

SUBMISSION NO. A0014/2024

April 10, 2024

OWNER(S): SUE GATES, 655 Kirkwood Drive Sudbury ON P3E 6J6  
BRIAN GATES, 655 Kirkwood Drive Sudbury ON P3E 6J6

AGENT(S): KEN KALTIAINEN, 929 Horseshoe Lake Rd, Sudbury ON P3E 4N1

LOCATION: PIN 73583 0634, Survey Plan 53R-20136 Part(s) 7, 8, 9, and 10, Lot(s) Part Block O, Subdivision Plan 5-S-A, Lot 4, Concession 3, Township of McKim, 501 John Street, Sudbury

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### SUMMARY

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

**Application:** Approval to construct a duplex dwelling on the subject property providing a high water mark setback, shoreline structure, an increase in the permitted cleared area within the shoreline buffer and rear yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 05, 2024

The purpose and effect of the application is to permit the construction of a duplex dwelling with covered deck with the following variances: 1. A highwater mark setback of 4.268 metres where a 6.9 metres high water mark setback was approved by Minor Variance Application A0117/2013; 2. To permit the duplex dwelling with covered deck within 20.0 metres of the highwater mark of the lake where only accessory structures set out in 4.41.2 of the zoning by-law are permitted within 20.0 metres of the highwater mark; 3. To permit a maximum of 46% of the required shoreline buffer area to be cleared of natural vegetation, where a maximum of 25%, but in no case shall exceed a maximum of 276.0m<sup>2</sup> of the required shoreline buffer area; and, 4. A 4.268m minimum required rear yard, where 6.9m was approved in Minor Variance Application A0117/2013.

The subject lands are designated Living Area 1 within the Greater City of Sudbury Official Plan and are zoned "R2-2", Low Density Residential 2 pursuant to Zoning By-law 2010-100Z. The lands are regulated by the NDCA. The subject lands are an existing lot of record and have an area of approximately 522 square metres, a depth of 24.7 m at its shallowest and 32 metres at its deepest. The parcel has a frontage of 18.39 metres. The parcel is currently vacant.

Staff acknowledge that the depth of the lot makes it impossible for a dwelling to comply with the current standards of the zoning by-law and acknowledge that a reduced front yard setback of 3.0 metres where 6.0 metres is required has been previously granted. Staff also acknowledge that comments from Strategic and Environmental Planning do not oppose the application. As such, staff are of the opinion that the variances are minor in nature, are an appropriate use of the land, and meets the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

The Nickel District Conservation Authority, April 04, 2024

Conservation Sudbury cannot accept the plot plan as distributed for Minor Variance A0014/2024. The subject property contains a flood hazard regulated by Conservation Sudbury. Field verified flood hazard elevation of 251.1m a.s.l. must be shown on the plot plan together with a 2 m setback from the flood hazard to the proposed dwelling. A section view drawing is also required to understand the grading around the house and finished floor elevation relative to the floodplain. In order to meet floodproofing standards, the lowest opening to the dwelling must be a minimum of 0.3 m above the flood hazard.

A permit from Conservation Sudbury will be required prior to the issuance of a building permit for the development of the single family dwelling and any shoreline structures. The dwelling will require floodproofing verification.

#### Notes

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

CGS: Strategic and Environmental Planning, April 04, 2024

Staff of the City's Strategic and Environmental Planning Section are not opposed to the approval of this application as the lot size does not permit the proposed dwellings to be moved farther from the shoreline. Proper soil erosion controls must be strictly adhered to during and after construction to ensure that existing and/or imported topsoil does not enter the lake through erosion. Soil particles generally contain phosphorus and if allowed to enter a lake during rain increases nutrient loading that heightens the risk of algal blooms.

The following advice is provided for informational purposes only:

Shoreline property owners are encouraged to continue adopting lake-friendly practices.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms.

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

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

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

6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake or river as possible.

7. Private sewage systems should be inspected and pumped at least every three years.

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

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

Ministry of Transportation, April 03, 2024

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

Source Water Protection Plan, April 03, 2024

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

CGS: Building Services Section, April 03, 2024

Based on the information provided, we can advise that Building Services has no concerns with this application.

However, Owner to be informed of the following information:

1. Based on our review of the above noted property, it appears that the proposed duplex dwelling will be constructed over existing utilities which service the abutting property, municipally known as 505 John Street. A survey, locating all services on the property will be required at the time of building permit application.

2. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the for the proposed structures.

3. With respect to additional considerations related to this development, Building Services reserves further comment until the time of Building Permit Application and Plans Examination.

CGS: Infrastructure Capital Planning Services, April 03, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Site Plan Control, March 28, 2024

No objection.

Greater Sudbury Hydro Inc., March 28, 2024

No Conflict.

CGS: Development Engineering, March 27, 2024

No objection.

The Applicant's agent, Ken Kaltiainen, appeared before the Committee and provided a summary of the Application.

Committee had no comments or questions in relation to the Application.

The following decision was reached:

**DECISION:**

THAT the application by:

SUE GATES AND BRIAN GATES

the owner(s) of PIN 73583 0634, Survey Plan 53R-20136 Part(s) 7, 8, 9, and 10, Lot(s) Part Block O, Subdivision Plan 5-S-A, Lot 4, Concession 3, Township of McKim, 501 John Street, Sudbury

for relief from Part 4, Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4 and Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a duplex dwelling with a covered deck, firstly, providing a high water mark setback of 4.268m, where a 6.9m high water mark setback was approved in Minor Variance Application A0117/2013, secondly, to permit the duplex dwelling with covered deck within 20.0m of the high water mark of the lake, where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3, thirdly, to permit a maximum of 46% of the required shoreline buffer area to be cleared of natural vegetation, where a maximum of 25%, but in no case shall exceed a maximum of 276.0m<sup>2</sup> of the required shoreline buffer area, is permitted, and fourthly, providing a 4.268m minimum required rear yard, where 6.9m was approved in Minor Variance Application A0117/2013, be granted.

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

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

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



SUBMISSION NO. A0021/2024

April 10, 2024

OWNER(S): MATTHEW DUMONT, 5 Lexington Ct, Sudbury, ON P3A 5S1

AGENT(S):

LOCATION: PIN 73507 0920, Parcel 3843 SEC SES, Lot(s) 319, Subdivision M-69, Lot Part 10, Concession 6, Township of Capreol, 4 Hanna Avenue, Capreol

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SUMMARY

Zoning: The property is zoned C2 (General Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a multiple dwelling containing four units on the subject property, providing reduced landscaped open space, reduced parking ratio, parking location, an increase in net residential density, rear yard setback and corner side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 05, 2024

The purpose and effect of the application is to permit the construction of a multiple dwelling containing four units with the following variances:

1. Landscaped open space adjacent to the lot line abutting Mitchell Street to be 2.13m for a length of 30.58m and 0.695m for a length of 6.0m for the land immediately abutting the parking space identified as #4 on the site plan, where a 3.0m wide landscaped area adjacent to the full length of the lot line shall be required abutting all public roads having a width greater than 10.0m;
2. The required parking identified as number "4" on the site plan submitted with the application within the corner side yard and to provide a corner side yard setback of 0.695m, where required parking is not permitted within 3.0m of any road having a width of more than 10.0 metres in a commercial zone and where no vehicle may be parked on an unsurfaced area of any corner side yard;
3. Four (4) parking space, where five (5) parking spaces are required;
4. A maximum net residential density of ninety-one (91) units per hectare, where a maximum net residential density of sixty (60) units per hectare is permitted;
5. A minimum rear yard setback of 6.91m, where 7.5m is required; and, 6. A minimum corner side yard setback of 2.13m, where 4.5m is required.

The subject lands are designated Town Centre within the Greater City of Sudbury Official Plan and are zoned "C2", General Commercial pursuant to Zoning By-law 2010-100Z. The subject lands are an existing lot of record and have an area of approximately 446 square metres, with a depth 36.58 metres and frontage of 12.19 metres.

Staff acknowledge the undersized nature of the lot and that the application is looking to create rental units, which are needed in the community. As such, staff are of the opinion that the variances are minor in nature, are an appropriate use of the land, and meets the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

The Nickel District Conservation Authority, April 04, 2024

Conservation Sudbury does not object to Minor Variance A0021/2024. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Strategic and Environmental Planning, April 04, 2024

No concerns.

CGS: Building Services Section, April 04, 2024

Based on the information and plot plan provided at this time, we can advise that Building Services has no objections to this application.

For the applicant's information, we can advise that Building Services has the following additional comments regarding this application.

1. Notwithstanding any other provisions, as a result of development of this site, removals of site soils shall adhere to Ontario Regulation 406/19: On-site and Excess Soil Management under jurisdiction of Environmental Protection Act, R.S.O. 1990, c. E.19.

2. With respect to additional considerations related to this project, Building Services reserves further comment until the time of Building Permit Application and Plans Examination.

Ministry of Transportation, April 03, 2024

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

CGS: Infrastructure Capital Planning Services, April 03, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Site Plan Control, March 28, 2024

No objection.

Greater Sudbury Hydro Inc., March 28, 2024

All structures, equipment and personnel must maintain proper clearance from energized electrical conductors and apparatus as per the latest edition of the Ontario Electrical Safety Code.

CGS: Development Engineering, March 27, 2024

No objection.

The Applicant appeared before the Committee and provided a summary of the Application. Committee Member Sawchuk advised the applicant to review Building Services' comments.

The following decision was reached:

**DECISION:**

THAT the application by:

MATTHEW DUMONT

the owner(s) of PIN 73507 0920, Parcel 3843 SEC SES, Lot(s) 319, Subdivision M-69, Lot Part 10, Concession 6, Township of Capreol, 4 Hanna Avenue, Capreol

for relief from Part 4, Section 4.15, subsection 4.15.1 e), Part 5, Section 5.2, subsection 5.2.4.3 c) ii), Section 5.4, subsection 5.4.1 and Section 5.5, Table 5.5 and Part 7, Section 7.3, Table 7.1 and Table 7.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a multiple dwelling containing four units on the subject property providing, firstly, the landscaped open space adjacent to the lot line abutting Mitchell Street to be 2.13m for a length of 30.58m and 0.695m for a length of 6.0m for the land immediately abutting the parking space identified as #4 on the site plan, where a 3.0m wide landscaped area adjacent to the full length of the lot line shall be required abutting all public roads having a width greater than 10.0m, secondly, the required parking identified as number "4" on the site plan submitted with the application within the corner side yard and to provide a corner side yard setback of 0.695m, where required parking is not permitted within 3.0m of any road having a width of more than 10.0 metres in a commercial zone and where no vehicle may be parked on an unsurfaced area of any corner side yard, thirdly, four (4) parking space, where five (5) parking spaces are required, fourthly, a maximum net residential density of ninety-one (91) units per hectare, where a maximum net residential density of sixty (60) units per hectare is permitted, fifthly, a minimum rear yard setback of 6.91m, where 7.5m is required, and sixthly, a minimum corner side yard setback of 2.13m, where 4.5m is required, be granted.

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

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

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

SUBMISSION NO. A0023/2024

April 10, 2024

OWNER(S): JACK ROCCA, 87 Baycrest Road, Sudbury, ON P3B 3X7

AGENT(S):

LOCATION: PIN 73586 0638, Lot(s) 297, Subdivision 4-SC, Lot Part 7, Concession 3, Township of McKim, 331 Regent Street, Sudbury

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SUMMARY

Zoning: The property is zoned C2 (General Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to convert an existing kitchen, bathroom and eating area to a sixth residential unit on the subject property providing an increase in net residential density and reduced number of parking spaces at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 05, 2024

The purpose and effect of the application is to facilitate the conversion of an existing kitchen, bathroom and eating area to a residential dwelling unit for a total of six residential dwellings units all contained within the existing building with the following variances:

1. A maximum net residential density of 104 units per hectare, where a maximum net residential density of 87 units per hectare is permitted pursuant to Minor Variance Application A0008/2022; and,
2. A minimum of 6 parking spaces, where 9 is required.

The subject lands are designated Mixed Use Commercial within the Greater City of Sudbury Official Plan and are zoned "C2", General Commercial pursuant to Zoning By-law 2010-100Z. The subject lands are an existing lot of record and have an area of approximately 580 square metres, with a depth 38.1 metres and frontage of 15.24 metres. There is an existing building with five residential units. Staff acknowledge that the area is well served by commercial and employment opportunities within walking distance, as well as recreational and transit services. Staff are of the opinion that the variances are minor in nature, are an appropriate use of the land, and meets the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

The Nickel District Conservation Authority, April 04, 2024

Conservation Sudbury does not object to Minor Variance A0023/2024. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Building Services Section, April 04, 2024

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

CGS: Strategic and Environmental Planning, April 04, 2024

No concerns.

Ministry of Transportation, April 03, 2024

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



CGS: Infrastructure Capital Planning Services, April 03, 2024

Roads  
No concerns.

Transportation and Innovation Support  
We have some concerns regarding the reduction in the required number of parking spaces, it is important to note that on-street parking is not permitted on the east and west side of Regent Street and parking is also restricted in the laneway, therefore any overflow parking that may occur from this site may affect the neighboring commercial properties.

Active Transportation  
No concerns.

CGS: Site Plan Control, March 28, 2024

No objection.

Greater Sudbury Hydro Inc., March 28, 2024

No conflict.

CGS: Development Engineering, March 27, 2024

No objection.

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

The following decision was reached:

**DECISION:**

THAT the application by:  
JACK ROCCA

the owner(s) of PIN 73586 0638, Lot(s) 297, Subdivision 4-SC, Lot Part 7, Concession 3, Township of McKim, 331 Regent Street, Sudbury

for relief from Part 5, Section 5.5, subsection 5.5.1, Table 5.5 and Part 7, Section 7.2, Table 7.1 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to facilitate the conversion of an existing kitchen, bathroom and eating area to a residential dwelling unit for a total of six residential dwellings units all contained within the existing building providing, firstly, a maximum net residential density of 104 units per hectare, where a maximum net residential density of 87 units per hectare is permitted pursuant to Minor Variance Application A0008/2022, and secondly, to provide for a minimum of 6 parking spaces, where 9 is required, be granted.

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

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

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

SUBMISSION NO. A0027/2024

April 10, 2024

OWNER(S): CHRISTOPHER ADAMS, 61 Matson Road, Garson, ON P3L 1M3

AGENT(S): NORTHERN ELITE HOMES, P.O. Box 136, Val Caron, ON P3N 1N6

LOCATION: PIN 73496 0147, Parcel 41037 SEC SES SRO, Lot(s) 30, Subdivision M-324, Lot Part 9, Concession 1, Township of Garson, 61 Matson Road, Garson

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SUMMARY

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

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

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 05, 2024

The purpose and effect of the application is to facilitate the construction of a detached garage providing a maximum height of 7.899 metres, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m.

The subject lands are designated Living Area 1 within the Greater City of Sudbury Official Plan and are zoned "R1-5", Low Density Residential One pursuant to Zoning By-law 2010-100Z. The subject lands are an existing lot of record and have an area of approximately 1856 square metres. There are low density residential and industrial uses adjacent to the parcel. The subject parcel is buffered by mature vegetation.

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

The Nickel District Conservation Authority, April 04, 2024

Conservation Sudbury does not object to Minor Variance A0027/2024. The subject property does not appear to be located in any area regulated by the Conservation Authority. However, if the garage was ever to be converted to any residential uses, then verification of safe egress through the floodplain would be required.

CGS: Strategic and Environmental Planning, April 04, 2024

No concerns.

CGS: Building Services Section, April 04, 2024

No concerns.

Ministry of Transportation, April 03, 2024

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

CGS: Infrastructure Capital Planning Services, April 03, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Site Plan Control, March 28, 2024

No objection.

Greater Sudbury Hydro Inc., March 28, 2024

Application A0027/2024 falls outside of our territory, therefore we have no comments.

CGS: Development Engineering, March 27, 2024

No objection.

The Applicant appeared before Committee and provided a summary of the Application. Committee Member Castanza advised the applicant that he would not be permitted to run a business out of the garage and the applicant confirmed that he had no intention of running a business.

The following decision was reached:

**DECISION:**

THAT the application by:

CHRISTOPHER ADAMS

the owner(s) of PIN 73496 0147, Parcel 41037 SEC SES SRO, Lot(s) 30, Subdivision M-324, Lot Part 9, Concession 1, Township of Garson, 61 Matson Road, Garson

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 7.899m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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

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

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

SUBMISSION NO. A0049/2023

April 10, 2024

OWNER(S): 2380363 ONTARIO LIMITED, 219 O'Neil Drive E Hanmer ON P3L 1H6

AGENT(S): TULLOCH ENGINEERING - AARON ARIGANELLO, Attn: Aaron Ariganello 1942 REGENT STREET UNIT L SUDBURY ON P3E 5V5

LOCATION: PIN 02127 0011, Parcel 49451 SEC SES SRO, Subdivision M-597, Block Y, Lot Part 6, Concession 5, Township of McKim, 0 Burton Avenue, Sudbury

### SUMMARY

**Zoning:** The property is zoned R3-1 (Medium Density Residential) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval of a lot to be severed and proposed multiple dwelling, subject of a future consent application, providing landscaped open space, location of parking, reduced number parking spaces, as well as lot depth, front and rear yard setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 05, 2024

#### REVISED

The purpose and effect of the application is to facilitate the severance of the lands, subject to a future consent application, and a proposed 8-unit multiple dwelling with the following variances:

1. A 1.5m wide landscaped open space adjacent to the lot line abutting Burton Avenue, where a 3.0m wide landscaped area adjacent to the full length of the lot line shall be required abutting all public roads having a width greater than 10.0m;
2. Required parking within the required front yard, where no part of any parking area shall be located in any required front yard in a Residential (R) Zone;
3. 8 parking spaces, where 12 are required;
4. A minimum lot depth of 23.0m, where 30.0m is required;
5. a minimum required front yard setback of 1.5m, where 6.0m is required; and,
6. A minimum required rear yard setback of 1.5m, where 7.5m is required.

The subject lands are designated Living Area 1 within the Greater City of Sudbury Official Plan and are zoned "R3-1", Medium Density Residential pursuant to Zoning By-law 2010-100Z. The subject lands are an existing lot of record and have an area of approximately 2367 square metres. There are low and medium density residential uses adjacent to the parcel, as well as park.

Staff note that there is only one parcel adjacent to the subject parcel to the south. There are medium density developments across Burton Avenue and the area is well serviced by transit and recreational services. Staff are of the opinion that the variances are minor in nature, are an appropriate use of the land, and meets the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

CGS: Building Services Section, April 04, 2024

#### REVISED

Based on the information provided, Building Services has the following comments:

- 1) A review of the public notice indicates relief for a minimum front yard setback of 1.5m, however a review of the site plan provided indicates a proposed setback to the front yard of 2.54m. Should the setback to the front yard be altered, the concurrent relief requested for the rear yard setback will likely be impacted.



2) With respect to bicycle parking, Owner/Applicant to be aware that in accordance with Part 5, Section 5.8, Table 5.10 of the Zoning By-law, 4 bicycle parking spaces are required (0.5 bicycle spaces per dwelling unit). We acknowledge a note on the site plan legend indicating that all bicycle parking to be located within the proposed multiple dwelling.

3) Should refuse storage areas be located on the property, all applicable provisions to be met in accordance with Part 4, Section 4.2.9. of the Zoning By-law. Refuse storage areas are to be shown on the site plan provided at the time of building permit application.

4) With respect to the proposed 2 storey, 8 unit multiple dwelling, building permit application and supplementary documents to be submitted to the satisfaction of the Chief Building Official.

5) With respect to the proposed severance, an Application for Consent is required for the proposed severance of the subject property.

The Nickel District Conservation Authority, April 04, 2024

REVISED

Conservation Sudbury does not object to Minor Variance A0049/2023 revised. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Strategic and Environmental Planning, April 04, 2024

REVISED

No concerns.

Ministry of Transportation, April 03, 2024

REVISED

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

CGS: Infrastructure Capital Planning Services, April 03, 2024

REVISED

Roads

No concerns.

Transportation and Innovation Support

We note that a parking reduction is requested for the severed lands. The owner understands that Parking is restricted on the west side of Burton Ave and only short term on-street parking (maximum of 4 hours) is available on the east side of Burton Avenue and Selkirk Street. It is unclear where any overflow residents or visitors to this site will park.

Active Transportation

No concerns.

CGS: Site Plan Control, March 28, 2024

REVISED

No objection.

Greater Sudbury Hydro Inc., March 28, 2024

REVISED

Maintain proper clearance from energized apparatus and conductors as per latest edition of Ontario Electrical Safety Code. No structures shall encroach upon GHSI easements. For clarification, please contact GSHI Engineering Department.

CGS: Development Approvals Section, May 03, 2023

The above noted applications were submitted concurrently and collectively are seeking variances that would facilitate the severance of the subject lands that are located at the Burton Avenue and Selkirk Street in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R3-1", Medium Density Residential under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. There is a previous approved minor variance application (File # A0158/2022) on the lands that would facilitate construction of two multiple dwellings with each containing eight residential dwelling units. Staff previously noted that the lands are irregular in shape with the rear portions of the lands containing steep topography containing a rock outcrop and mature vegetation. Staff has also previously attended the lands and is of the opinion that the above noted site conditions represent a significant constraint to facilitating medium density residential development on the lands and as such there is a demonstrated need for some degree of relief from the provisions of the City's Zoning By-law. Staff also understands that the owner now intends on severing the lands and increasing the total number of residential dwelling units on both resulting lots from 16 residential dwelling units to 18 residential dwelling units. Staff has reviewed the previous variances granted and has no concerns with the changes made to the development proposal that would facilitate the severance of the lands and also to increase the number of residential dwelling units as noted above. Staff is again satisfied that none of the variances are excessive or unreasonable in nature and the resulting built-form being that of two multiple dwellings can be appropriately situated on the lands without generating any negative land use planning impacts on abutting residential lands or on the existing residential character that exists along both Burton Avenue and Selkirk Street. The owner is advised that staff would not recommend proceeding at this time with a decision given that building permit review may result in the location of buildings, parking areas and/or landscaped open space areas being shifted, or additional variances may end up being required. Staff notes in particular that the revised development proposal appears to have eliminated a snow storage area and refuse storage area and through building permit review these issues may result in changes to the development proposal that could trigger new minor variance application(s). If the owner chooses to proceed, staff would advise the Committee that they should ensure that the owner understands that they would be proceeding at their own risk of needing further or different relief in the future.

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., May 03, 2023

Maintain proper clearance from energized apparatus and conductors as per latest edition of Ontario Electrical Safety Code. No structures shall encroach upon GHSI easements. For clarification, please contact GSHI Engineering Department.

CGS: Building Services Section, May 03, 2023

Based on the information provided, Building Services has the following comments:

- 1) With respect to the location of parking, in accordance with Section 5.2.4.3. (b) of Zoning By-law 2010-100Z, parking is not permitted within the required front yard. A minor variance is required.
- 2) With respect to bicycle parking, in accordance with Part 5, Section 5.8, Table 5.10, 4 bicycle parking spaces are required (0.5 bicycle spaces per dwelling unit). Further minor variances may be required.
- 3) With respect to the future lot 1 and future lot 2 as indicated on the site plan provided, an Application for Consent is required for the proposed severance of the subject property.
- 4) With respect to the proposed 2 storey, 8 unit multiple dwelling, building permit and building permit documents to be submitted to the satisfaction of the Chief Building Officials.

The Nickel District Conservation Authority, May 03, 2023

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, for approval for a lot to be severed subject to a future Consent Application, and proposed two-storey, eight-unit multiple dwelling, providing landscaped area, parking spaces, lot depth, and front yard and rear yard setbacks at variance to the By-law.

Conservation Sudbury does not object to Minor Variance A0049/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Infrastructure Capital Planning Services, May 03, 2023

Roads

No concerns.

Transportation and Innovation Support

We note that a parking reduction is requested for the severed lands. The owner understands that Parking is restricted on Burton Avenue. It is unclear where any overflow staff or visitors to this site will park.

Active Transportation

No concerns.

CGS: Site Plan Control, May 02, 2023

The owner should pre-consult with Development Engineer (Jonathan Clark 705-674-4455 ext 2381) to confirm complete building permit application requirements for grading and service of the proposed development.

Ministry of Transportation, April 28, 2023

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

CGS: Development Engineering, April 27, 2023

No objection.

REVISED: No objection.

CGS: Strategic and Environmental Planning, April 27, 2023

No concerns.

The Applicant's agent, Kevin Jarus of Tulloch Engineering, appeared before Committee and provided a summary of the Application.

Committee had no comments or questions in relation to the Application.

The following decision was reached:

**DECISION:**

THAT the application by:

2380363 ONTARIO LIMITED

the owner(s) of PIN 02127 0011, Parcel 49451 SEC SES SRO, Subdivision M-597, Block Y, Lot Part 6, Concession 5, Township of McKim, 0 Burton Avenue, Sudbury

for relief from Part 4, Section 4.15, subsection 4.15.1 e), Part 5, Section 5.2, subsection 5.2.4.3 and Section 5.5, Table 5.5, and Part 6, Section 6.3, Table 6.5 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve lands to be severed, subject of a future consent application, and proposed 8-unit multiple dwelling providing, firstly, a 1.5m wide landscaped open space adjacent to the lot line abutting Burton Avenue, where a 3.0m wide landscaped area adjacent to the full length of the lot line shall be required abutting all public roads having a width greater than 10.0m, secondly, required parking within the required front yard, where no part of any parking area shall be located in any required front yard in a Residential (R) Zone, thirdly, 8 parking spaces, where 12 are required, fourthly, a minimum lot depth of 23.0m, where 30.0m is required, fifthly, a minimum required front yard setback of 1.5m, where 6.0m is required, and sixthly, a minimum required rear yard setback of 1.5m, where 7.5m is required, be granted.

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

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

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



SUBMISSION NO. A0050/2023

April 10, 2024

OWNER(S): 2380363 ONTARIO LIMITED, 219 O'Neil Drive E Hanmer ON P3L 1H6

AGENT(S): TULLOCH ENGINEERING - AARON ARIGANELLO, 1942 Regent Street, Unit L, Sudbury, ON, P3E 5V5

LOCATION: PIN 02127 0011, Parcel 49451 SEC SES SRO, Subdivision M-597, Block Y, Lot Part 6, Concession 5, Township of McKim, 0 Burton Avenue, Sudbury

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SUMMARY

**Zoning:** The property is zoned R3-1 (Medium Density Residential) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval of a lot to be retained and proposed multiple dwelling, subject of a future consent application, providing landscaped open space, location of parking, reduced number parking spaces, number of compact parking spaces, as well as front and interior side yard setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 05, 2024

The purpose and effect of the application is to facilitate the severance of the lands, subject to a future consent application, and a proposed 10-unit multiple dwelling with the following variances:

1. A 1.5m wide landscaped open space adjacent to the lot lines abutting Selkirk Street and Burton Avenue, where a 3.0m wide landscaped area adjacent to the full length of the lot line shall be required abutting all public roads having a width greater than 10.0m;
2. 20% of the total required parking spaces be compact parking spaces (measuring 2.5m by 5.5m), where not more than 10% of the total required parking spaces may be compact parking spaces;
3. Required parking within the required corner side yard, where no part of any parking area shall be located in any required corner side yard in a Residential (R) Zone;
4. 10 parking spaces, where 15 are required;
5. A minimum required front yard setback of 2.5m, where 6.0m is required; and,
6. A minimum required interior side yard setback of 0.8m, where 1.8m is required.

The subject lands are designated Living Area 1 within the Greater City of Sudbury Official Plan and are zoned "R3-1", Medium Density Residential pursuant to Zoning By-law 2010-100Z. The subject lands are an existing lot of record and have an area of approximately 2367 square metres. There are low and medium density residential uses adjacent to the parcel, as well as park.

Staff note that there is only one parcel adjacent to the subject parcel to the south. There are medium density developments across Burton Avenue and the area is well serviced by transit and recreational services. Staff are of the opinion that the variances are minor in nature, are an appropriate use of the land, and meets the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

CGS: Building Services Section, April 04, 2024

REVISED

1) With respect to the relief requested for a setback of 0.8m for the interior side yard, Owner/Applicant to be aware that due to the proximity of the proposed building face to the interior lot line, design considerations in relation to the maximum area of window and door openings in the exposing exterior wall and the construction requirements for the exterior wall must be met in accordance with the Ontario Building Code. Please contact Building Services for more information.

2) We acknowledge the site triangle indicated on the site plan provided, however, dimensions have not been provided. Site triangle distance to be met in accordance with Part 4, Section 4.35, Table 4.2, whereby local roads (Selkirk Street and Burton Avenue) shall have a site triangle distance of 7.5m. The required site triangle dimensions are to be shown on the site plan at the time of building permit application.

3) With respect to bicycle parking, Owner/Applicant to be aware that in accordance with Part 5, Section 5.8, Table 5.10 of the Zoning By-law, 5 bicycle parking spaces are required (0.5 bicycle spaces per dwelling unit). We acknowledge a note on the site plan legend indicating that all bicycle parking to be located within the proposed multiple dwelling.

4) Should refuse storage areas be located on the property, all applicable provisions to be met in accordance with Part 4, Section 4.2.9. of the Zoning By-law. Refuse storage areas are to be shown on the site plan provided at the time of building permit application.

5) With respect to the proposed 2 storey, 10 unit multiple dwelling, building permit application and supplementary documents to be submitted to the satisfaction of the Chief Building Official.

6) With respect to the proposed severance, an Application for Consent is required for the proposed severance of the subject property.

The Nickel District Conservation Authority, April 04, 2024

REVISED

Conservation Sudbury does not object to Minor Variance A0050/2023 revised. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Strategic and Environmental Planning, April 04, 2024

REVISED

No concerns.

Ministry of Transportation, April 03, 2024

REVISED

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

CGS: Infrastructure Capital Planning Services, April 03, 2024

REVISED

Roads

No concerns.

Transportation and Innovation Support

We note that a parking reduction is requested for the severed lands. The owner understands that Parking is restricted on the west side of Burton Ave and only short term on-street parking (maximum of 4 hours) is available on the east side of Burton Avenue and Selkirk Street. It is unclear where any overflow residents or visitors to this site will park.

Active Transportation

No concerns.

CGS: Site Plan Control, March 28, 2024

REVISED

No objection.

Greater Sudbury Hydro Inc., March 28, 2024

REVISED

Maintain proper clearance from energized apparatus and conductors as per latest edition of Ontario Electrical Safety Code. No structures shall encroach upon GHSI easements. For clarification, please contact GSHI Engineering Department.

CGS: Development Approvals Section, May 03, 2023

The above noted applications were submitted concurrently and collectively are seeking variances that would facilitate the severance of the subject lands that are located at the Burton Avenue and Selkirk Street in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R3-1", Medium Density Residential under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. There is a previous approved minor variance application (File # A0158/2022) on the lands that would facilitate construction of two multiple dwellings with each containing eight residential dwelling units. Staff previously noted that the lands are irregular in shape with the rear portions of the lands containing steep topography containing a rock outcrop and mature vegetation. Staff has also previously attended the lands and is of the opinion that the above noted site conditions represent a significant constraint to facilitating medium density residential development on the lands and as such there is a demonstrated need for some degree of relief from the provisions of the City's Zoning By-law. Staff also understands that the owner now intends on severing the lands and increasing the total number of residential dwelling units on both resulting lots from 16 residential dwelling units to 18 residential dwelling units. Staff has reviewed the previous variances granted and has no concerns with the changes made to the development proposal that would facilitate the severance of the lands and also to increase the number of residential dwelling units as noted above. Staff is again satisfied that none of the variances are excessive or unreasonable in nature and the resulting built-form being that of two multiple dwellings can be appropriately situated on the lands without generating any negative land use planning impacts on abutting residential lands or on the existing residential character that exists along both Burton Avenue and Selkirk Street. The owner is advised that staff would not recommend proceeding at this time with a decision given that building permit review may result in the location of buildings, parking areas and/or landscaped open space areas being shifted, or additional variances may end up being required. Staff notes in particular that the revised development proposal appears to have eliminated a snow storage area and refuse storage area and through building permit review these issues may result in changes to the development proposal that could trigger new minor variance application(s). If the owner chooses to proceed, staff would advise the Committee that they should ensure that the owner understands that they would be proceeding at their own risk of needing further or different relief in the future.

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., May 03, 2023

Maintain proper clearance from energized apparatus and conductors as per latest edition of Ontario Electrical Safety Code. No structures shall encroach upon GHSI easements. For clarification, please contact GSHI Engineering Department.

CGS: Building Services Section, May 03, 2023

Based on the information provided, Building Services has the following comments:

- 1) With respect to the relief requested for a setback of 0.8m for the interior side yard, Owner/Applicant to be aware that due to the proximity of the proposed building face to the interior lot line, design considerations in relation to the maximum area of window and door openings in the exposing exterior wall and the construction requirements for the exterior wall must be met in accordance with the Ontario Building Code. Please contact Building Services for more information.
- 2) We acknowledge the site triangle indicated on the site plan provided, however, dimensions have not been provided. Site triangle distance to be met in accordance with Part 4, Section 4.35, Table 4.2, whereby local roads (Selkirk Street and Burton Avenue) shall have a site triangle distance of 7.5m. The required site triangle dimensions are to be shown on the site plan at the time of building permit application.
- 3) With respect to bicycle parking, Owner/Applicant to be aware that in accordance with Part 5, Section 5.8, Table 5.10 of the Zoning By-law, 5 bicycle parking spaces are required (0.5 bicycle spaces per dwelling unit). We acknowledge a note on the site plan legend indicating that all bicycle parking to be located within the proposed multiple dwelling.

4) Should refuse storage areas be located on the property, all applicable provisions to be met in accordance with Part 4, Section 4.2.9. of the Zoning By-law. Refuse storage areas are to be shown on the site plan provided at the time of building permit application.

5) With respect to the proposed 2 storey, 10 unit multiple dwelling, building permit application and supplementary documents to be submitted to the satisfaction of the Chief Building Official.

6) With respect to the proposed severance, an Application for Consent is required for the proposed severance of the subject property.

The Nickel District Conservation Authority, May 03, 2023

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, for approval for a lot to be retained subject to a future Consent Application, and proposed two-storey, ten-unit multiple dwelling, providing landscaped area, parking location, parking spaces and front yard and corner side yard setbacks at variance to the By-law.

Conservation Sudbury does not object to Minor Variance A0050/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Infrastructure Capital Planning Services, May 03, 2023

Roads

No concerns.

Transportation and Innovation Support

We note that a parking reduction is requested for the severed lands. The owner understands that Parking is restricted on Burton Avenue. It is unclear where any overflow staff or visitors to this site will park.

Active Transportation

No concerns.

CGS: Site Plan Control, May 02, 2023

The owner should pre-consult with Development Engineer (Jonathan Clark 705-674-4455 ext 2381) to confirm complete building permit application requirements for grading and service of the proposed development.

Ministry of Transportation, April 28, 2023

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

CGS: Development Engineering, April 27, 2023

No objection.

REVISED: No objection.

CGS: Strategic and Environmental Planning, April 27, 2023

No concerns.

The Applicant's agent, Kevin Jarus of Tulloch Engineering, appeared before Committee and provided a summary of the Application.

Committee had no comments or questions in relation to the Application.



The following decision was reached:

**DECISION:**

THAT the application by:

2380363 ONTARIO LIMITED

the owner(s) of PIN 02127 0011, Parcel 49451 SEC SES SRO, Subdivision M-597, Block Y, Lot Part 6, Concession 5, Township of McKim, 0 Burton Avenue, Sudbury

for relief from Part 4, Section 4.15, subsection 4.15.1 e), Part 5, Section 5.2, subsections 5.2.3.4 and 5.2.4.3 and Section 5.5, Table 5.5, and Part 6, Section 6.3, Table 6.5 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve lands to be retained, subject of a future consent application, and proposed 10-unit multiple dwelling providing, firstly, a 1.5m wide landscaped open space adjacent to the lot lines abutting Selkirk Street and Burton Avenue, where a 3.0m wide landscaped area adjacent to the full length of the lot line shall be required abutting all public roads having a width greater than 10.0m, secondly, 20% of the total required parking spaces be compact parking spaces (measuring 2.5m by 5.5m), where not more than 10% of the total required parking spaces may be compact parking spaces, thirdly, required parking within the required corner side yard, where no part of any parking area shall be located in any required corner side yard in a Residential (R) Zone, fourthly, 10 parking spaces, where 15 are required, fifthly, a minimum required front yard setback of 2.5m, where 6.0m is required, and sixthly, a minimum required interior side yard setback of 0.8m, where 1.8m is required, be granted.

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

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

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