

SUBMISSION NO. A0126/2023

December 06, 2023

OWNER(S): ALAIN BOCK, 61 Colette Street, Hanmer ON P3P 1K2

AGENT(S): BRIANNE POWELL, 1 James Street South, Hamilton ON L9P 4R5

LOCATION: PIN 73503 0209, Parcel 53094 SEC SES SRO, Survey Plan 53R-16413 Part(s) 2 and 3, Lot(s) Part 18, Subdivision M-459, Lot Part 1, Concession 3, Township of Hanmer, 61 Colette Street, Hanmer

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 of an existing single family dwelling on the subject property providing a rear yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

Ministry of Transportation, November 30, 2023

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

CGS: Development Approvals Section, November 30, 2023

The variance being sought would address an existing deficient rear yard setback for the single detached dwelling currently located 5.97 metres from the rear lot line, where 7.5 metres is required. The lands are designated Living Area 1 in the City's Official Plan and are zoned R1.5, Low Density Residential 1 per the City's Zoning By-law 2010-100Z. The proposed minor variance is analyzed below.

Minor Variance – (1) a minimum rear yard setback of 5.97m, where a minimum 7.5m setback is required.

Intent of the Official Plan – The Official Plan permits residential development of all type and tenure in Living Area 1 areas. The intent of the Official Plan is maintained.

Intent of Zoning By-law 2010-100Z – The intent of Zoning By-law 2010-100Z is to permit principal structures that are appropriately situated on the subject parcel to permit the enjoyment of the lands via private greenspace and to ensure safety and infrastructure needs are met (ie setback sufficiently from the street as to not cause sightline obstructions or the ensure sufficient parking can be provided). The rear yard, although smaller than required, is still sufficient to permit the continued enjoyment of the parcel. The intent of the Zoning By-law is met.

Is the variance minor? – The request would not limit the enjoyment of adjacent parcels and would not dominate the streetscape. Staff is of the opinion that the variance is minor.

Is the variance desirable? – The reduced rear yard setback would allow the continued enjoyment of the parcel for the owners without impacting the adjacent parcels. Staff is of the opinion that the variance is desirable for the proposed development.

Staff is of the opinion that the proposal meets the four tests of minor variance. Staff recommends approval of A0126/2023.

CGS: Infrastructure Capital Planning Services, November 29, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Source Water Protection Plan, November 29, 2023

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.

Greater Sudbury Hydro Inc., November 28, 2023

Outside of our territory.

The Nickel District Conservation Authority, November 28, 2023

Conservation Sudbury does not object to Minor Variance A0126/2023. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Building Services Section, November 28, 2023

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

CGS: Site Plan Control, November 23, 2023

No objection.

CGS: Development Engineering, November 22, 2023

No objection.

The Agent of the Applicant, Brianne Powell of Scarfone Hawkins, appeared before the Committee and provided a summary of the Application. The Agent advised that their firm was retained by the title insurance provider for the purchase of the property wherein a property search request was submitted, and it had been discovered that the rear yard setback of the existing dwelling did not comply with the Zoning By-law.

Committee had no comments or questions in relation to this application.

The following decision was reached:

DECISION:

THAT the application by:

ALAIN BOCK

the owner(s) of PIN 73503 0209, Parcel 53094 SEC SES SRO, Survey Plan 53R-16413 Part(s) 2 and 3, Lot(s) Part 18, Subdivision M-459, Lot Part 1, Concession 3, Township of Hanmer, 61 Colette Street, Hanmer

for approval of an existing single family dwelling on the subject property providing a minimum rear yard setback of 5.97m, where a minimum 7.5m setback 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 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.

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

SUBMISSION NO. A0127/2023

December 06, 2023

OWNER(S): JENNIFER DOWDALL, 40 Onwatin Lake Road, Hanmer ON P3P 1J4

AGENT(S):

LOCATION: PIN 73507 1423, Parcel 12418 SEC SES, Survey Plan 53R-14192 Part(s) except 5, Lot Part 12, Concession 5, Township of Capreol, 40 Onwatin Lake Road East, Hanmer

SUMMARY

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

Application: Approval to permit existing sunroom additions to the single family dwelling on the subject property providing an interior side yard setback, high water mark setback and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

Ministry of Transportation, November 30, 2023

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

CGS: Development Approvals Section, November 30, 2023

The variances being sought are to permit two existing sunroom additions on the lakeside of the subject lands (sunroom 1) and on the easterly side of the subject lands (sunroom 2). The lands are designated Rural in the City's Official Plan and are zoned RS, Rural Shoreline per the City's Zoning By-law 2010-100Z. The proposed minor variances are analyzed below.

Minor Variances

Sunroom 1 – (1) to permit a high water mark setback of 12.0m where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river and (2) to permit sunroom 1 to be 12.0m setback from the high water mark of a lake, where only the accessory structures as set out in subsection 4.41.2 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.

Sunroom 2 – (3) to permit a high water mark setback of 21.1m where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river and (4) a minimum easterly interior side yard setback of 1.17m with eaves encroaching 0.2m into the proposed 1.17m easterly interior side yard setback, where 3.0m is required, and where eaves may encroach 0.6m into the required interior side yard but not closer than 0.6m to the lot line.

Intent of the Official Plan – The Official Plan permits single detached dwellings and other types of rural development along shorelines. The Official Plan also has specific policy requiring the protection of lakes and rivers and their associated shorelines, with criteria that would permit reductions in the minimum setbacks and the shoreline buffers. Based on the comments from Strategic and Environmental Planning, the intent of the Official Plan is not met.

Intent of Zoning By-law 2010-100Z – The intent of Zoning By-law 2010-100Z is to permit principal structures that are appropriately situated on the subject parcel while protecting the lakes and rivers that they are situated on. Based on the comments from Strategic and Environmental Planning, the intent of the Zoning By-law is not met.

Are the variances minor? The further encroachment into the front and side yards to do create an impact to the adjacent parcels and is considered minor.

Are the variances desirable? Variances that do not meet the criteria permitting encroachment to the highwater mark as outlined in the City's Official Plan are not desirable.

Staff is of the opinion that the proposal does not meet the four tests of minor variance. However, staff recognizes that the structures are existing. Should Committee of Adjustment determine that an approval is warranted, staff would recommend that the approval includes specific language that recognizes the approval as applying ONLY to the existing sunrooms and that further encroachments would require separate applications.

CGS: Infrastructure Capital Planning Services, November 29, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Strategic and Environmental Planning, November 29, 2023

Approval of the portion of the Minor Variance application involving sunroom addition #1 is not recommended as it does not maintain the purpose and intent of the Official Plan and Zoning By-law that aim at protecting the integrity of the lake ecosystem, which includes its shoreline. Sunroom #1 does not meet the criteria in policy 8.4.1.3 that would permit a further encroachment into the setback to the highwater mark. Also, Sunroom addition #1 is closer to the highwater mark than the existing main house and encroaches into the shoreline buffer area, which is intended to be protective of the lake ecosystem.

Sunroom addition #2, while being closer than the permitted 30m from the highwater mark, is of less concern as it would not be closer to the lake than the existing house and would lie outside of the 20-metre shoreline buffer area.

The following advice is provided for informational purposes only:

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

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

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

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).

Greater Sudbury Hydro Inc., November 28, 2023

Outside of our territory.

The Nickel District Conservation Authority, November 28, 2023

Conservation Sudbury does not oppose Minor Variance A0118/2023. Part of the subject property is within a regulated area of the Conservation Authority. Future development within these areas requires permission of Conservation Sudbury.

Notes

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

CGS: Building Services Section, November 28, 2023

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

1) Based on our research, it appears that the additions on the north and easterly sides of the existing dwelling, were built without benefit of a building permit. For this reason, Building Services recommends that the relief requested for reduced setbacks to the highwater mark and eaves encroaching into the interior side yard, be conditional upon meeting all building permit requirements. Building permit application and supporting documentation to be submitted to the satisfaction of the Chief Building Official.

Owner/Applicant to be advised that prior to issuance of a final building permit, Public Health approval is also required.

Owner/Applicant to also be advised of the following comments:

2) A search of our records indicates an incomplete permit for the subject property to repair a structural beam (B19-1745). Owner to contact Building Services to discuss the outstanding permit.

CGS: Site Plan Control, November 23, 2023

No objection.

CGS: Development Engineering, November 22, 2023

No objection.

The Applicant, Jennifer Dowdall, and her husband, Shannon Hope, appeared before the Committee and provided a summary of the Application. The Applicant advised that when they bought the property there had been a deck at the rear of the house which they screened in and that at that time the high water mark setback was only 12.0m. She acknowledged that no permit had been obtained for that sunroom. The Applicant advised that a large portion of her house is within the 30.0m high water mark setback. They had submitted a Minor Variance Application in 2020 with an agent to legalize the one sunroom and for a proposed detached garage with a secondary unit for her mother-in-law. There had been concerns regarding the proposed garage and so they deferred the application. The deferred application expired during the pandemic. She noted that both neighbouring properties are a close distance to the lake, one of which had obtained a minor variance in 2014. The Applicant stated that she had not known that the high water mark setback had increased to 30.0m in 2021 until recently. She also pointed out that there are cedar bushes between the east sunroom and the neighbouring property acting as a buffer.

The Secretary-Treasurer advised that an email of concern was received from Brigitte Raymond, owner of 48 Onwatin Lake Road East on December 6, 2023, with concerns regarding the variance being sought for the interior side yard setback only. The email of concern was provided to the Applicant and the Committee of Adjustment members prior to the meeting. As the email was only received the day of the meeting, the Committee and Applicant may not have had a chance to review the concerns provided therein, and the Chair requested the email of concern be read in its entirety during the meeting. The Secretary Treasurer read the email for the Committee.

The Applicant advised that the concerned neighbour had previously sought a minor variance to be closer to the interior side yard than the relief the Applicant is seeking in this application, and that the neighbour's encroachment consists of two storeys. The Applicant stated that the cedar bushes are four feet wide and are shared on both properties. She does not believe the relief requested would hinder the neighbour's ability to access their side yard or backyard.

Committee Member Goswell asked Staff for clarification with respect to a new structure proposed to be built as referenced in the email of concern and whether the relief being sought was merely for the existing sunrooms. Chair Dumont clarified that the email of concern implies that there may be a change of use of the existing sunroom. Staff confirmed that a change of use does not apply to the variances being sought at this time and that if the Applicant wished to expand the existing sunrooms at a later date, a further minor variance would be needed.

Chair Dumont requested information with respect to the previous application. The Applicant provided the Application number as being A0069/2020 and advised that it had been deferred prior to decision. Chair Dumont asked Staff if they were aware of that application and whether the relief sought in that application is the same as what is being sought in the current application. Staff confirmed they were aware of the previous application and that it had been deferred due to confusion and perhaps misinformation surrounding the proposed use for the garage and secondary dwelling, therefore a decision was never made, and the application expired. At the time of the previous application, the relief sought for the easterly sunroom was consistent with the relief being sought for the same sunroom in the current application. Staff also advised that through the original application in 2020, further variances were identified for the sunroom that had been built without the benefit of a permit.

The Applicant advised that part of the issue with the original application was that the sunroom had wrongly been identified as being two storeys and the City did not have concerns with respect to the relief sought for the interior side yard setback at that time. The Applicant advised that due to the pandemic, personal issues, complaints from neighbours and costs of the proposed garage and secondary dwelling, they decided to shelve the proposal. The Applicant confirmed that there had been a broken screened gazebo on the deck when they bought the house, so they decided to screen the whole deck and acknowledged that it had been done without the benefit of building permits but that within 18 months they had been trying to legalize the sunrooms with their original submission in 2020. The Applicant stated that with their original application in 2020, there was no need for a variance for the sunroom on the lake side.

Chair Dumont asked Staff to identify the difference between a deck and sunroom in relation to the Zoning By-law. Staff confirmed that if a deck is enclosed it becomes part of the principal structure and further encroachment into the high water setback and reduction of the buffer is not permitted for a principal structure but that a deck is permitted to encroach.

Committee Member Murray asked whether the Zoning By-law permits existing structures to encroach and not new structures and how that applies here. Staff clarified that the structure was never legal as it was built without the benefit of a permit. Committee Member Murray stated that the sunroom was built prior to the change in Zoning By-law requirement. Staff confirmed. Committee Member Murray asked whether the City would have had issue with the sunroom distance to the high water mark when it was originally constructed. Staff confirmed the high water mark setback requirement at that time was 12.0m.

Committee Member Castanza advised she had visited the site and had no issues with the application and relief being sought.

Committee Member Murray voiced support of the relief being sought so long as any further encroachment would require a further variance.

Staff advised the Committee that if the Application was to be approved, they should note the conditions of approval requested by Building Services and Development Approvals.

The following decision was reached:

DECISION:

THAT the application by:

JENNIFER DOWDALL

the owner(s) of PIN 73507 1423, Parcel 12418 SEC SES, Survey Plan 53R-14192 Part(s) except 5, Lot Part 12, Concession 5, Township of Capreol, 40 Onwatin Lake Road East, Hanmer

for relief from Part 4, Section 4.2, Table 4.1, Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4 and Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit existing sunroom additions on the single family dwelling providing, firstly, a minimum high water mark setback of 12.0m for sunroom addition #1, and 21.1m for sunroom addition #2, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, secondly, to permit sunroom addition #1 to be a minimum of 12.0m setback from the high water mark of a 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 and thirdly, a minimum easterly interior side yard setback of 1.17m with eaves encroaching 0.2m into the proposed 1.17m easterly interior side yard setback, where 3.0m is required, and where eaves may encroach 0.6m into the required interior side yard but not closer than 0.6m to the lot line, be granted in relation to the existing sunrooms only, and subject to the following condition:

1. That the owner/applicant submit building permit applications and supporting documentation for the sunrooms to the satisfaction of the Chief Building Official within 180 days.

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.

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

SUBMISSION NO. A0128/2023

December 06, 2023

OWNER(S): ANDREW INCH, 1-723 St Clair St, Sudbury, ON P3E 4G9

AGENT(S): NICOLA MUNRO, 106 College St, Sudbury, ON P3C 4T7

LOCATION: PIN 73589 0346, Parcel 18278 SEC SES, Lot(s) Part 280, Subdivision M-99, Lot Part 7, Concession 2, Township of McKim, 723 St. Clair Street, Sudbury

SUMMARY

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

Application: For approval to allow for a reduced number of parking spaces for a multiple dwelling on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

Ministry of Transportation, November 30, 2023

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

CGS: Development Approvals Section, November 30, 2023

The variance being sought is to reduce the required parking from 3 spaces to 0 in order to permit an existing triplex, where one unit was created without the benefit of a building permit (two units legally exist and permitted regardless of the outcome of this minor variance). The lands are designated Living Area 1 in the City's Official Plan and are zoned R2-3, Low Density Residential 2 per the City's Zoning By-law 2010-100Z. The proposed minor variance is analyzed below.

Minor Variance – (1) to allow the existing triplex providing zero (0) parking spaces, where three (3) parking spaces are required.

Intent of the Official Plan – The Official Plan permits single detached dwellings and other types of residential development within Living Area 1. The intent of the Official Plan is met.

Intent of Zoning By-law 2010-100Z – The intent of Zoning By-law 2010-100Z is to permit principal structures with sufficient area to support its appropriate use without impact adjacent parcels. This includes appropriate setbacks and space for parking on-site. Staff acknowledges that the neighbourhood is well established and is an old part of town; the entire block has 0 parking available. Staff notes that the subject lands are within walking distance to a number of amenities, including schools, commercial stores, greenspace, and transit. Staff is of the opinion that the intent of the Zoning By-law is met.

Is the variance minor? The reduction of parking from 3 spaces to 0 spaces is consistent with the existing development along St. Clair Street where a number of multiple unit residences exist. A third unit will not significantly change the site or the streetscape. Staff is of the opinion that the variance is minor.

Is the variance desirable? The reduction of parking spaces from 3 to 0 would permit the legalization of a third residential unit. The unit exists and no further impacts are expected. The variance is considered desirable for the maintenance of a third unit.

Staff is of the opinion that the proposal meets the four tests of minor variance. Comments from Building Service are requesting that a condition be include to that require the completion the building permit for

the third unit. Staff agrees that this condition is appropriate. Staff recommends approval of A0128/2023 with the following condition:

1. The requirements of the building permit for the illegal third unit be met to the satisfaction of the Chief Building Official.

CGS: Infrastructure Capital Planning Services, November 29, 2023

Roads

We note that the existing parking on the front yard overhangs the City's right of way. The owner understands that the proposed parking must be located within the owner's property and out of the City's Right of way.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

The Nickel District Conservation Authority, November 28, 2023

Conservation Sudbury does not object to Minor Variance A0128/2023. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Building Services Section, November 28, 2023

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

1) A review of our records indicates the 3rd dwelling unit of the existing triplex appears to have been built without benefit of a building permit. For this reason, Building Services recommends the relief requested for reduced parking be conditional upon meeting all building permit requirements for the 3rd unit. Building Permit and Building Permit documents to be submitted to the satisfaction of the Chief Building Official.

2) A search of our records indicates incomplete permits for the subject property as follows:

a) (B10-1796) - Exterior alteration to replace a 2nd storey railing.

b) (BP-ALT-2023-00127) - Interior alteration to repair fire damage in Unit #1

Greater Sudbury Hydro Inc., November 27, 2023

No conflict.

CGS: Site Plan Control, November 23, 2023

No objection.

CGS: Development Engineering, November 22, 2023

No objection.

The Agent of the Applicant, Nicola Munro, appeared before the Committee and provided a summary of the Application. The Agent advised that they believed it was a legal non-conforming triplex. There was damage to one of the units and through the insurance claim, the owner applied for a permit to make the necessary repairs and was advised that a variance was required for the deficient parking. The Agent advised that the owner is aware of the comments and is agreeable with comments with respect to building permits.

Chair Dumont asked the Agent if the Applicant is agreeable to the condition requested by Development Approvals. The Agent confirmed the Applicant was willing to comply with that condition. Chair Dumont asked Staff if there was to be a timeline for clearing the condition. Staff confirmed that the recommended timeline is 180 days. Staff also advised that despite the Agent indicating that the triplex is legal non-conforming, the triplex is not considered legal non-conforming because the third unit had been built without a building permit and in order for that unit to be occupied it requires a

permit. Staff confirmed that 180 days is an appropriate timeline for the condition.

The following decision was reached:

DECISION:

THAT the application by:

ANDREW INCH

the owner(s) of PIN 73589 0346, Parcel 18278 SEC SES, Lot(s) Part 280, Subdivision M-99, Lot Part 7, Concession 2, Township of McKim, 723 St. Clair Street, Sudbury

for relief from Part 5, Section 5.5.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to allow the existing triplex providing zero (0) parking spaces, where three (3) parking spaces are required be granted, subject to following condition:

1. That the owner/applicant submit building permit application and supporting documentation for the illegal third unit to the satisfaction of the Chief Building Official within 180 days.

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.

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