFICE USE ONLY**

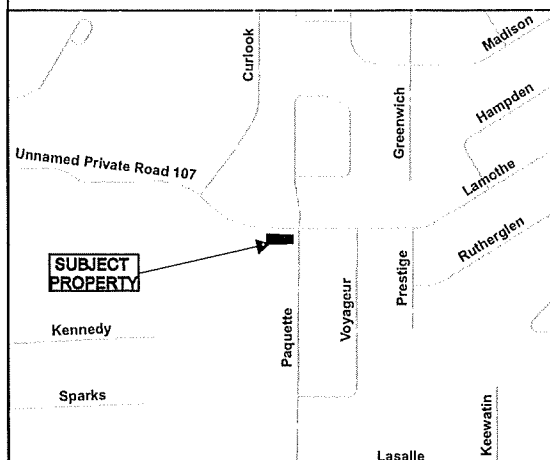
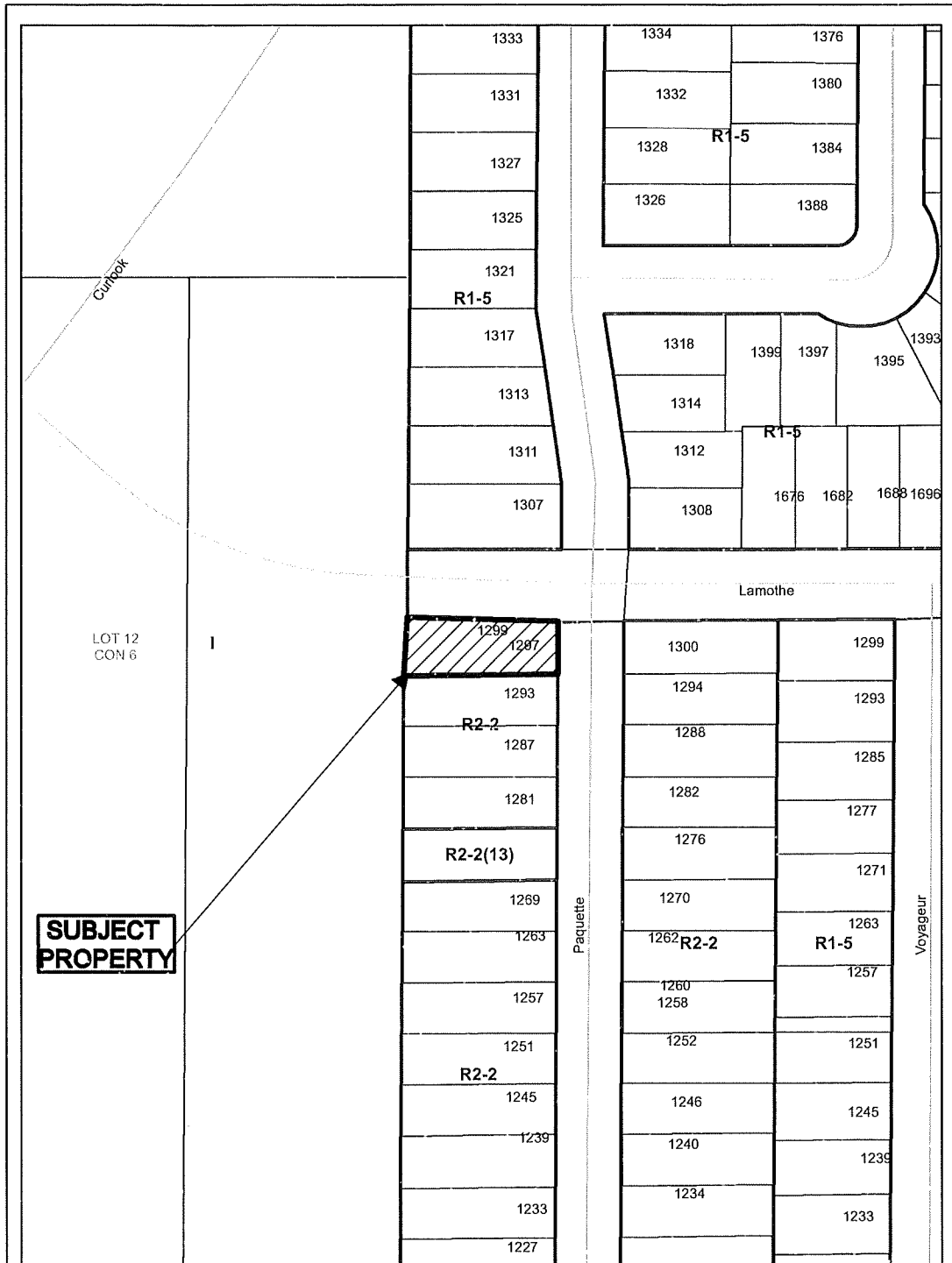
Date of Receipt: Jan 20/23 Hearing Date: February 23, 2023 Received By: S. Pinkerton  
Zoning Designation: R2-2 Resubmission: ☐ Yes ☒ No


Previous File Number(s): none

Previous Hearing Date:

Notes:

A0010/2023



<p align="center"><b>Application for Minor Variance or Permission</b></p> <p align="right"></p>	
<p>Subject Property, PIN 73567-0333, Parcel 33280 SEC SES SRO, Part Lot 12, Plan M-287, being Part 1 on Plan SR-1050, Part Lot 12, Concession 6, Township of Neelon, 1297 and 1299 Paquette Street, Sudbury, City of Greater Sudbury</p>	
<p>Sketch 1, NTS NDCA</p>	<p align="right">A0010/2023 Date: 2023 01 30</p>

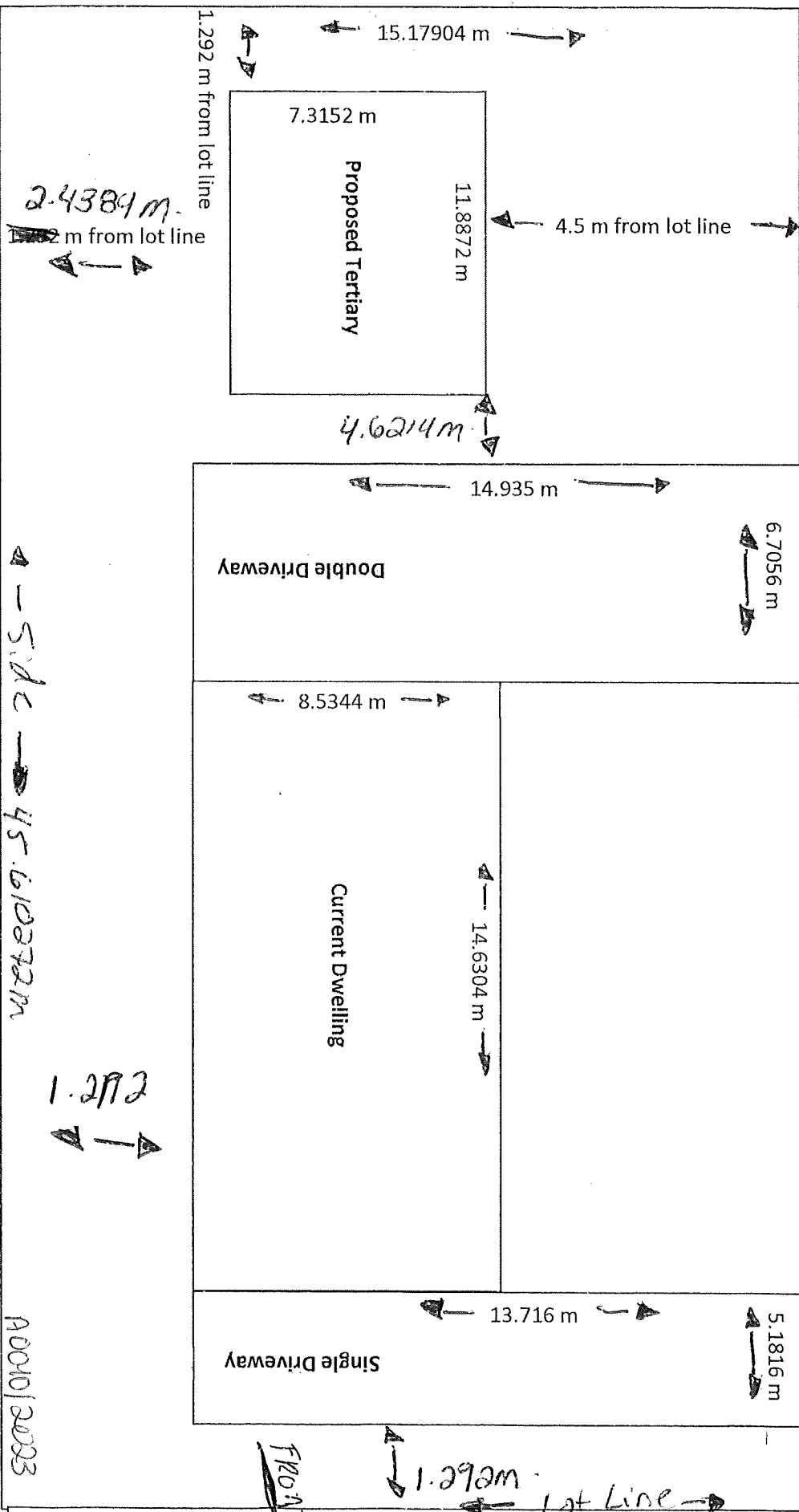
(N)

LAMOTHE

Side CORNER

45.610272 m

PAQUETTE



A0010/2023  
Sketch 2



Box 5000, Station 'A', 200 Brady Street  
Sudbury ON P3A 5P3  
Tel. (705) 671-2489, Ext. 4376/4346  
Fax (705) 673-2200

City of Greater Sudbury  
APPLICATION FOR MINOR VARIANCE

Office Use Only 2023.01.01	
A00112023	
S.P.P. AREA	
YES	NO <input checked="" type="checkbox"/>
NDCA REG. AREA	
YES	NO <input checked="" type="checkbox"/>

APPLICATION FEE: \$1,090.00 (includes \$260.00 legal notice fee)  
APPLICATION FEE FOR HEDGEROWS: \$332.00 (includes \$260.00 legal notice fee)  
CASH, DEBIT OR CHEQUE MADE PAYABLE TO: CITY OF GREATER SUDBURY

Personal information on this form is collected pursuant to the Planning Act, R.S.O. 1990 c.P.13. Any questions regarding the collection of this information may be directed to the Manager of Development Approvals. In accordance with Section 1.0.1 of the Planning Act, R.S.O. 1990 information and material required to be provided to a municipality or approval authority as part of this application shall be considered public information and shall be made available to the public.

PLEASE PRINT. SCHEDULES MAY BE INCLUDED, IF NECESSARY.

- 1) The undersigned hereby applies to the Committee of Adjustment of the City of Greater Sudbury under Section 45 of the Planning Act R.S.O. 1990, c.P. 13 for relief, as described in this application, from the By-Law, as amended.

Registered Owner(s): ALEXEI MALKOV + SVIATLANA TSIVSHAYA Email: [REDACTED]  
Mailing Address: 81 JONES LAKE Home Phone: [REDACTED]  
Business Phone: [REDACTED]

City: WELLAND Postal Code: L3B 3M6 Fax Phone: [REDACTED]

- 2) If the application will be represented by someone other than the registered owner(s) and/or the application is prepared and submitted by someone other than the registered owner(s), please specify.

Name of Agent: Richard Dwyer Email: [REDACTED]  
Mailing Address: 109 Elm St Suite 206 Home Phone: [REDACTED]  
Business Phone: [REDACTED]

City: Sudbury Postal Code: N3C 1T4 Fax Phone: [REDACTED]

Note: Unless otherwise requested, all communication will be sent to the agent, if any

- 3) Names and mailing addresses of any mortgagees, holders of charges or other encumbrances. (Give full particulars to ensure that any individual, company, financial institution holding a mortgage, etc. on the subject lands can be notified of this application).

Name: N/A

Mailing Address: [REDACTED]

City: [REDACTED]

Postal Code: [REDACTED]

- 4) Current Official Plan designation: LIVING AREA 1 Current Zoning By-law designation: R2-3

- 5) a) Nature and extent of relief from the Zoning By-law for which the application is being made. (If more than five variances are being sought, a schedule may be attached to the application form). Measurements must be in metric.

Variance To	By-law Requirement	Proposed	Difference
lot DEPTH 2012 - 672	30.m	18.288	11.71
Front yard	6.0m	2.13	3.87
REAR YARD	7.5m	4.52	2.98

- b) Is there an eave encroachment? ☐ Yes ☒ No If 'Yes', size of eaves: [REDACTED] (m)

- c) Description of Proposal: Construct single family dwelling on EXISTING lot

- d) Provide reason why the proposal cannot comply with the provisions of the Zoning By-law:

EXISTING lot size

- 6) Legal Description (include any abutting property registered under the same ownership).

PIN(s): 73585-0922 Township: McKIM  
 Lot No.: 109 Concession No.: \_\_\_\_\_ Parcel(s): \_\_\_\_\_  
 Subdivision Plan No.: 315A Lot: 109 Reference Plan No.: \_\_\_\_\_ Part(s): \_\_\_\_\_  
 Municipal Address or Street(s): 409 Alder St. Sudbury

- 7) Date of acquisition of subject land.
- July 28, 2022

- 8) Dimensions of land affected.

Frontage 15.24 (m) Depth 18.288 (m) Area 278.7 (m<sup>2</sup>) Width of Street \_\_\_\_\_ (m)

- 9) Particulars of all buildings:

	Existing	Proposed
Ground Floor Area:	<u>SFO demolished</u> (m <sup>2</sup> )	<u>102.25</u> <del>102.25</del> <u>205</u> (m <sup>2</sup> )
Gross Floor Area:	<u>0</u> <u>2016</u> (m <sup>2</sup> )	<u>204.5</u> (m <sup>2</sup> )
No. of storeys:	_____	<u>1</u> (m)
Width:	_____ (m)	<u>8.83</u> (m)
Length:	_____ (m)	<u>11.58</u> (m)
Height:	_____ (m)	<u>7</u> (m)

- 10) Location of all buildings and structures on or proposed for the subject lands (specify distances from side, rear and front lot lines).

	Existing	Proposed
Front:	_____ (m)	<u>2.13</u> (m)
Rear:	_____ (m)	<u>4.52</u> (m)
Side:	_____ (m)	<u>1.21</u> (m)
Side:	_____ (m)	<u>5.18</u> (m)

- 11) What types of water supply, sewage disposal and storm drainage are available?

What type of access to the land?

Municipally owned & operated piped water system ☒  
 Municipally owned & operated sanitary sewage system ☒  
 Lake ☐  
 Individual Well ☐  
 Communal Well ☐  
 Individual Septic System ☐  
 Communal Septic System ☐  
 Pit Privy ☐  
 Municipal Sewers/Ditches/Swales ☐

Provincial Highway ☐  
 Municipal Road ☐  
 Maintained Yearly ☒  
 Maintained Seasonal ☐  
 Right-of-way ☐  
 Water ☐  
 If access is by water only, provide parking and docking facilities to be used.

- 12) Date(s) of construction of all buildings and structures on the subject land.

Single Family dwelling was demolished in 2017

- 13) Existing use(s) of the subject property and length of time it / they have continued.

Use(s): Single Family Dwelling Length of time: FOR EVER

- 14) Proposed use(s) of the subject property.

Same as #13 ☒ or, \_\_\_\_\_

- 15) What is the number of dwelling units on the property?

currently 0

- 16) If this application is approved, would any existing dwelling units be legalized?

☐ Yes ☒ No

If "yes", how many? \_\_\_\_\_

- 17) Existing uses of abutting properties:

Dwellings / Former Brewery

A001/2023



- 18) To the best of your knowledge has the subject land ever been subject of a previous application for minor variance/permission? ☐ Yes ☒ No

If "yes", indicate the application number(s): \_\_\_\_\_  
or, describe briefly, \_\_\_\_\_

- 19) Is the property the subject of a current application for Consent (i.e. severance) under Section 53 of the Planning Act, R.S.O. 1990 c.P.13? ☐ Yes ☒ No

If "yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 20) Is the property the subject of a current application for a Plan of Subdivision under Section 51 of the Planning Act, R.S.O. 1990, c.P.13, or its predecessors? ☐ Yes ☒ No

If "Yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 21) Is this property located within an area subject to the Greater Sudbury Source Protection Plan? ☐ Yes ☒ No

If "yes", provide details on how the property is designated in the Source Protection Plan. \_\_\_\_\_

#### PART A: OWNER ACKNOWLEDGEMENT AND CONSENT

I/we, Alexei Malkov & SUIATLANA TSIUSHAVA (please print all names), the registered owner(s) of the property described as 409 Alder St.

in the City of Greater Sudbury:

#### Collection, Use and Disclosure of Information:

- acknowledge that personal information collected on this form is collected pursuant to the *Planning Act*, R.S.O. 1990, c.P.13 for the purpose of processing this planning application;
- acknowledge that it is the practice of the City of Greater Sudbury, in accordance with section 1.0.1 of the *Planning Act*, R.S.O. 1990, c.P.13, to provide public access to all planning applications and documents, including but not limited to reports, studies and drawings, required by the City of Greater Sudbury in support of this application ("Supporting Documentation") and provided to the City by me, my agents, my consultants and my solicitors;
- in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, consent to the use and disclosure of this application and any Supporting Documentation, inclusive of any personal information, to any person or entity, in any manner chosen by the City; including copying, posting on the City's website, advertising in a newspaper, routine distribution to members of council and in staff reports, or releasing to a third party upon third party request;
- grant the City permission to reproduce, in whole or in part, the application and Supporting Documentation for internal use, inclusion in staff reports, distribution to the public for the purpose of public consultation or any other use associated with the purpose of review and implementation of the application;

#### Authority to Enter Land and Photograph

- grant the City permission to attend, photograph and conduct inspections of the lands subject to this application as part of the City's review and processing of this application;
- acknowledge that, in the event of a third party appeal of this application (where applicable) to the Ontario Land Tribunal, the City of Greater Sudbury may not attend at the Ontario Land Tribunal hearing unless the City is provided with the City's required fee for attendance at the hearing;

#### Appointment of Authorized Agent

- appoint and authorize Richard Dwyer (please print name of Agent), to act as my/our agent with regard to this application to the City of Greater Sudbury, including but not limited to receiving all correspondence, attending at any hearings, fulfilling any conditions, and providing any approvals or consents and ratify, confirm, and adopt as my/our own, the acts, representations, replies and commitments made by the agent on my/our behalf.

Dated this 13th day of January

(witness)

Signature of Owner(s) or Signing Officer or Authorized Agent

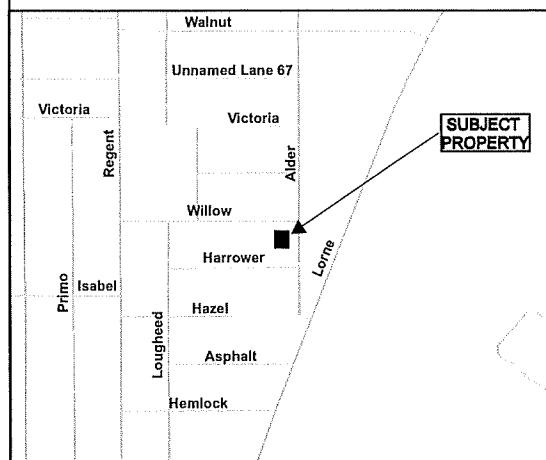
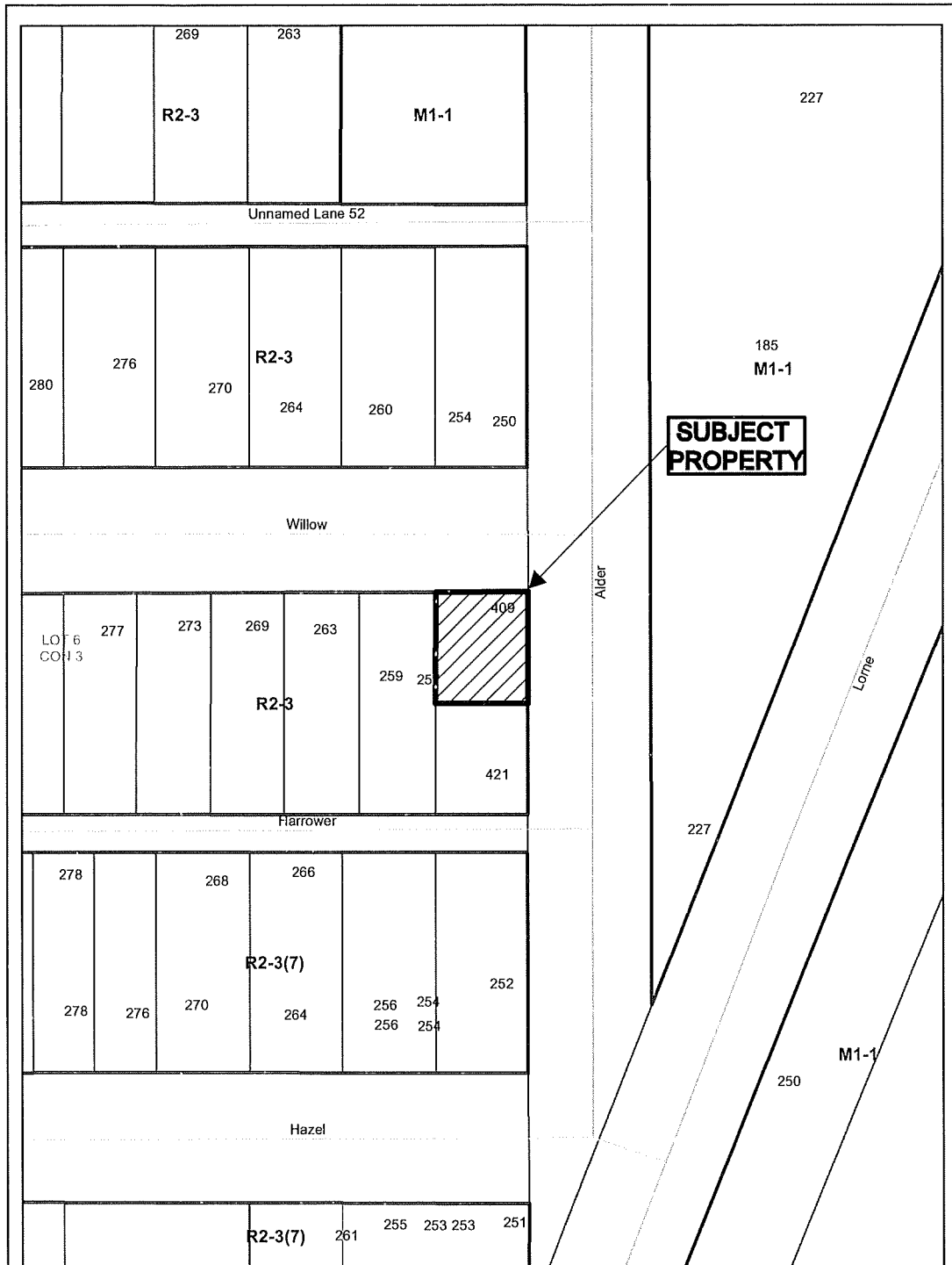
Print Name: ALEXEI MALKOV

\*I have authority to bind the Corporation

SUIATLANA TSIUSHAVA

ADK/2023

April 2023



## Application for Minor Variance or Permission

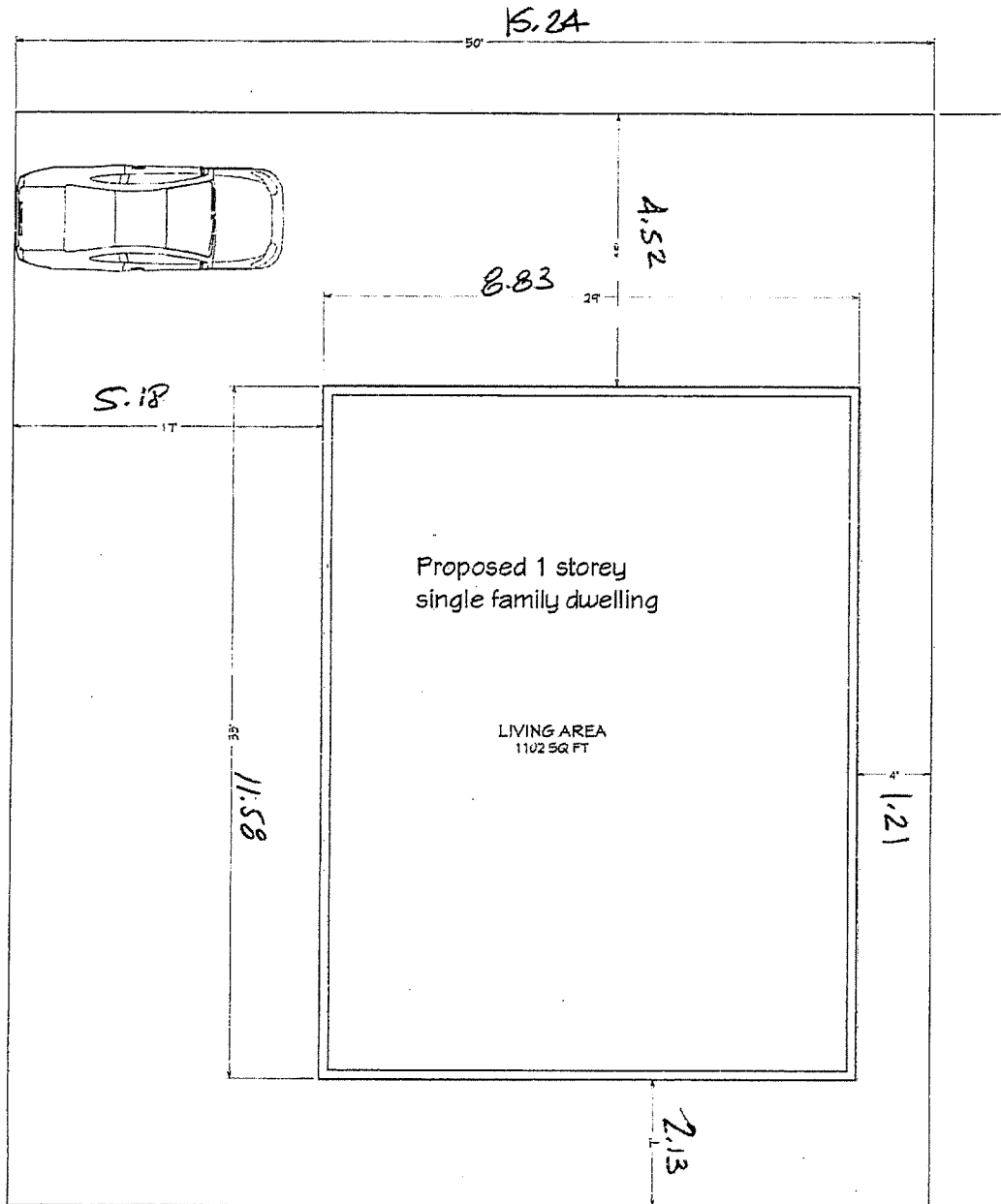


Subject Property,  
PIN 73585-0922,  
Part Lot 109, Plan 31SA,  
Part Lot 6, Concession 3,  
Township of McKim,  
409 Alder Street, Sudbury.  
City of Greater Sudbury

Sketch 1, NTS  
NDCA

A0011/2023  
Date: 2023 01 30

409 Alder Street



Willow Street

Zoning			R2-3
Lot Size	50	60	3000 sqfeet
Max lot coverage		50%	1500 sqfeet
Proposed building	30	38	1140 sqfeet
Proposed lot coverage			38%
Open green space			1860 sqfeet
Ratio			62%

278.7 m<sup>2</sup>  
 139.35 m<sup>2</sup>  
 102.25 m<sup>2</sup>  
 37%

APR 11/2023  
 sketch 2



Box 5000, Station 'A', 200 Brady Street  
Sudbury ON P3A 5P3  
Tel. (705) 671-2489, Ext. 4376/4346  
Fax (705) 673-2200

Office Use Only 2023.01.01	
A0012/003	
S.P.P. AREA	
YES	NO <input checked="" type="checkbox"/>
NDCA REG. AREA	
YES <input checked="" type="checkbox"/>	NO

City of Greater Sudbury  
APPLICATION FOR MINOR VARIANCE

APPLICATION FEE: \$1,090.00 (includes \$260.00 legal notice fee)  
APPLICATION FEE FOR HEDGEROWS: \$332.00 (includes \$260.00 legal notice fee)  
CASH, DEBIT OR CHEQUE MADE PAYABLE TO: CITY OF GREATER SUDBURY

Personal information on this form is collected pursuant to the Planning Act, R.S.O. 1990 c.P.13. Any questions regarding the collection of this information may be directed to the Manager of Development Approvals. In accordance with Section 1.0.1 of the Planning Act, R.S.O. 1990 information and material required to be provided to a municipality or approval authority as part of this application shall be considered public information and shall be made available to the public.

PLEASE PRINT: SCHEDULES MAY BE INCLUDED, IF NECESSARY.

- 1) The undersigned hereby applies to the Committee of Adjustment of the City of Greater Sudbury under Section 45 of the Planning Act R.S.O. 1990, c.P. 13 for relief, as described in this application, from the By-Law, as amended.

Registered Owner(s): TASTULA, SHEILA; GIGLIOTTI, DAVID	Email: [REDACTED]
Mailing Address: 1673 Sunnyside Road	Home Phone: [REDACTED]
	Business Phone: [REDACTED]
City: Sudbury	Postal Code: P3G1H6
	Fax Phone: [REDACTED]

- 2) If the application will be represented by someone other than the registered owner(s) and/or the application is prepared and submitted by someone other than the registered owner(s), please specify.

Name of Agent: TULLOCH Engineering	Email: [REDACTED]
Mailing Address: 1942 Regent Street Unit L	Home Phone: [REDACTED]
	Business Phone: [REDACTED]
City: Sudbury	Postal Code: P3E 5V5
	Fax: [REDACTED]

Note: Unless otherwise requested, all communication will be sent to the agent, if any.

- 3) Names and mailing addresses of any mortgagees, holders of charges or other encumbrances. (Give full particulars to ensure that any individual, company, financial institution holding a mortgage, etc. on the subject lands can be notified of this application).

Name:	
Mailing Address:	
City:	Postal Code:

- 4) Current Official Plan designation: Living Area II Current Zoning By-law designation: R1-2

- 5) a) Nature and extent of relief from the Zoning By-law for which the application is being made. (If more than five variances are being sought, a schedule may be attached to the application form). Measurements must be in metric.

Variance To	By-law Requirement	Proposed	Difference
(6.2) Front yard setback	6.0m	4.8m	1.2m
(4.3) Permit a single detached dwelling on a property without frontage on an assumed road	Seasonal Dwelling Only	Single Detached Dwelling	Single Detached Dwelling
(4.41.1) Water Frontage	36.0m	29.70m	6.3m
(6.2) Road frontage	36.0m	0.0m	36.0m

- b) Is there an eave encroachment? Yes ☐ No ☒ If 'Yes', size of eaves: \_\_\_\_\_ (m)

- c) Description of Proposal:  
Variances needed to legalize an existing single detached dwelling that was built on a lot without access to a publicly assumed road and too close to the front lot line.

- d) Provide reason why the proposal cannot comply with the provisions of the Zoning By-law:  
Dwelling has already been constructed with the necessary building permits.

- 6) Legal Description (include any abutting property registered under the same ownership).

PIN(s): 734730070		Township: BRODER	
Lot No.: 10	Concession No.: 3	Parcel(s): 8336	
Subdivision Plan No.:	Lot:	Reference Plan No.:	Part(s):
Municipal Address or Street(s): 1673 Sunnyside Rd, Sudbury, P3G1H6			

- 7) Date of acquisition of subject land. Mar 31, 2020

- 8) Dimensions of land affected.

Frontage 29.70 (water) (m)	Depth 40.87 (m)	Area 1353.7 (m <sup>2</sup> )	Width of Street N/A (m)
----------------------------	-----------------	-------------------------------	-------------------------

- 9) Particulars of all buildings:

	Existing		Proposed
Ground Floor Area:	286.64 (m <sup>2</sup> )	N/A	(m <sup>2</sup> )
Gross Floor Area:	286.64 (m <sup>2</sup> )	""	(m <sup>2</sup> )
No. of storeys:	1	""	
Width:	11.057 (irreg) (m)	""	(m)
Length:	21.687 (irreg) (m)	""	(m)
Height:	N/A (m)	""	(m)

- 10) Location of all buildings and structures on or proposed for the subject lands (specify distances from side, rear and front lot lines).

	Existing		Proposed
Front:	4.8 (m)	N/A	(m)
Rear:	17.11 (m)	""	(m)
Side:	3.13 (m)	""	(m)
Side:	4.63 (m)	""	(m)

- 11) What types of water supply, sewage disposal and storm drainage are available?

Municipally owned & operated piped water system ☐  
 Municipally owned & operated sanitary sewage system ☒  
 Lake ☒  
 Individual Well ☐  
 Communal Well ☐  
 Individual Septic System ☒  
 Communal Septic System ☐  
 Pit Privy ☐  
 Municipal Sewers/Ditches/Swales ☐

- What type of access to the land?

Provincial Highway ☐  
 Municipal Road ☐  
 Maintained Yearly ☐  
 Maintained Seasonal ☐  
 Right-of-way ☒  
 Water ☐  
 If access is by water only, provide parking and docking facilities to be used.

- 12) Date(s) of construction of all buildings and structures on the subject land.

2021-2022

- 13) Existing use(s) of the subject property and length of time it / they have continued.

Use(s): Residential	Length of time: 20+ Years
---------------------	---------------------------

- 14) Proposed use(s) of the subject property.

Same as #13 ☒ or,

- 15) What is the number of dwelling units on the property? 1

- 16) If this application is approved, would any existing dwelling units be legalized?

Yes ☒ No

If "yes", how many?

- 17) Existing uses of abutting properties: Single Detached Dwellings & Seasonal Dwellings

A0012/2023

- 18) To the best of your knowledge has the subject land ever been subject of a previous application for minor variance/permission? Yes ☐ No ☒

If "yes", indicate the application number(s): \_\_\_\_\_

or, describe briefly, \_\_\_\_\_

- 19) Is the property the subject of a current application for Consent (i.e. severance) under Section 53 of the Planning Act, R.S.O. 1990 c.P.13? Yes ☐ No ☒

If "yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 20) Is the property the subject of a current application for a Plan of Subdivision under Section 51 of the Planning Act, R.S.O. 1990, c.P.13, or its predecessors? Yes ☐ No ☒

If "Yes", indicate application number(s) and status of application(s): \_\_\_\_\_

- 21) Is this property located within an area subject to the Greater Sudbury Source Protection Plan?

Yes ☐ No ☒

If "yes", provide details on how the property is designated in the Source Protection Plan. \_\_\_\_\_

### **PART A: OWNER ACKNOWLEDGEMENT AND CONSENT**

I/We, TASTULA, SHEILA; GIGLIOTTI, DAVID \_\_\_\_\_

(please print all

names), the registered owner(s) of the property described as \_\_\_\_\_

PCL 8336 SEC SES; PT BROKEN LT 10 CON 3 BRODER AS IN LT46728A T/W LT452087 (S/T LT119018); GREATER SUDBURY in the City of Greater Sudbury:

#### **Collection, Use and Disclosure of Information:**

- acknowledge that personal information collected on this form is collected pursuant to the *Planning Act*, R.S.O. 1990, c.P.13 for the purpose of processing this planning application;
- acknowledge that it is the practice of the City of Greater Sudbury, in accordance with section 1.0.1 of the *Planning Act*, R.S.O. 1990, c.P.13, to provide public access to all planning applications and documents, including but not limited to reports, studies and drawings, required by the City of Greater Sudbury in support of this application ("Supporting Documentation") and provided to the City by me, my agents, my consultants and my solicitors;
- in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, consent to the use and disclosure of this application and any Supporting Documentation, inclusive of any personal information, to any person or entity, in any manner chosen by the City, including copying, posting on the City's website, advertising in a newspaper, routine distribution to members of council and in staff reports, or releasing to a third party upon third party request;
- grant the City permission to reproduce, in whole or in part, the application and Supporting Documentation for internal use, inclusion in staff reports, distribution to the public for the purpose of public consultation or any other use associated with the purpose of review and implementation of the application;

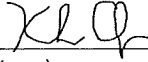
#### **Authority to Enter Land and Photograph**

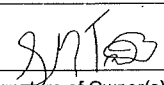
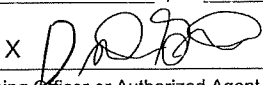
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- acknowledge that, in the event of a third party appeal of this application (where applicable) to the Ontario Land Tribunal, the City of Greater Sudbury may not attend at the Ontario Land Tribunal hearing unless the City is provided with the City's required fee for attendance at the hearing;

#### **Appointment of Authorized Agent**

- appoint and authorize TULLOCH Engineering \_\_\_\_\_ (please print name of Agent), to act as my/our agent with regard to this application to the City of Greater Sudbury, including but not limited to receiving all correspondence, attending at any hearings, fulfilling any conditions, and providing any approvals or consents and ratify, confirm, and adopt as my/our own, the acts, representations, replies and commitments made by the agent on my/our behalf.

Dated this 23rd day of January, 2023

X   
(witness)

X  X   
signature of Owner(s) or Signing Officer or Authorized Agent  
Print Name: X TASTULA X GIGLIOTTI, DAVID

\*I have authority to bind the Corporation

A0012/2023

I/We, TULLOCH Engineering (please print all names),  
the registered owner(s) or authorized agent of the property described as

solemnly declare that all of the statements contained in this application and in the Supporting Documentation are true and complete, and I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Dated this 24th day of Jan, 2023

signature of Owner(s) or Signing Officer or Authorized Agent  
(\*where a Corporation)

Print Name: Vonessa Smith  
 \*I have authority to bind the Corporation

- \* Where the owner is a firm or corporation, the person signing this instrument shall state that he/she has authority to bind the corporation or affix the corporate seal.

**FOR OFFICE USE ONLY**

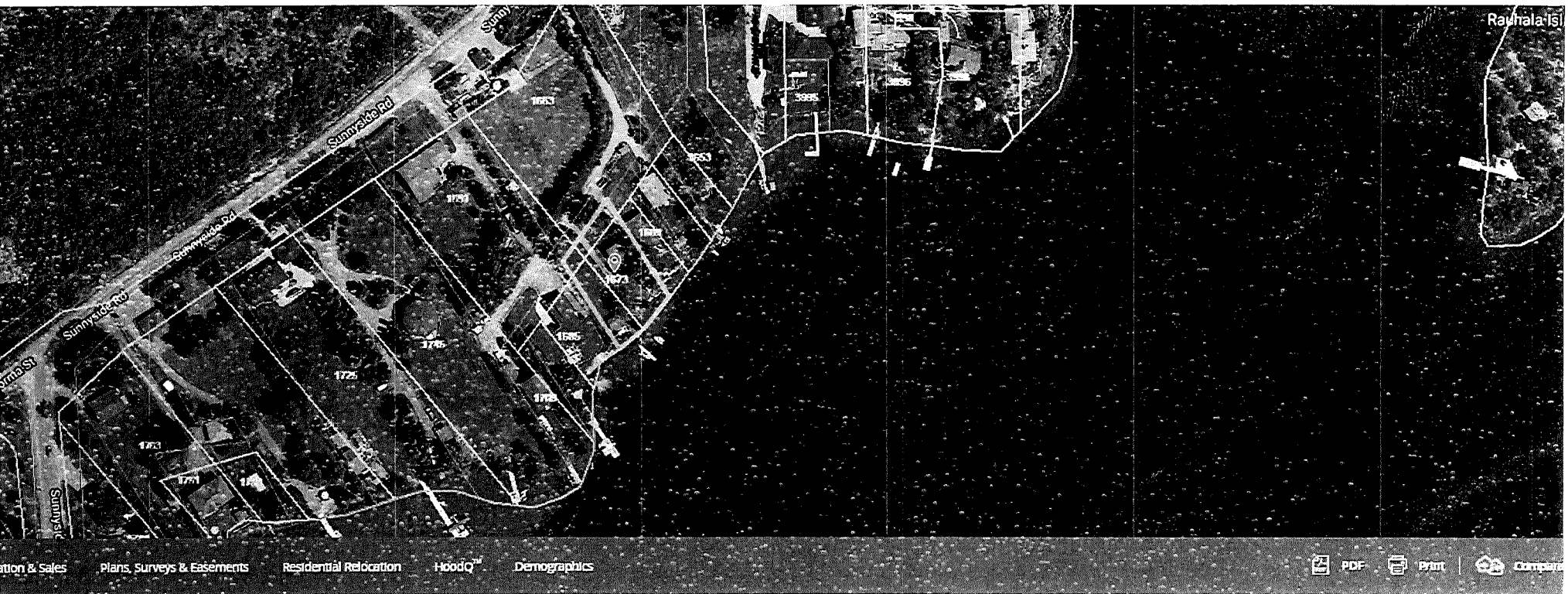
Date of Receipt: Jan 24/23 Hearing Date: February 23/23 Received By: S. Pinkerton  
Zoning Designation: R1-2 Resubmission: ☐ Yes ☒ No  
Previous File Number(s): none  
Previous Hearing Date:  
Notes:

APR 12/2023









73 Sunnyside Rd, Sudbury, P3G1H6

[View Map](#)



Owner Name

TASTULA, SHEILA; GIGLIOTTI, DAVID



Last Sale

\$308,000

Mar 31, 2020



Lot Size

1,450 m<sup>2</sup>

Area

157 m

Perimeter

Description

0.2336 SEC SES; PT BROKEN LT 10 CON 3 BRODER AS IN LT46728A T/W LT452097 (S/T LT119018), GREATER SUDBURY

A00126023  
Sketch 3