

SUBMISSION NO. A0001/2025

February 05, 2025

OWNER(S): 1000933828 ONTARIO LIMITED, 21 Hill Street Wahnapiatae ON P0M 3C0

AGENT(S): SHERRY DEXTER, 1040 Bancroft Drive Sudbury ON P3B 1R4

LOCATION: PIN 73481 0485, Parcel 6053 SEC SES, Lot(s) 5, Block A, Subdivision M-9, Lot Part 9, Concession 3, Township of Dryden, 11 Hill Street, Wahnapiatae

SUMMARY

Zoning: The property is zoned C1 (Local Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit an accessory building on the subject property providing a height a variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, January 30, 2025

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

Applicant/Owner to be advised of the following comments:

1) We acknowledge the receipt of associated building permit (BP-NEW-2024-01839) for the proposed detached garage.

2) Be advised that no habitable space is permitted.

3) A review of the subject property and plot plan provided with this application indicates several accessory structures on the property that are not reflected in our records. Our research indicates that the rear addition appears to have been constructed after 1995 without benefit of a building permit, and the front deck, rear deck, and siding appear to have been constructed after 2018 without benefit of a building permit. Please contact Building Services if assistance is required for permit application.

CGS: Development Approvals Section, January 29, 2025

The purpose and effect of the application is to construct a 143 m² accessory building with a height of 8.6 m, whereas the maximum height permitted for accessory buildings is 8 m.

The subject lands contain a 90 m² building containing two dwelling units which has a height of 6.9 m and a shed that is to be demolished. The subject lands are serviced by a municipal water and sanitary connection and have an existing access from Hill Street.

The subject lands are designated 'Town Centre' within the City of Greater Sudbury Official Plan and are zoned 'C1' Local Commercial within the City of Greater Sudbury Zoning By-law.

Surrounding uses are low density residential and rural in nature.

Accessory is defined as a use, separate building, or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot.

The applicant has confirmed that the intended use of both storeys of the garage is for storage purposes. Although the garage will exceed the height and ground floor area of the main use of the lands being a building containing no more than two dwelling units, the building is proposed to be located in the rear yard, 29 m from the road, reducing visual impacts. Surrounding uses are rural to the rear, single detached on either side, and highway 17 to the front. Given the commercial zoning, the proposed location of the building, and site context, staff have no concerns with the application.

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

CGS: Infrastructure Capital Planning Services, January 29, 2025

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Engineering, January 28, 2025

No objection.

CGS: Site Plan Control, January 27, 2025

No objections.

Nickel District Conservation Authority, January 27, 2025

Conservation Sudbury does not object to Minor Variance A0001/2025. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Ministry of Transportation, January 27, 2025

The subject lands for A001/2025 – 1000933828 Ontario Ltd are located within the MTO's permit control area (PCA); and therefore, is subject for review under the Public Transportation and Highway Improvement Act R.S.O. 1990. The MTO supports the proposed detached garage construction in principle; with the following comments to consider:

- Placement of any buildings/structures or any lot grading/paving within 45 meters of the Hwy 17 property line, or within 395 meters of the centre-point of the intersection of Hwy 17 and Hwy 537 will require an MTO building/land use permit.
 - o Proposed detached garage is located within the MTO's permit control area (PCA).
- Establishment of a new commercial business may require the submission of various technical documents for MTO review.
- Any future development or change in land use must be subject to MTO review.
- Placement of any sign that is visible to the traveled portion of Hwy 17 will require an MTO sign permit.

All permit applications can be made online at the following link: <https://www.hcms.mto.gov.on.ca/>

Any questions regarding permitting or setbacks can be directed Michelle Lavallee, Corridor Management Officer at michelle.lavallee@ontario.ca

Any additional questions or concerns contact Cameron Cole, Corridor Management Planner at cameron.cole2@ontario.ca.

Greater Sudbury Hydro Inc., January 27, 2025

Please note A0001/2025 falls outside of our territory, therefore we have no concerns.

CGS: Strategic and Environmental Planning, January 22, 2025

No concerns. Applicants are advised that compliance with the provincial Endangered Species Act, 2007 and the federal Migratory Birds Convention Act, 1994 is their sole responsibility.

The applicant's agent, Sherry Dexter, appeared before Committee and provided a summary of the Application. Committee Member Castanza, Goswell and Murray, and Committee Chair Dumont expressed support for the Application and staff's recommendation. Staff advised Committee that MTO comments were not incorporated into staff's recommendation. Staff advised that a condition requiring a permit from the MTO should be required to be consistent with staff's previous recommendations and that the resolution had been amended to incorporate the condition. Committee Chair Dumont requested staff to read the condition and explain what would be required and staff read the condition and provided an explanation. Committee Member Murray asked staff if the permit would be required regardless, and staff advised that it would be a requirement of the MTO. He expressed opposition to the condition since the permit would be required regardless. Committee Chair Dumont expressed support for staff's recommendation to include the condition and spoke to the reasons why. The agent advised Committee that an application to the MTO had been made for the 32 East Street application and they would be making the application to the MTO for this Application as well. Committee Chair Dumont asked if there were any costs associated with the MTO permit and the agent advised that there was a fee that was payable. Committee Member Murray expressed concern with imposing a condition for something that was already required. Committee Chair Dumont advised Committee that he would speak with staff and follow-up with Committee.

The following decision was reached:

DECISION:

THAT the application by:

1000933828 ONTARIO LIMITED

the owner(s) of PIN 73481 0485, Parcel 6053 SEC SES, Lot(s) 5, Block A, Subdivision M-9, Lot Part 9, Concession 3, Township of Dryden, 11 Hill Street, Wahnapiatae

for relief from Part 4, Section 4.2, subsection 4.2.4 c) 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 detached garage on the subject property providing a maximum height of 8.6m, where 8.0m is permitted, be granted, subject to the following condition:

1. That a building/land use permit be obtained from MTO, to the satisfaction of MTO within one year from the date of decision.

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

SUBMISSION NO. A0003/2025

February 05, 2025

OWNER(S): DEVLA PROPERTIES INC., 1-1049 Notre Dave Avenue Sudbury ON 3A 0E2

AGENT(S): TULLOCH ENGINEERING - AARON ARIGANELLO, 131 Fielding Road Sudbury ON P3Y 1L7
TULLOCH ENGINEERING - VANESSA SMITH, 131 Fielding Road Sudbury ON P3Y 1L7

LOCATION: PIN 73570 0144, Parcel 23846 SEC SES SRO, Lot(s) Block B, Subdivision M-518, Lot 11, Concession 3, Township of Neelon, 870 Auger Avenue, Sudbury

SUMMARY

Zoning: The property is zoned R3(102) (Medium Density Residential) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit the proposed retaining wall to be located on the north side of the subject property providing a setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, January 30, 2025

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

Applicant/Owner to be advised of the following comments:

1) A Building Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for construction of the proposed retaining wall.

2) We acknowledge the receipt of associated building permit applications for the proposed conversion of the existing elementary school to multiple dwelling units with a second storey addition (BP-NEW-2024-01815) and interior alterations in support of future developments (BP-NEW-2025-00074).

CGS: Infrastructure Capital Planning Services, January 29, 2025

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, January 29, 2025

The purpose and effect of the application is to construct a 2.2 m tall retaining wall abutting Lots 190-192 in Plan M-518 with a 0 m interior side yard setback, whereas 0.6 m setback is required.

The subject lands contain a surplus institutional building (former school). The subject lands are serviced by a municipal water and sanitary connection and have an existing access from Auger Avenue.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'R3(102)' Medium Density Residential Special within the City of Greater Sudbury Zoning By-law. Surrounding uses are low density residential and park in nature.

The lands are subject to Zoning By-law Amendment Application 751-6/24-016 which is in full force and effect and permits 74 multiple dwelling units. Through the Site Plan Control process, staff identified the need for relief for the proposed retaining wall.

The applicant has advised that the retaining wall is required due to lot grading. Due to the elevation change, staff do not anticipate adverse impacts to abutting parcels of land as a result of the proposed variance.

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

CGS: Development Engineering, January 28, 2025

No objection.

CGS: Site Plan Control, January 27, 2025

The first circulation of the application for site plan control was circulated on November 26, 2024, and comments were provided to the owner on December 19, 2024. The minor variances being requested are consistent with our comments.

Nickel District Conservation Authority, January 27, 2025

Conservation Sudbury does not object to Minor Variance A0003/2025. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Ministry of Transportation, January 27, 2025

The subject lands for application A003/2025 – Devla Properties Inc. are not located within the MTO's permit control area (PCA); therefore, we have no comments to provide at this time regarding this application.

Greater Sudbury Hydro Inc., January 27, 2025

No objections.

CGS: Strategic and Environmental Planning, January 22, 2025

No concerns. Applicants are advised that compliance with the provincial Endangered Species Act, 2007 and the federal Migratory Birds Convention Act, 1994 is their sole responsibility.

The applicant's agent, Vanessa Smith of Tulloch Engineering, appeared before Committee and provided a summary of the Application.

Area resident Rainer Paull of 1805 Hawthorne Drive appeared before Committee and expressed opposition to the retaining wall due to its proximity to his pool and wall, and how close the work would be to his property line. He advised Committee that a graded slope currently exists and expressed concern about potential damages in the future if the retaining wall fails.

The agent advised Committee that due to the height retaining wall it would be designed by a structural engineer who would be licensed and insured. She advised that the resident's property would not interact with the retaining wall. Committee Chair Dumont explained the agent's comments to Mr. Paull and made some suggestions about documenting the existing state. Mr. Paull advised Committee that he could not inspect his fence on the applicant's side due to it being a construction site. Committee Chair Dumont clarified that he meant Mr. Paull's property and explained the purpose of the Committee and its mandate. The agent advised the Chair that her contact information could be provided to Mr. Paull so they could discuss his concerns.

Committee Members expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

DEVLA PROPERTIES INC.

the owner(s) of PIN 73570 0144, Parcel 23846 SEC SES SRO, Lot(s) Block B, Subdivision M-518, Lot 11, Concession 3, Township of Neelon, 870 Auger Avenue, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the proposed 2.2m tall retaining wall to be located adjacent to Lots 190, 191 and 192, Plan M-518, to provide a 0.0m interior side yard setback, where an accessory structure 2.5m and less in height shall be no closer than 0.6m from the side lot line, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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. 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
Matt Dumont	Concurring
Ron Goswell	Concurring