



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0038/2022

May 04, 2022

OWNER(S): ROBERT BELANGER, 106 Stacey Cres Garson ON P3L 1C2

AGENT(S):

LOCATION: PIN 02129 0123, Lot(s) 124 and Pt 123, Subdivision M-109, Township of McKim, 394 Eva Avenue, Sudbury

SUMMARY

Zoning: The property is zoned R2-3 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit the existing multiple dwelling on the subject property providing eaves, lot area, front yard setback and interior side yard setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 29, 2022

Roads
No concerns.

Transportation and Innovation Support - Active Transportation
No concerns.

CGS: Development Engineering, April 27, 2022

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 0 m (0 ft) from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

CGS: Building Services Section, April 27, 2022

Building Services requests that the decision be deferred for the following reasons:

1. The minimum required interior side yard of 1.2m, as indicated in the description, is incorrect. Since the dwelling is a 2 storey structure, a minimum required side yard of 1.8m is needed, as per the CGS Zoning By-Law 2010-100Z Table 6.4.

CGS: Development Approvals Section, April 27, 2022

The variances being sought would recognize an existing multiple dwelling having three residential dwelling units on the subject lands that have frontage on Eva Avenue in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-3", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that additions (ie. attached garage and main addition) were made to the residential dwelling in the late 1960s with benefit of building permits and two minor variance approvals (Files # A0410/1965 & A0642/1968) however the additions were not built in accordance with these approvals. The attached garage is accessed from a lane that is maintained by the municipality and is situated to the south of

SUBMISSION NO. A0038/2022 Continued.

Evita Lane. These previous building permit and minor variance approvals also did not permit the addition of a third residential dwelling unit. Staff understands from available information (ie. Vernon's Directory) that the third residential dwelling unit was added in 1970 without benefit of a building permit. Staff is of the opinion that the variance seeking to reduce the minimum lot area per residential dwelling unit from 140 m² (1,506.95 ft²) to 132 m² (1,420.84 ft²) is reasonable as this would not represent overdevelopment and the lands would remain functional in this particular urban residential setting. Staff also attended the lands and did not observe any negative land use planning impacts on abutting residential properties. Staff would also note that the lands are situated in an older residential neighbourhood having a variety of residential uses and built-forms. There also appears to be a number of legal non-complying yard setbacks in the general area and staff is of the opinion that the variances would not negatively impact the residential character that exists along Eva Avenue. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, April 26, 2022

Conservation Sudbury does not object to Minor Variance A0038/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

Greater Sudbury Hydro Inc., April 25, 2022

No conflict.

CGS: Site Plan Control, April 25, 2022

No objections.

Ministry of Transportation, April 20, 2022

No concerns.

The applicant appeared before Committee and provided a summary of the application. Committee Member Dumont requested clarification from staff regarding Building Services comments. Staff advised that the statutory notice was sufficient for the hearing, and should Committee approve the variances staff confirmed that the written decision would reflect the correct setback.

The following decision was reached:

DECISION:

THAT the application by:

ROBERT BELANGER

the owner(s) of PIN 02129 0123, Lot(s) 124 and Pt 123, Subdivision M-109, Township of McKim, 394 Eva Avenue, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing multiple dwelling to provide, firstly, eaves with no setback from the front lot line, where eaves may encroach 1.2m into the required front yard but not closer than 0.6m to the lot line, secondly, a minimum lot area of 132.0m² per unit, where 140.0m² per unit is required, thirdly, a minimum front yard setback of 0.08m, where 6.0m is required, and fourthly, a minimum north interior side yard setback of 1.0m and south interior side yard setback of 0.548m, where 1.8m is required, be granted.

SUBMISSION NO. A0038/2022 Continued.

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

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

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0039/2022

May 04, 2022

OWNER(S): JULIAN LAPOINTE, 3210 Kalmo Road Val Caron ON P3N 1R4
TRACY LEMIEUX, 3210 Kalmo Road Val Caron ON P3N 1R4

AGENT(S):

LOCATION: PIN 73502 0118, Parcel 45952 SEC SES SRO, Survey Plan 53R-9309 Part(s) 1, Lot Pt 2, Concession 6, Township of Blezard, 3210 Kalmo Road, Val Caron

SUMMARY

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

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

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 29, 2022

Roads
No concerns.

Transportation and Innovation Support - Active Transportation
No concerns.

CGS: Development Approvals Section, April 27, 2022

The variance being sought would facilitate the construction of a detached garage in the rear yard of the subject lands that have frontage on Kalmo Road in Val Caron. The lands are designated Urban Expansion Reserve in the City's Official Plan and zoned "RU", Rural under By-law 2020-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would maintain a setback of approximately 47 m (154.20 ft) to the front lot line and would be accessed from Kalmo Road via an existing driveway entrance. Staff is satisfied that at this distance the additional 2 m (6.56 ft) in maximum building height for the detached garage would not have any negative impacts on the existing rural character that exists along Kalmo Road. Staff is also satisfied that no negative land use planning impacts would be generated on the lands or on abutting residential properties should the variance be approved. Staff would also note that the proposed detached garage would appear to otherwise comply with all other applicable development standards for an accessory building in the "RU" Zone. The owner has indicated that the additional height is required in order to provide for additional storage and also for the purposes of having a washer/dryer and refrigerator for beverages. Staff would caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also caution the owner that the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff would also note that there is an existing detached garage that is to be removed. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, April 27, 2022

SUBMISSION NO. A0039/2022 Continued.

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

1. From our records, it appears there may be structures placed/constructed on the property without the benefit of a building permit (Shed on mud sills). A building permit application and building permit documents are to be submitted to the satisfaction of the Chief Building Official. Owner to be informed that any structure greater than 10 m² (108 ft²), a building permit is required.

2. That a search of our records indicates that there are incomplete permits for:

i. Detached Garage (B90-0698)

ii. Heated Addition (B15-0699)

Please contact Building Services to close these projects

The Nickel District Conservation Authority, April 26, 2022

Conservation Sudbury does not object to Minor Variance A0039/2022 as the location of the garage will not require a permit from Conservation Sudbury. The height of the garage is not relevant to the responsibilities of Conservation Sudbury.

Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

CGS: Development Engineering, April 26, 2022

No concerns.

Greater Sudbury Hydro Inc., April 25, 2022

No conflict (outside of our territory).

CGS: Site Plan Control, April 25, 2022

No objections.

Ministry of Transportation, April 20, 2022

No concerns.

The applicant appeared before Committee and provided a summary of the application. Dave Duffy of 3255 Kalmo Road appeared before Committee and expressed support for the application. Committee Member Dumont asked the applicant if they reviewed the comments and the applicant advised that they did not. Committee Member Dumont suggested that the applicant review the comments and address any questions to City staff. Staff provided clarification on Building Services' comments and encouraged the applicant to contact Building Services. The applicant advised that he did not receive comments but would contact Building Services to address their comments. Committee Chair Chartrand asked the applicant to confirm that the loft space would not be used for human habitation and the applicant confirmed that it would not.

SUBMISSION NO. A0039/2022 Continued.

The following decision was reached:

DECISION:

THAT the application by:

JULIAN LAPOINTE AND TRACY LEMIEUX
the owner(s) of PIN 73502 0118, Parcel 45952 SEC SES SRO, Survey Plan 53R-9309 Part(s) 1, Lot Pt 2, Concession 6,
Township of Blezard, 3210 Kalmo Road, Val Caron

for relief from Part 4, Section 4.2, 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 maximum height of 8.5m, where the maximum height of any building or structure accessory to a residential dwelling shall be 6.5m, be granted.

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

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

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0040/2022

May 04, 2022

OWNER(S): JAMIE KINSELLA, 3691 Sauve Ave Chelmsford ON P0M 1L0
MEGAN MCNAMARA, 3691 Sauve Ave Chelmsford ON P0M 1L0

AGENT(S):

LOCATION: PIN 73351 0287, Parcel 19682A SEC SWS SRO, Lot(s) Pt 1, Subdivision M-369, Lot Pt 2, Concession 4, Township of Balfour, 3691 Sauve Avenue, Chelmsford

SUMMARY

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

Application: Approval to construct a detached garage on the subject property providing a reduced railroad right-of-way setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 29, 2022

Roads
No concerns.

Transportation and Innovation Support - Active Transportation
No concerns.

CGS: Development Approvals Section, April 27, 2022

The variance being sought would facilitate the construction of a detached garage in the rear yard of the subject lands that are located at the corner of Errington Avenue and Sauve Avenue in Chelmsford. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands contain an existing residential dwelling maintaining a legal non-complying setback of approximately 11.4 m (37.40 ft) from the railroad right-of-way whereas 30 m (98.43 ft) is required. There is an existing driveway entrance to the east of the residential dwelling that currently provides access to shed. The owner has indicated that the shed is to be removed in favour of the new detached garage. Staff would also note that the lands form an existing lot of record that was created by way of a plan of subdivision that was registered in 1955 (ie. Plan M-369). Staff acknowledges that some degree of relief would be prudent from the railroad right-of-way development standards given the existing site context and constraints that exist on the lands in terms of being able to locate an accessory building that would comply with the required railroad right-of-way setback. Staff would note that the existing shed in combination with the proposed detached garage would yield an accessory buildings and structures lot coverage of 10.71% which exceeds the maximum lot coverage of 10% for all accessory buildings and structures. Staff is supportive of the variance on the basis that the shed be removed. Staff would also note that the proposed detached garage would appear to otherwise comply with all other applicable development standards for an accessory building in the "R1-5" Zone. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained subject to the following condition:

1. That the owner removes the existing shed from the lands to the satisfaction of the Director of

SUBMISSION NO. A0040/2022 Continued.

Planning Services within 120 days of the variance decision.
CGS: Building Services Section, April 27, 2022

No concerns.

The Nickel District Conservation Authority, April 26, 2022

Conservation Sudbury does not object to Minor Variance A0040/2022 as the height of the setback from the railroad is not relevant to the responsibilities of Conservation Sudbury. A permit from Conservation Sudbury will not be required for the construction of the garage.

Notes

The proponent is advised that development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

CGS: Development Engineering, April 26, 2022

No objection.

Greater Sudbury Hydro Inc., April 25, 2022

No conflict (outside of our territory).

CGS: Site Plan Control, April 25, 2022

No objections.

Ministry of Transportation, April 20, 2022

No concerns.

The applicant appeared before Committee and provided a summary of the application. Committee Member Dumont asked the applicant if his shed was located on the CP lands and the applicant confirmed that it was. Committee Chair Chartrand asked the applicant if he received comments with the request from staff for a condition to remove one of the sheds and the applicant confirmed that he did. The applicant requested clarification about which shed the condition referred to and staff clarified that the condition relates to the shed located on the subject property. Committee Chair Chartrand asked staff to confirm how the applicant was to provide proof of removal of the shed and staff confirmed what would be required to clear the condition. Committee Member Dumont asked staff to clarify where the shed was located on the property as there was no shed indicated on the drawing and staff provided that clarification. The applicant provided a brief history of two sheds, one being on the subject lands, the other on CP lands. Staff explained the Zoning By-law requirement of maximum accessory lot coverage and the reason for the condition that staff was requesting.

The following decision was reached:

DECISION:

THAT the application by:

JAMIE KINSELLA AND MEGAN MCNAMARA
the owner(s) of PIN 73351 0287, Parcel 19682A SEC SWS SRO, Lot(s) Pt 1, Subdivision M-369, Lot Pt 2, Concession 4, Township of Balfour, 3691 Sauve Avenue, Chelmsford

SUBMISSION NO. A0040/2022 Continued.

for relief from Part 4, Section 4.37, subsection 4.37.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a minimum railroad setback of 1.219m, where all buildings and structures shall be setback 30.0m from any lot line abutting a railroad right-of-way, be granted, subject to the following condition:

1. That the owner removes the existing shed from the lands to the satisfaction of the Director of Planning Services within 120 days of the variance decision.

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

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

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0041/2022

May 04, 2022

OWNER(S): MONIQUE WHISSELL AND THE ESTATE OF LEO ALFRED JOKI, 1524 Agincourt Avenue Sudbury ON P3A 3K2

AGENT(S): CHICO VAILLANCOURT, 610 Notre Dame West Azilda ON P0M 1B0

LOCATION: PIN 02116 0063, Lot(s) 142, Subdivision M-356, Lot Pt 1, Concession 6, Township of McKim, 1524 Agincourt Avenue, Sudbury

SUMMARY

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

Application: Approval to construct a detached garage and permit two existing sheds on the subject property providing accessory lot coverage, interior side yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 29, 2022

Roads
No concerns.

Transportation and Innovation Support - Active Transportation
No concerns.

CGS: Building Services Section, April 27, 2022

No concerns.

CGS: Development Engineering, April 27, 2022

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 0.08 m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

The Nickel District Conservation Authority, April 26, 2022

Conservation Sudbury does not object to Minor Variance A0041/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development. Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

Greater Sudbury Hydro Inc., April 25, 2022

No conflict.

SUBMISSION NO. A0041/2022 Continued.

CGS: Site Plan Control, April 25, 2022

No objections.

CGS: Development Approvals Section, April 21, 2022

The variances being sought would facilitate the construction of a detached garage and recognize two existing sheds in the rear yard of the subject lands that have frontage on Agincourt Avenue in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that an existing "tent garage" and "frame shed" on two northerly portions of the lands are to be removed in favour of the new proposed detached garage. Staff would note that the proposed maximum accessory buildings and structures lot coverage of 13.5% whereas 10% is permitted does not include these two buildings that are to be removed. Staff would also note that the minimum driveway width of 2.3 m (7.55 ft) providing access to the rear yard appears to be legal non-complying in nature as MPAC data reports that the residential dwelling on the lands was constructed in 1958. Staff notes that there are a number of residential properties in the general area that have either a carport attached to the side of a residential dwelling or a detached garage in the rear yard. The majority of driveways along this portion of Agincourt Avenue are situated along the side of a residential dwelling and the above noted parking arrangements are therefore common to the general area. Staff has no concerns with the reduced interior side yard setback for the westerly shed or with respect to the eaves encroachments for both of the two sheds that are to remain. Staff does not anticipate that any negative land use planning impacts would be generated on abutting residential properties should the variances be approved. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained subject to the following condition:

1. That the owner removes the "tent garage" and the "frame shed" as depicted on two northerly portions of the lands on the submitted sketch to the satisfaction of the Director of Planning Services within 120 days of the variance decision.

Ministry of Transportation, April 20, 2022

No concerns.

The applicant's agent, Chico Vaillancourt, appeared before Committee and provided a summary of the application. The City received two letters of support, one from Debbie Ames of 1516 Agincourt Avenue, and the second from William Lee and Claudette Larcher of 1530 Agincourt Avenue. Committee Member Dumont asked the agent if they received the comments and the agent advised that he did not. The Secretary-Treasurer confirmed that comments had been provided on Friday, April 29, 2022 to the agent. Committee Chair Chartrand explained some of the comments and the condition requested to the agent. The agent confirmed that the condition requested by Development Approvals could be met.

The following decision was reached:

DECISION:

THAT the application by:

MONIQUE WHISSELL AND THE ESTATE OF LEO ALFRED JOKI
the owner(s) of PIN 02116 0063, Lot(s) 142, Subdivision M-356, Lot Pt 1, Concession 6, Township of McKim, 1524 Agincourt Avenue, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.3 and Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage and recognize two existing sheds together providing an accessory lot coverage of 13.5%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, secondly, to permit an existing shed, being shed "1" as indicated in the application, providing a minimum interior side yard setback of 0.36m, where no accessory building and structure 2.5m and less in height shall be closer than 0.6m from the interior side lot line and eaves to encroach 0.39m, where eaves may encroach 0.6m into the interior side yard, but not closer than 0.6m to the lot line, and thirdly, to permit eaves on an existing shed, being shed "2" as indicated in the application, to encroach 0.08m, where eaves may encroach 0.6m into the interior side yard setback, but not closer than 0.6m to the lot line, be granted, subject to the following condition:

1. That the owner removes the "tent garage" and the "frame shed" as depicted on two northerly portions of the lands on the submitted sketch to the satisfaction of the Director of Planning Services within 120 days of the variance decision.

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

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

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0044/2022

May 04, 2022

OWNER(S): LUC DESMARAIS, 1546 Pilon St Val Caron ON P3N 1E2

AGENT(S):

LOCATION: PIN 73502 0424, Parcel 23251, Lot(s) 5, Subdivision M-387, Lot Pt 6, Concession 5, Township of Blezard, 1546 Pilon Street, Val Caron

SUMMARY

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

Application: Approval to construct a detached garage on the subject property providing an accessory lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 29, 2022

Roads
No concerns.

Transportation and Innovation Support - Active Transportation
No concerns.

CGS: Building Services Section, April 27, 2022

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

1. That a search of our records indicates that there are incomplete permits for:

i. Roof Extension (B95-1231)

Please contact Building Services to close these projects.

CGS: Development Approvals Section, April 27, 2022

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Pilon Street in Val Caron. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would be situated behind the existing residential dwelling and well screened from the street-line of Pilon Street. Staff is satisfied that the rear yard would maintain sufficient and functional outdoor amenity space should the variance be approved. The variance being sought would allow for a 1.01% increase beyond the 10% maximum lot coverage for accessory buildings and structures on a residential lot. Staff has no concerns with respect to the increased maximum lot coverage for accessory buildings and structures generating any negative land use planning impacts on the existing residential character that exists along Pilon Street or on any abutting residential properties. Staff would also note that the proposed detached garage would appear to otherwise comply with all other applicable development

SUBMISSION NO. A0044/2022 Continued.

standards for an accessory building in the "R1-5" Zone. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Development Engineering, April 26, 2022

No objection.

The Nickel District Conservation Authority, April 26, 2022

Conservation Sudbury is requesting the following condition of approval for Minor Variance AA0044/2022:

1. That the proponent successfully obtains a section 28 permit from Conservation Sudbury within one year of the conditional approval.

Notes

The proponent is advised that development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

CGS: Site Plan Control, April 25, 2022

No objections.

Greater Sudbury Hydro Inc., April 25, 2022

No conflict (outside of our territory).

Ministry of Transportation, April 20, 2022

No concerns.

The applicant appeared before Committee and provided a summary of the application. Committee Chair Chartrand asked staff if the condition requested by the Nickel District Conservation Authority would be reflected in the resolution. Staff advised that a Section 28 permit would be required at building permit stage and a condition was not necessary.

The following decision was reached:

DECISION:

THAT the application by:

LUC DESMARAIS
the owner(s) of PIN 73502 0424, Parcel 23251, Lot(s) 5, Subdivision M-387, Lot Pt 6, Concession 5, Township of Blezard, 1546 Pilon Street, Val Caron

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 detached garage providing an accessory lot coverage of 11.01%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, be granted.

SUBMISSION NO. A0044/2022 Continued.

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

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

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0045/2022

May 04, 2022

OWNER(S): PAMELA TOULOUSE, 131 Prevost St Box 73 Azilda ON P0M 1B0
LUC WATIER, 131 Prevost St Box 73 Azilda ON P0M 1B0

AGENT(S): LUC WATIER, 131 Prevost St Box 73 Azilda ON P0M 1B0

LOCATION: PIN 73368 0329, Survey Plan 53R-21130 Part(s) 2, Lot Pt 12, Concession 6, Township of Creighton, 1441 Vermilion Lake Road, Chelmsford

SUMMARY

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

Application: Approval to construct a single detached dwelling and detached garage on the subject property providing eaves, interior side yard setback and height of an accessory structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 29, 2022

Roads
No concerns.

Transportation and Innovation Support - Active Transportation
No concerns.

CGS: Environmental Planning Initiatives, April 28, 2022

This correspondence is for informational purposes only. Shoreline property owners are encouraged to continue adopting lake-friendly practices.

The subject lands are immediately adjacent to Vermilion River, Township of Creighton, City of Greater Sudbury.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Cyanobacterial blooms have been confirmed by the Public Health Sudbury & Districts in the Vermilion River Middle Lake in 2011.

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

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

1. A natural vegetated buffer of at least 20 metres (the wider the better) from the high water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or stream bank or up to 23 metres, whichever is less, is allowable. Cleared areas are allowed up to 276 square meters.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.
6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

Property owners are encouraged to contact the City's Lake Water Quality Program at (705) 674-4455 ext. 4604 to book a free, confidential and non-regulatory shoreline home visit. During the visit, qualified staff will provide ideas and advice on shoreline management techniques to maintain and improve lake water quality.

The applicant or owner must contact Conservation Sudbury at (705) 674-5249 before starting any work in water or on the shoreline or stream bank (retaining walls, etc).

All future planning-related applications relating to this property will be reviewed in light of applicable official plan policies, by-laws and guidelines in place at the time of receipt of the applications.

The owner is solely responsible for ensuring that site preparation, vegetation removal, and development on the subject lands do not contravene the Endangered Species Act.

CGS: Development Engineering, April 27, 2022

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 5.48 m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

CGS: Building Services Section, April 27, 2022

Building Services requests that this be deferred for the following reasons:

- 1 A full-scale plot plan of the entire property including flood plain location and septic location will be required in order to provide a fulsome review of variances required.

For the information of the owners, the permit that was issued will need to be revised and recirculated to all agencies for approval. No construction is permitted to commence until such time as the minor variances are obtained and all agencies have approved the re-location. A revised plot plan will be required for re-circulation and should be the same submitted for minor variance. Health Unit approval may need to be obtained depending on the re-location of the house.

CGS: Development Approvals Section, April 27, 2022

The variances being sought would facilitate construction of both a single-detached dwelling and detached garage on vacant lands that have frontage on Vermilion Lake Road in Chelmsford. The lands also have water frontage on the Vermilion River. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2020-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has no concerns with the proposed westerly interior side yard setback for the proposed residential dwelling. Staff acknowledges that some degree of relief from the applicable "RU" development standards is warranted given that this lot was created under the rural waterfront lot creation policies which are supportive of reduced minimum lot frontages. Staff notes that the proposed residential dwelling requires one variance (ie. interior side yard setback) and would otherwise appear to comply with all other applicable development standards for a residential dwelling in the "RU" Zone. Staff further notes that the proposed detached garage would maintain a setback of approximately 150 m (492.13 ft) from the street-line of Vermilion Lake Road. The abutting rural properties to both the east and the west are presently vacant. Staff also notes that the proposed detached garage would otherwise appear to comply with all applicable yard setbacks for an accessory building in the "RU" Zone. Staff has no concerns in this particular rural residential context with the additional 0.76 m (2.49 ft) in maximum accessory building height that is proposed for the detached garage. The owner has indicated that the additional height is required in order to provide for additional storage and office space. Staff would caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also caution the owner that the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff notes that the elevation sketch provided in support of the height variance for the proposed detached garage appears to measure the maximum height of the garage from the top of the foundation to the roof ridge whereas the City's Zoning By-law measures building height from finished grade to peak of roof. The owner may wish to defer the application if their measurements are incorrect. Staff is otherwise satisfied that no negative land use planning impacts would be generated on the lands or on abutting residential properties should the variances facilitating construction of both the residential dwelling and detached garage be approved. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, April 26, 2022

Conservation Sudbury does not object to Minor Variance A0045/2022. Direction on setbacks from the floodplain were given to the landowner and the plot shows consistency with this direction. Conservation Sudbury has reviewed the proposed development through the building permit review process (B21-0486). It is the understanding that consistency between the proposed minor variance and the proposed building permit is being reviewed by the Building Department and therefore will not be commenting on same.

Notes

The proponent is advised that future development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

CGS: Site Plan Control, April 25, 2022

No objections.

SUBMISSION NO. A0045/2022 Continued.

Greater Sudbury Hydro Inc., April 25, 2022

No conflict (outside of our territory).

Ministry of Transportation, April 20, 2022

No concerns.

The applicant appeared before Committee and provided a summary of the application. Committee Member Dumont asked staff to elaborate on the comments from Building Services and Development Approvals. Staff clarified Development Approval's comments. Committee Chair Chartrand asked the applicant if they understood staff's comments and the applicant confirmed that they did and that the measurements were accurate. Staff clarified Building Services' comments. Committee Chair Chartrand clarified the concerns of Building Services and asked the applicant if they wanted to proceed with a decision and the applicant confirmed that they did. Staff requested that a condition be imposed to request the applicant to provide staff with a revised sketch showing the correct dimension string. Committee was in support of imposing a condition requiring a revised sketch within 30 days. The resolution was amended to impose a condition that the applicants provide a revised sketch within 30 days of the decision showing 7.26m from the peak to finished grade by way of a motion put forward by Committee Member Dumont and seconded by Committee Member Coupal. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

PAMELA TOULOUSE AND LUC WATIER
the owner(s) of PIN 73368 0329, Survey Plan 53R-21130 Part(s) 2, Lot Pt 12, Concession 6, Township of Creighton,
1441 Vermilion Lake Road, Chelmsford

for relief from Part 4, Section 4.2, subsection 4.2.4 and Table 4.1 and Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a single detached dwelling providing a minimum interior side yard setback of 5.48m, where 10.0m is required and eaves to encroach 4.91m into the interior side yard, where eaves may encroach 0.6m into the interior side yard but not closer than 0.6m to the lot line; and, to facilitate the construction of a detached garage providing a maximum height of 7.26m, where the height of any building or structure accessory to a residential dwelling shall be 6.5m, be granted, subject to the following condition:

1. That the owners provide an updated sketch depicting a maximum building height of 7.26 metres that is measured from finished grade to the highest peak of the detached garage within thirty (30) days of the variance decision and to the satisfaction of the Director of Planning Services.

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

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

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0046/2022

May 04, 2022

OWNER(S): MAXINE PRUD'HOMME, 12 Norfolk Court Sudbury ON P3A 1E5
DAVID KERR, 12 Norfolk Court Sudbury ON P3A 1E5

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

LOCATION: PIN 73571 0354, Parcel 23571, Lot(s) 273, Subdivision M-511, Lot Pt 12, Concession 5, Township of Neelon, 12 Norfolk Court, Sudbury

SUMMARY

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

Application: Approval to convert the existing single detached dwelling from one-storey to two-storeys with an attached garage providing interior side yard setbacks and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 29, 2022

Roads
No concerns.

Transportation and Innovation Support - Active Transportation
No concerns.

The Nickel District Conservation Authority, April 27, 2022

Conservation Sudbury does not object to Minor Variance A0046/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

CGS: Building Services Section, April 27, 2022

No concerns.

CGS: Development Engineering, April 27, 2022

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 0.78 m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

CGS: Development Approvals Section, April 27, 2022

The variances being sought would facilitate the conversion of an existing one-storey residential dwelling to a two-storey residential dwelling with attached garage on the subject lands that have frontage on Norfolk Court in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of

Greater Sudbury. The variances being sought are to some degree technical in nature as the second-storey addition has the effect of increasing the minimum interior side yard setback on both sides of the residential dwelling from 1.2 m (3.94 ft) to 1.8 m (5.91 ft). Staff did attend the lands and note that most residential dwellings in the general area are one-storey residential dwellings. Staff notes however that there is a driveway along the easterly interior side lot line that provides access to 20 Norfolk Court. The residential dwelling to the west is partially buffered from the lands by several large mature trees. Staff is of the opinion that in this particular urban residential context both the easterly and westerly interior side yards would remain functional and there would be no negative land use planning impacts generating on abutting residential properties should the reduced interior side yard setback variances to 1.29 m (4.23 ft) and 1.62 m (5.31 ft) be approved. Staff advises that it is on this basis that the proposed second-storey addition is considered to not be excessive or unreasonable in nature. Staff also has no concerns with the eaves variance. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Greater Sudbury Hydro Inc., April 25, 2022

Contact GSHI Energy Supply department if disconnect/reconnect is required. Contact GSHI Energy Supply department if service upgrade is required.

CGS: Site Plan Control, April 25, 2022

No objections.

Ministry of Transportation, April 21, 2022

No concerns.

The applicant's agent, Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the application. The City received an email inquiry from Mike and Dianne Porter of 716 St. Andrews Road requesting further information. The Secretary-Treasurer advised Committee that staff responded to the inquiry and no further emails were received expressing any concern with the application.

The following decision was reached:

DECISION:

THAT the application by:

MAXINE PRUD'HOMME AND DAVID KERR
the owner(s) of PIN 73571 0354, Parcel 23571, Lot(s) 273, Subdivision M-511, Lot Pt 12, Concession 5, Township of Neelon, 12 Norfolk Court, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the conversion of the existing one-storey single detached dwelling to two-storeys with attached garage providing, firstly, a minimum west interior side yard setback of 1.29m with eaves encroaching 1.11m into the required yard, and secondly, a minimum east interior side yard setback of 1.62m with eaves encroaching 0.78m into the required yard, where a minimum interior side yard setback of 1.8m is required and where eaves may encroach 0.6m into the required interior side yard, but not closer than 0.6m to the lot line, be granted.

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

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

SUBMISSION NO. A0046/2022 Continued.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring