



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0158/2022

December 14, 2022

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

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

LOCATION: PIN 02127 0011, Parcel 49451 SEC SES SRO, Lot(s) Y, Subdivision M-597, Lot Pt 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 to construct two 8-unit multiple dwellings on the subject property providing landscaped open space, parking spaces, parking space location, as well as front, rear, interior and corner side yard setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Strategic and Environmental Planning, December 09, 2022

No concerns.

CGS: Infrastructure Capital Planning Services, December 08, 2022

Roads  
No concerns.

Transportation and Innovation Support  
We note that the owner is seeking some relief from the minimum parking requirements. It appears there is sufficient space within the site to meet the minimum parking requirements. The owner is required to provide a revised site plan which accommodates the parking requirements.

Greater Sudbury Hydro Inc., December 07, 2022

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. No structures shall encroach upon GHSI easements. For clarification, please contact GSHI Engineering Department.

CGS: Building Services Section, December 06, 2022

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

1. The proposed buildings will require a building permit.
2. A total of eight (8) bicycle parking spaces to be indicated, complete with dimensions.

CGS: Development Approvals Section, December 06, 2022

The variances being sought would facilitate construction of two multiple dwellings on the subject lands at the corner of 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

SUBMISSION NO. A0158/2022 Continued.

the Zoning By-law for the City of Greater Sudbury. Staff notes 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 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 therefore there is a demonstrated need for some degree of relief from the provisions of the City's Zoning By-law. Staff is satisfied that none of the variances are excessive or unreasonable in nature and the resulting built-forms 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 cautioned that site plan control is applicable to the lands and at the time of writing these comments no pre-consultation application for site plan control has been submitted for consideration by the Sudbury Planning Application Review Team (SPART). The owner is further advised that staff would not recommend proceeding at this time with a decision given that site plan control 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 as a result of the site planning process. 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.

The Nickel District Conservation Authority, December 05, 2022

Conservation Sudbury does not object to Minor Variance A0158/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, December 02, 2022

A site plan control application has not been received for the proposed 2-8 unit buildings. Prior to requesting a minor variance, it is recommended that the applicant attend a pre-consultation meeting and complete at least one circulation for site plan control to ensure that all minor variances required are identified.

Ministry of Transportation, December 01, 2022

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, November 30, 2022

No objection.

The applicant's agent, Aaron Ariganello of Tulloch Engineering, appeared before Committee and provided a summary of the application. Kevin Jarus of Tulloch Engineering was also in attendance as agent for the applicant. Committee Chair Chartrand, referring to Building Services' comments, asked the agent about the bicycle parking and the agent confirmed that the bicycle parking was provided on the sketch. Committee Chair Chartrand expressed concern about Development Approvals, Infrastructure Capital Plannings and Site Plan Control's comments and requested staff to provide clarification.

Staff advised that the preference would be that site plan control precede the minor variance as compliance issues may be caused through the site plan control review. Committee Chair Chartrand expressed concern that approval of the minor variances could affect future minor variance decisions. Committee Member Dumont requested Committee Chair Chartrand to clarify his concerns and the Chair clarified his concerns with proceeding with a decision. Committee Member Dumont agreed with Committee Chair Chartrand's concerns and expressed support for Site Plan Control's comments and a deferral. Committee Chair Chartrand requested the agent explain why they would like to proceed with a decision and the agent advised that they wanted staff's opinion on the minor variances before proceeding with site plan control. Kevin Jarus of Tulloch Engineering explained that they wanted to apply for the minor variances to establish certain setbacks prior to proceeding with site plan control as the site plan control process can be expensive. Mr. Jarus also explained that Committee would not be bound to a prior minor variance as each minor variance application would be looked at on its own merits. Committee Member Castanza expressed support for the application. Committee Member Sawchuk expressed support for the application and acknowledged that the applicant was aware of the risks if they proceed. Committee had no further comments or questions.

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, Lot(s) Y, Subdivision M-597, Lot Pt 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 b) 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 facilitate the construction of two 8-unit multiple dwellings providing, firstly, a 1.5m wide landscaped open space adjacent the lot lines abutting to 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, required parking within the required front and corner side yard, where no part of any parking area shall be located in any required front yard or required corner side yard in a Residential (R) Zone, thirdly, providing 16 parking spaces, where 22 are required, fourthly, a minimum required front yard setback of 1.5m, where 6.0m is required, fifthly, a minimum required rear yard setback of 5.0m, where 7.5m is required, sixthly, a minimum required interior side yard setback of 1.5m, where 1.8m is required, and seventhly, a minimum required corner side yard setback of 1.5m, 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 Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartrand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0160/2022

December 14, 2022

OWNER(S): MAIA O'SHAUGHNESSY, 599 MOONROCK SUDBURY ON P3E 5Z5  
JOHN O'SHAUGHNESSY, 599 MOONROCK SUDBURY ON P3E 5Z5

AGENT(S): MARTY KIVISTIK, 1319 Drummond Avenue Sudbury ON P3A 4Y9

LOCATION: PIN 73401 0069, Parcel 21450 SEC SWS, Lot(s) Location CL6934, Subdivision Summer Resort Location GH, Township of Dieppe, 943 Panache Shore Road North, Whitefish

---

### SUMMARY

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

Application: Permission to reconstruct and enlarge the legal non-conforming use of the existing seasonal dwelling located within the required front yard, high water mark setback and shoreline buffer on the subject property.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, December 08, 2022

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

CGS: Strategic and Environmental Planning, December 08, 2022

The Strategic and Environmental Planning Section has reviewed the proposed development at 943 Panache Shore Road North. We recognize that the demolition and replacement of the existing dwelling is permitted, however, the proponent is proposing to increase the gross floor area and reduce the setback to the highwater mark. At present, staff in the Strategic and Environmental Planning Section are unable to support the application for the following reasons:

1. The proposed dwelling is approximately 4.2 metres from the highwater mark and the proposed deck is approximately 2.25 metres from the highwater mark.
2. Given the proximity of the proposed dwelling and attached deck to the shoreline, there would be very limited Shoreline Buffer Area left for renaturalization if the application is recommended for approval.
3. There is lot area to allow for alternative configurations/layouts that would allow for enlargement of the proposed dwelling but would have less of an impact on the shoreline and future renaturalization of a vegetative buffer.

Staff are of the opinion that this is not desirable for the appropriate development of the property. Staff strongly encourage the proponent to consider alternative layouts for the redevelopment of the site.

Additional points are offered below for the benefit of the property owners and the Committee of Adjustment.

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. Public Health Sudbury & Districts has confirmed the presence of cyanobacterial blooms in Makada Lake in 2012 and 2015.

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. 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. The area to be cleared within the shoreline buffer area is not to exceed 276m<sup>2</sup>.
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 amounts of 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 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).

CGS: Building Services Section, December 06, 2022

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

1. The proposed addition with deck will require a building permit.
2. Health Unit approval will be required.

CGS: Development Approvals Section, December 06, 2022

This application seeks to expand a legal non-conforming use being that of a seasonal dwelling situated in the shoreline buffer area of the subject lands that have water frontage on Lake Panache. The lands are designated Rural in the City's Official Plan and zoned "SLS", Seasonal Limited Service under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The lands contain an existing

SUBMISSION NO. A0160/2022 Continued.

seasonal dwelling situated within the shoreline buffer area thereby constituting a legal non-conforming use according to an opinion provided from the City's Chief Building Official. Staff has previously commented on minor variance applications where it was noted that there are significant topographical constraints on the lands that limit where a residential dwelling could be reasonably situated (Files # A0103/2015 & A0044/2021). Staff, in principle, has no concerns with the demolition and enlargement of the existing legal non-conforming use being that of a seasonal dwelling within a shoreline buffer area provided the extent of the reconstruction is limited to the submitted sketch. Staff understands that the gross floor area of the seasonal dwelling would increase from approximately 76 m<sup>2</sup> (818.06 ft<sup>2</sup>) to 140 m<sup>2</sup> (1,506.95 ft<sup>2</sup>) and it is noted that the reconstruction would in part utilize the existing cleared area and building foundation. The owner's agent has also provided an additional sketch which depicts the reconstructed seasonal dwelling within a yellow highlighted building envelope having a front yard setback of 5.6 m (18.37 ft) to the front lot line. Staff would caution the owner that any approval from the City's Committee of Adjustment to enlarge the legal non-conforming use of the lands is based on the information that was available when the decision was made. Staff recommends that the application to expand the legal non-conforming use be approved as it is reasonable, not excessive in nature and there would be no negative land use planning impacts generated on abutting lands.

The Nickel District Conservation Authority, December 05, 2022

Conservation Sudbury has no comment regarding Minor Variance A0160/2022. The subject property is not located within the jurisdiction of Conservation Sudbury. Proponent is advised to contact Ministry of Natural Resources Sudbury district office for any future shoreline development.

Ministry of Transportation, December 01, 2022

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, November 30, 2022

No objection.

The applicant, John O'Shaughnessy, and the agent, Marty Kivistik, appeared before Committee and provided a summary of the application. Committee Chair Chartrand, referring to Strategic and Environmental Planning's comments, requested staff to expand on the comments and if their review was through the proper tests for a legal non-conforming application. Staff requested Committee Chair Chartrand to clarify his question and the Chair provided clarification. Staff advised that Strategic and Environmental Planning's review was done through the proper tests for this type of application but that their comments should be tied to the environmental issues around development on lakes and not for the development as a whole. Committee Chair Chartrand asked the applicant if the dimensions provided are correct in relation to the high water mark. The applicant advised that they had the property surveyed and the outside line (SD-1A shared on the screen) was the identified high water mark and they are looking to place the seasonal dwelling at this location but they wanted to confirm the high water mark for Lake Panache. The applicant requested his agent to speak to the drawings. The agent advised that he was having difficulty hearing in Council Chamber and made comments regarding his discussions with Baily Chabot, Sr. Planner in Strategic and Environmental Planning about sketches SD-1A, SD-2C, the surveys and the high water mark. The agent explained that the high water mark was the dashed red line on SD-2C. The applicant explained the difference between the dark hatched line on sketch SD-2C as opposed to the high water mark line on SD-1A. Committee Chair Chartrand requested staff's opinion on the discussion and staff provided their opinion and reminded Committee that the application was to expand a legal non-conforming use and the approval would be tied to the information that Committee had in front of them. Committee Chair Chartrand requested clarification on the property line and the high water mark and the applicant clarified their intent and what was being proposed. Committee Member Dumont explained his understanding of the application in that it was a request to enlarge the footprint and construct a deck and requested staff, referring to Development Approvals and Strategic and Environmental Planning's comments, to clarify whether the deck was considered a structure under the Zoning By-law and if there was a setback noted from the deck to the high water mark. Staff advised Committee that a deck was permitted but as the application was to expand a legal non-conforming use, Committee should not focus on the zoning standards. Staff further advised that the extent of the expansion of the legal non-conforming use was provided in the sketch which was what was before Committee. Staff also addressed the applicant's comments around moving the development proposal and advised Committee that what was before them is what would be approved. Committee Member Dumont asked the applicant what the expansion included, and the applicant advised that the deck was at grade and functions more as a patio which was not included in the footprint of what was being requested and could be removed from the proposal. Committee Member Dumont explained that the comments provided by the applicant could have affected the comments from Strategic and Environmental Planning's comments as they address the deck and suggested that the application be deferred in order for the new information to be considered by Strategic and Environmental Planning. Committee Chair Chartrand asked staff if a variance would be required for the deck and staff explained that the application was to expand a legal non-conforming use and decks are permitted in the shoreline buffer which would form part of the approval if Committee approved the application. Committee Chair Chartrand asked staff to clarify their comments regarding the deck and staff provided clarification. The agent explained to Committee that the application was to expand a legal non-complying use and the high water mark should not be taken into consideration. Committee Chair Chartrand requested staff to comment, and staff explained to Committee that everything before Committee would form part of the approval to enlarge. Committee Member Dumont explained his understanding of the expansion and advised that the confusion comes from the conflicting comments from the two different departments. The applicant asked if the deck could be removed from the development proposal. Committee Chair Chartrand asked staff if a condition to revise the sketch to remove the deck would be appropriate and staff advised that Committee could request a condition if it gave them comfort but also advised Committee that the decision only refers to the increase in gross floor area and the deck would not count as gross floor area. Staff reassured Committee that the decision would be tied to the increase in gross floor area, the demolition and reconstruction and the location as it relates to the high water mark as well as the other drawings submitted with the application. Committee Member Dumont expressed frustration with the comments provided by Strategic and Environmental Planning as they refer to the deck in their rationale. Committee Member Castanza noted that the summary provided by the applicant referred to the deck as grade level deck which could be referred to as patio and she was fine with the application. Committee Chair Chartrand advised that he was satisfied with the discussion and supports the application. Committee had no further comments or questions.

The following decision was reached:

DECISION:

SUBMISSION NO. A0160/2022 Continued.

THAT the application by:

MAIA O'SHAUGHNESSY AND JOHN O'SHAUGHNESSY  
the owner(s) of PIN 73401 0069, Parcel 21450 SEC SWS, Lot(s) Location CL6934, Subdivision Summer Resort Location  
GH, Township of Dieppe, 943 Panache Shore Road North, Whitefish

for permission under Section 45(2) of the Planning Act, R.S.O. 1990, c. P.13, to enlarge the legal non-conforming use of the existing seasonal dwelling located within the required front yard, high water mark setback and shoreline buffer by permitting the reconstruction and increase in gross floor area from 75.9 sq. m to 139.2 sq. m and a 5.6m front yard setback and 6.4m high water mark setback, be granted.

Consideration was given to Section 45(2) of the Planning Act. The use that was made of the building on the day the by-law was passed continued until the date of the application to the Committee. The enlargement of the building is within the limits of the land owned and used in connection therewith on the day the by-law was passed.

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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartrand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring





## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0161/2022

December 14, 2022

OWNER(S): UPTOWN PROPERTIES, Attn: John Hicks 2785 Henri St Sudbury ON P3G 1C2

AGENT(S): IPS CONSULTING INC, Attn: Lauren Jeffrey 647 Welham Road unit 9 Barrie ON L4N 0B7

LOCATION: PIN 73580 0600, Survey Plan 53R-20282 Part(s) Pt 1, Lot(s) 11, 25, 26, and 27, and Parts 8, 9, 10, 28, and 29, Subdivision M-42, Lot Pt 4, Concession 4, Township of McKim, 507 Kingsway, Sudbury

---

### SUMMARY

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

**Application:** Approval to permit a gas bar, accessory convenience store and car wash on the subject property providing refuse storage location and setback and reduced queuing spaces, lot frontage and corner side yard at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Strategic and Environmental Planning, December 09, 2022

No concerns.

CGS: Infrastructure Capital Planning Services, December 08, 2022

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Greater Sudbury Hydro Inc., December 07, 2022

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. Service to be installed as per Sudbury Hydro service requirements.

CGS: Building Services Section, December 06, 2022

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

1. Access routes to parking areas, including all parking aisles, to be accessible at all times.

CGS: Development Approvals Section, December 06, 2022

The variances being sought would facilitate construction of a gas bar with accessory convenience store and an automated car wash facility on the subject lands that have frontage on Kingsway Boulevard in Sudbury. The lands are designated Mixed Use Commercial in the City's Official Plan and zoned "C2", General Commercial under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands are subject to site plan control and there is an active site plan application on the lands (File # SPCA 2022-017). Staff understands from site plan control staff that the variances

SUBMISSION NO. A0161/2022 Continued.

being sought are consistent with the site planning application that has proceeded to the point of a draft site plan control agreement having been issued to the owner. Staff have reviewed the minor variances being requested and have no concerns. The refuse storage area will be provided in the form of a molok, which is an adaptable and appropriate method of providing for functional refuse storage areas in this type of general commercial setting. Staff notes in particular that the locating of a refuse storage area within the interior yard in this case would result in the structure being placed closer to existing residential dwellings on Argyle Street and Kitchener Street. Staff also has no concerns with the reduced queuing spaces and setbacks being sought in order to accommodate the proposed gas bar with accessory convenience store and an automated car wash facility on the lands. Staff notes that the lot frontage variance is not necessary as the lands form a legal existing undersized lot of record. Staff, however, in this instance, has no concerns with formally recognizing the reduced minimum lot frontage. 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.

CGS: Site Plan Control, December 06, 2022

This application is currently going through the process of site plan control and the variances being sought are consistent with our site plan comments provided to date regarding zoning compliance. The site plan process is still underway, and staff would caution that should the location of buildings, parking areas and/or landscaped open space areas be shifted, or additional variances be required as a result of the site planning process, that a new application may be required. Should the owner choose 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.

The Nickel District Conservation Authority, December 05, 2022

Conservation Sudbury does not object to Minor Variance A0161/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Ministry of Transportation, December 01, 2022

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, November 30, 2022

No objection.

The applicant's agent, Lauren Jeffrey of Innovative Planning Solutions, appeared before Committee and provided a summary of the application. Mark Eplett, the applicant representing the current landowner, John Hicks, also appeared before Committee. Victor Bene of 82 Argyle Avenue submitted written comments and appeared before Committee expressing concerns regarding storage of fuel, vapours in the air, underground structures, queueing spaces and potential hindering his access to his home and traffic flow. Mark Eplett expressed appreciation to Committee and the public's comments and explained that the tanks would not be located on the bedrock that exists on the site, that there are plans to improve the road and addressed the concerns around the queueing spaces. The agent explained that there is a traffic impact study and geological report which was offered to Mr. Bene as she was in contact with him. Committee Chair Chartrand, referring to Building Services comments regarding the queueing spaces, commented that he felt those concerns were addressed by Mr. Eplett. Committee Chair Chartrand requested staff to comment on the left turn from the Kingsway onto Kitchener Avenue and Argyle Avenue. Staff advised that the Site Plan Control Engineer advised that a traffic impact study was required and submitted, and a left turn lane would be required from Kingsway onto Kitchener Avenue and as the City owns abutting lands the turn lane can be designed, engineered and installed and the developer will be required to complete that work. Committee Chair Chartrand requested staff to confirm that the work would be required through the site plan control process and staff confirmed that it would be. Committee had no further comments or questions.

The following decision was reached:

**DECISION:**

THAT the application by:

UPTOWN PROPERTIES

the owner(s) of PIN 73580 0600, Survey Plan 53R-20282 Part(s) Pt 1, Lot(s) 11, 25, 26, and 27, and Parts 8, 9, 10, 28, and 29, Subdivision M-42, Lot Pt 4, Concession 4, Township of McKim, 507 Kingsway, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.9 b) i) and ii), Part 5, Section 5.7, Table 5.9 and Part 7, Section 7.3, Table 7.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a gas bar, accessory convenience store and car wash providing, firstly, the refuse storage area to be located in the corner side yard and 5.2m from the corner side lot line, where refuse storage areas shall be located in the interior yard only and no closer than 15.0m from the corner side lot line, secondly, 2 queuing spaces per queuing lane for the gas bar totaling 16 queuing spaces, where 4 queuing spaces per queuing lane totaling 32 queuing spaces is required, thirdly, a minimum lot frontage of 26.6m, where 30.0m is required, and fourthly, a minimum corner side yard setback of 3.0m, where 15.0m is required, be granted.

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartrand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring