



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0002/2022

February 09, 2022

OWNER(S): TRISTAN LEGARE, 456 Wembley Drive Sudbury ON P3E 1P2
KATIE BISSET, 456 Wembley Drive Sudbury ON P3E 1P2

AGENT(S):

LOCATION: PIN 73585 0305, Parcel 6981, Lot(s) M-95, Subdivision 361, Lot Pt 6, Concession 3, Township of McKim,
452 Wembley Drive, Sudbury

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 convert the existing single detached dwelling from one and a half-storeys to two-storeys providing an interior side yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, February 03, 2022

Roads
No Concerns
Transportation and Innovation Support
No Concerns
Active Transportation
No Concerns

The Nickel District Conservation Authority, February 02, 2022

Conservation Sudbury does not object to Minor Variance A0002/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

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

CGS: Building Services Section, February 02, 2022

Based on the information provided, Building Services has no concerns with this application, however, for the applicants' information, a building permit is required for the 2nd storey addition to the satisfaction of the Chief Building Official.

Greater Sudbury Hydro Inc., February 01, 2022

Maintain proper clearance from energized apparatus and conductors as per latest edition of Ontario Electrical Safety Code. If Disconnect/Reconnect required, please contact GSHI energy Supply department.

CGS: Development Approvals Section, January 31, 2022

The variance being sought would facilitate the construction of a second-storey addition to an existing

one and a half-storey single-detached dwelling on the subject lands having frontage on Wembley Drive in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has attended the lands and does not anticipate any negative land use planning impacts on abutting properties should the variances be approved. The lands to the west already contain a two-storey residential dwelling and there is mature vegetation providing some degree of buffering between the two residential properties. The existing one-storey residential dwelling to the east is buffered by an existing asphalt driveway. The existing residential dwelling on the subject lands also maintains an easterly interior side yard setback of 3.9 m (12.80 ft) which exceeds the minimum required interior side yard setback of 1.8 m (5.91 ft) once the building addition converts the existing residential dwelling to a two-storey building. Staff would also note that there is a general mix of building heights along this portion of Wembley Drive including a three-storey institutional building further to the east of the subject lands. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Ministry of Transportation, January 27, 2022

No concerns.

CGS: Development Engineering, January 26, 2022

No objection.

The applicants appeared before Committee and provided a brief explanation of the application.

The following decision was reached:

DECISION:

THAT the application by:

TRISTAN LEGARE AND KATIE BISSET
the owner(s) of PIN 73585 0305, Parcel 6981, Lot(s) M-95, Subdivision 361, Lot Pt 6, Concession 3, Township of McKim, 452 Wembley Drive, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 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 conversion of the existing one and a half-storey single detached dwelling to two-storeys providing, firstly, an interior side yard setback of 0.91m, where 1.8 m is required, and secondly, eaves to encroach 1.29m into the required yard, where eaves may encroach 0.6m into the required yard but not closer than 0.6m to the lot line, be granted.

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

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

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Dan Laing	Concurring
Derrick Chartand	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0003/2022

February 09, 2022

OWNER(S): 1930037 ONTARIO LIMITED, 6724 Tilton Lake Road Sudbury ON P3G 1L5

AGENT(S): BRYAN DORLAND - D.S. DORLAND LIMITED, 298 Larch Street Sudbury ON P3B 1M1

LOCATION: PIN 73475 0893, Parcel 11684, Lot Pt Broken 8, Concession 6, Township of Broder, 0 Middle Lake Road, Sudbury

SUMMARY

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

Application: Approval of a lot to be severed, subject of Consent Application B0007/2022, providing a lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

The Nickel District Conservation Authority, February 08, 2022

REVISED

Conservation Sudbury does not oppose Minor Variance Application A0003/2022 providing a minimum lot front of 28.6m, where 90m is required.

However, Conservation Sudbury is requesting the applicant consult with our office. There are some concerns with regards to the severance in its current configuration. The applicant must demonstrate that there is a building envelope outside of the wetland on each severed and the retained lots, and that the cumulative impacts on the hydrology of the wetland are acceptable. From an initial examination it appears that Lot 1 and Lot 2 may not be permissible, or may require reconfiguration.

As part of consultation with Conservation Sudbury, we will require a detailed sketch showing:

- The location of the proposed development envelope for each of the severed and retained parcels, including buildings, driveways, septic, etc. (as per the Wetland Guidelines cited above), and
- The extent of the wetland and all streams of the parcel. This may require support from a qualified professional with experience in wetland mapping.

Through consultation with our office, we can further discuss the following two options:

Option 1: The landowner can reconfigure the proposed parcel boundaries and/or reduce the number of severed lots such that a sufficient building envelope exists outside of the wetland on each of the severed and retained lots.

Option 2: the landowner may apply for a permit from Conservation Sudbury to allow some development within the wetland for the purpose of constructing driveway(s) to locations of the parcel that are north of the wetland.

For Conservation Sudbury to consider allowing some interference to the wetland, proponent will be required to reconfigure the parcels boundaries to accommodate the driveway(s) in locations where impacts to the wetland are minimized.

Notes

SUBMISSION NO. A0003/2022 Continued.

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

The proponent is advised that works within an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, 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.

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

CGS: Environmental Planning Initiatives, February 03, 2022

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

The subject lands are immediately adjacent to Middle Lake, Township of Broder, City of Greater Sudbury.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Cyanobacterial blooms have been confirmed by the Public Health Sudbury & Districts in Middle Lake in 2011 and 2019.

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

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

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

SUBMISSION NO. A0003/2022 Continued.

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

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

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

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

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

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

CGS: Infrastructure Capital Planning Services, February 03, 2022

Roads
No Concerns

Transportation and Innovation Support
No Concerns

Active Transportation
No Concerns

The Nickel District Conservation Authority, February 02, 2022

Conservation Sudbury is requesting that Minor Variance Application A0003/2022 be deferred and that the proponent consult directly with our office. Before Conservation Sudbury can approve the consent application for severance, the applicant must demonstrate that there is a building envelope outside of the wetland on each severed and the retained lots, and that the cumulative impacts on the hydrology of the wetland are acceptable. From an initial examination it appears that Lot 1 and Lot 2 may not be permissible, or may require reconfiguration.

As part of consultation with Conservation Sudbury, we will require a detailed sketch showing:

- The location of the proposed development envelope for each of the severed and retained parcels, including buildings, driveways, septic, etc. (as per the Wetland Guidelines cited above), and
- The extent of the wetland and all streams of the parcel. This may require support from a qualified professional with experience in wetland mapping.

Through consultation with our office, we can further discuss the following two options:

Option 1: The landowner can reconfigure the proposed parcel boundaries and/or reduce the number of severed lots such that a sufficient building envelope exists outside of the wetland on each of the severed and retained lots.

Option 2: the landowner may apply for a permit from Conservation Sudbury to allow some development within the wetland for the purpose of constructing driveway(s) to locations of the parcel that are north of the wetland. For Conservation Sudbury to consider allowing some interference to the wetland, proponent will be required to reconfigure the parcels boundaries to accommodate the driveway(s) in locations where impacts to the wetland are minimized.

Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features

SUBMISSION NO. A0003/2022 Continued.

and uses the mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes. The proponent is advised that works within an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, 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.

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

CGS: Building Services Section, February 02, 2022

No concerns.

Greater Sudbury Hydro Inc., February 01, 2022

No Conflict.

CGS: Development Approvals Section, January 31, 2022

The variance being sought would facilitate in part the creation of a rural waterfront lot having water frontage on Middle Lake and public road frontage on Middle Lake Road in Sudbury. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff would note that the development proposal represents rural waterfront lot creation and as such the policies contained under Section 5.2.2(4) of the City's Official Plan are applicable. In particular, Section 5.2.2(4) of the City's Official Plan requires both the severed and retained lands to have a minimum lot area of 0.8 ha (2 acres) along with a minimum water lot frontage of 45 m (148 ft). This application for minor variance is required however because the lands are situated within an "RU" Zone that requires a minimum lot frontage of 90 m (295.28 ft) whereas the rural waterfront lot that is to be severed would provide for a minimum lot frontage of 28 m (91.86 ft) onto Middle Lake Road. Staff has no concerns with the minor variance as it is largely technical in nature and would allow for the rural waterfront lot to have public road access to the south onto Middle Lake Road. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Ministry of Transportation, January 27, 2022

The minor variance application A0003/2022 does fall within the MTO's permit control area, therefore, is subject for review under the Public Transportation and Highway Improvement Act R.S.O 1990 and will require permits with the MTO. It is the understanding of the Ministry that the subject lands have also submitted a consent application B0007/22. The proponent should engage in a pre-consultation with the MTO. It should be noted that there are future highway improvements designated for the intersection of Middle Lake Road and Highway 11. The entrance to Middle Lake Road will be closed and access to Middle Lake Road will be provided via an access road.

A pre-consultation can be arranged by applying online at: <https://www.hcms.mto.gov.on.ca/>.

CGS: Development Engineering, January 26, 2022

No objection.

The applicant and the agent, Bryan Dorland of D.S. Dorland, appeared before Committee and the agent explained that the application was submitted concurrently with an application for consent to allow for the creation of three new rural lots on Middle Lake Road. The agent explained that the variance is required to facilitate one of the lots subject of the consent application, one rural water front lot that does not meet the road frontage requirements lots within the RU zone, but it exceeds the water frontage and area requirements. He further explained that the proposed variance would provide for a minimum lot frontage or road frontage of 28.6 metres, where 90.0 metres is required. He referenced Development Approval's comments and said that the variance is technical in nature and maintains both the intent of the Official Plan and the Zoning By-law. The Secretary-Treasurer advised Committee that an email of concern was received from Leslie Heggie and David Rinta of 555 Tynne Street who own an abutting parcel. She explained that they have concerns regarding this application and the proposal and how it will affect their access to their cottage, which abuts the subject lands, as a portion of their driveway is on the subject lands. The agent acknowledged receipt of the email of concern and explained that the resident's father or grandfather had a handshake deal with the original owner of the subject lands back in the 1960s for a legal right to cross the property. He further explained that this deal did not extend with title to the subsequent owners of the subject property as there are no registered easements providing for rights-of-way or access, but that it is not the intent of the owner to block access. He explained that the owner is willing to start dialogue with those landowners to potentially negotiate for future legalized rights-of-way over the existing access roads should they approach him. Committee Member Castanza asked the agent if those residents would be landlocked due to the development proposal. The agent explained that one of the properties is technically already landlocked as there is an existing driveway that encroaches onto the subject lands, the proposed lot 4, but also stated that it has always been there, and the variance won't change that. Committee Member Castanza asked the agent if the owner could technically cutoff access to those lands. The agent explained that technically he could. The owner, Ben Polzer, explained that it is his intention to grant those residents, Leslie Heggie and David Rinta, for the sum of \$1.00 and so long as they cover the cost of the legal and survey fees, legal access, which they never had, and to have security in the future for access. Committee Member Castanza explained that she would feel better about the proposal if those residents were allowed to maintain their access. The owner explained that even if those residents didn't want to pay the legal fees, he has no intention of stopping them from using the right-of-way, but it would be better for them if they do. Committee Chair Chartrand asked staff how those two PINs came to exist without roadway access. Staff explained that many of these old lots of record exist and that it is not uncommon to see these along the shorelines and that is why these properties are zoned Rural Shoreline and are only zoned to permit seasonal dwellings. Staff advised that in terms of how these lots came to be he would suspect that they are old lots of record, and the agent may have more information. The agent explained that the subject lands were originally patented in February of 1947 and the abutting property was patented in 1965 as a summer resort location DE64. He explained that there is no indication in the patent document for any road access but it would appear as though it was patented without road access; there may have been a historical road but it is not reflected in the survey plan attached to the patent. Committee Chair Chartrand asked the agent if they reviewed the comments from the Nickel District Conservation Authority. The agent advised that they had and that they are in communication with the Nickel District Conservation Authority and have provided them with documentation to address their comments. Committee Chair Chartrand asked staff to confirm that the Nickel District Conservation Authority is no longer requesting a deferral and staff advised that they are not and that they do not oppose the application and their comments are largely cautionary in nature.

The following decision was reached:

DECISION:

THAT the application by:
1930037 ONTARIO LIMITED
the owner(s) of PIN 73475 0893, Parcel 11684, Lot Pt Broken 8, Concession 6, Township of Broder, 0 Middle Lake Road, Sudbury

for relief from 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 approve the lands to be severed, subject of Consent Application B0007/2022, providing a minimum lot frontage of 28.6m, where 90.0m is required, be granted.

SUBMISSION NO. A0003/2022 Continued.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0005/2022

February 09, 2022

OWNER(S): NICHOLAS HUI, 855 Lonsdale Ave Sudbury ON P3B 1K2

AGENT(S):

LOCATION: PIN 02129 0053, Parcel 4850, Lot(s) 7, Subdivision M-93, Lot Pt 6, Concession 4, Township of McKim, 175 Jean 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: Approval to allow reduced number of parking spaces for a residential dwelling with secondary unit on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, February 03, 2022

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 only short term on-street parking (maximum of 4 hours) is available on the north and south side of Jean Street, therefore, any overflow parking that may occur from this site will affect the neighbouring property owners on or other area roadways. As well, we noted that the fence in the drawings appears to be within the City's road allowance.

Active Transportation
No Concerns

The Nickel District Conservation Authority, February 02, 2022

Conservation Sudbury does not object to Minor Variance A0005/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

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

CGS: Building Services Section, February 02, 2022

Based on the information provided, Building Services does not support this Minor Variance as it will not be possible to provide the required parking space for the secondary unit within the property. Building services will rely on the recommendations from the Traffic and Transportation Services section.

Further to this, the owner is to be advised of the following comments:

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

SUBMISSION NO. A0005/2022 Continued.

- i. Siding (B09-2037)
- ii. Weeping Tile (B09-2136)
- iii. Foundation Alterations (B10-0676)

Please contact Building Services to close these projects.

Greater Sudbury Hydro Inc., February 01, 2022

No Conflict.

CGS: Development Approvals Section, January 31, 2022

The variance being sought to reduce the number of required parking spaces would facilitate the construction of a secondary dwelling unit on the subject lands having frontage on Jean Street in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-3", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The lands contain an existing single-detached dwelling and form a legal existing undersized lot of record having 9.14 m (30.00 ft) of lot frontage onto Jean Street whereas a minimum lot frontage of 12 m (39.37 ft) is required for a single-detached dwelling in the "R2-3" Zone. Staff would also note that the required parking space for the single-detached dwelling itself appears to be legal non-complying and entirely situated within the required front yard. Staff would further note that the existing driveway width appears to be legal non-complying at 1.98 m (6.50 ft) whereas a minimum required driveway width of 3 m (9.84 ft) is required. Staff would advise Committee that recent amendments to residential parking standards in the City's Zoning By-law affords flexibility around the provision of parking spaces for secondary dwelling units. In particular, secondary dwelling units in the "R2-3" Zone may provide the required parking space within the required front yard to the lesser of a maximum of 50% of the width of the minimum lot frontage (ie. 12 m) or the maximum driveway width established by this by-law (ie. 6.3 m). Staff is unable to support a variance that would entirely eliminate a required parking space for a secondary dwelling unit where the primary dwelling unit already provides for legal non-complying parking area including an undersized parking space. Staff recommends that the variance be denied as it is not minor, not appropriate development for the area and the intent of the City's Zoning By-law is not maintained.

Ministry of Transportation, January 27, 2022

No concerns.

CGS: Development Engineering, January 26, 2022

No objection.

The applicant appeared before Committee and explained that he purchased the property in hopes that he could finish the basement and register it with the City as a second unit. He explained that he was advised by the City when he submitted his building permit application that he would need to request a minor variance due to insufficient space on the lot to provide for the required second parking spot. Committee Member Dumont asked the applicant if he reviewed Development Approval's comments prior to the hearing. The applicant acknowledged that he did see the recommendation to deny but explained that his neighbours have told him that the previous owner was able to park two cars on the property, and as this is an older home, he was hoping that Committee would allow the registration of the secondary unit without the second parking spot. Committee Member Dumont expressed that although he is in support of secondary units, he supports staff's recommendation to deny as the lot is significantly undersized. Committee Member Dumont asked the applicant, in terms of accessing his property, if he encroaches on the neighbour's property to get to his property to park. The applicant explained that he was told by the neighbour, whom he shares the driveway with, that the previous owner parked their car in the front and when they parked on an angle, they were able to park two cars without blocking each other. Committee Member Dumont stated that without the benefit of a survey the applicant could potentially be trespassing on the neighbour's property to gain access to his property. The applicant advised that he doesn't believe that he is trespassing as he can drive right into the driveway without going on the other lot. Committee Member Dumont explained that based on his site visit and aerial imagery which shows a car located in the front yard, it seems that one car barely fits and from a safety perspective how can another vehicle fit without obstructing line of site

and safety for people walking by. He further explained to the applicant that safety is one of the reasons why these regulations are in place and those regulations have to be considered before undertaking a secondary unit. The applicant explained that there use to be a hydro pole but after he purchased the property it was removed which should enable better safety and more space to be able to drive in front of the lot. Committee Member Castanza asked if parking could be in the rear. The applicant explained that he would like to locate the parking in the rear as the shed was rotting and has been removed, and, the neighbour would be fine if Committee allowed him to locate the secondary parking where the shed currently is. He further explained that Building Services has advised him that there is not enough space and admitted that he doesn't know what the requirements are but on site, but it looks like there is enough space to park a car safely. Committee Member Castanza, referring to the applicant's sketch, explained that you could drive over the driveway to the rear of the house and have two parking spots so that they can reverse and drive out. The applicant explained that if he could park in front of the enclosed porch, that would enable him to park a second vehicle to the rear, so one spot would be in the front and the second spot would be in the rear. Committee Chair Chartrand explained to the applicant that Committee Member Castanza was suggesting that there be no parking in the front and asking would there be room in the rear for two parking spots. The applicant explained that he could make modifications to the back yard so that two vehicles could be parked there. Committee Member Castanza suggested that Committee defer the application so that this could be revisited. Committee Chair Chartrand asked staff to provide comments. Staff explained that between Planning Services and Building Services several different scenarios were explored. Staff explained that this is a small urban residential lot in an older part of the City which presents several challenges related to parking. Staff explained that this lot in particular, the driveway providing access to the rear yard, the Zoning By-law requires for a one-way driveway to be a minimum width of 3.0m (9.84 feet), whereas this property has a driveway along the side of the house of 6.7 feet and 6.5 feet wide which is not wide enough to pass a vehicle through without encroaching, trespassing, or traversing onto the neighbouring land to the west. Staff explained that the rear yard parking scenario would not work unless a lot addition or easement was explored which could be an issue as the property next door is on the lot line, if not encroaching over the lot line and it is not a preferred situation from Planning and Building's perspective. Staff explained that they also looked at angled parking in the front yard but the distance from the house to the lot line is less than the depth of a parking spot, as the depth of a parking spot is 20.0 feet and there is 14.9 feet existing. Staff explained that they also looked at turning the parking spots on the side in the front yard so that the length runs along the front property line, but the distance from the enclosed porch to the front lot line is 9.3 feet and the minimum width of a parking spot is about 10 feet, so one parking spot barely fits and you would need 20.0 feet from the porch to the front lot line. Staff explained that all those options were looked at and also from the perspective of the recent residential parking standards update, and unfortunately it is one of those situations where in this setting, there is no opportunity to locate the parking that is required on the lands. Committee Member Castanza explained that the applicant is requesting one parking space where two are required and if he has one parking space, and if there wasn't a second parking space, then it would be okay if Committee allows the variance. She further explained that he doesn't have to have to the two spaces, the property is on a bus route, and it is in walking distance of a lot of stuff. Committee Member Castanza explained that it is important that Committee try and work with the request since it is important to have more affordable housing. Committee Chair Chartrand asked staff if the current situation is legal non-conforming. Staff explained that even if they were to try and situate one parking spot on the property there isn't the sufficient 20.0 feet of depth to orient a parking spot north and south and there isn't sufficient width to orient it east and west. Staff explained that they looked at an angled parking space and passing a vehicle to the rear and in terms of the current status, this is a single detached dwelling that may not even have one parking spot that complies with the current Zoning By-law. Staff explained that in terms of legal non-complying, this lot has either one undersized parking spot or no parking spots and that could be what is legal non-complying. Staff explained that issue would be magnified by a second unit. Staff explained that it is a difficult and tight site and part of staff's review of these applications is looking at alternatives; if there was a way to fit a parking space onto the property Planning staff would have reached out to the applicant. Committee Member Dumont stated that he is sure that staff would have exhausted every scenario possible with the owner to look at those alternatives and unfortunately in this circumstance, even though Committee is supportive of affordable housing, applicants have to make sure that there is adequate parking and that it is in the right place and there are certain provisions that have to be met. He further expressed that people need to look at parking, snow removal, garbage, access, safety before they try and put in second or third units as all of those things are left out until they get to this point where Committee can't help them. The applicant explained that the shared driveway is more than 6.5 feet and the neighbour, whom he shares that driveway with, has told him that so long as he can move his snowblower from his garage to the front, he would be okay with him having a secondary parking spot where the shed is. The applicant explained that they did talk to the previous owner who owned the home for approximately 60 years, and they were parking one or two vehicles in the front, he doesn't understand why it wouldn't be legal non-conforming for one parking spot right now. He also stated that there are a lot of things within walking distance, such as the bus and food and there is a school, so his request is for two parking spots, but it would at least make sense to allow a secondary unit with no parking. The applicant explained that in Toronto is wife doesn't drive

or have a driver's license as she commutes, there are many places people can go without a car. Committee Member Castanza stated that as it is an older, established subdivision and there are a lot of issues with a lot of properties like this one, some people never make it legal, and this applicant is trying to make it legal, and she would like to try and make some accommodations to make it work for the applicant as it will be an affordable unit. Committee Member Laing commented that from his perspective there are other complications as well such as the curb. He commented that the applicant could have an agreement with the neighbour right now but what happens if that house is sold, and the new owner doesn't abide by that agreement. Committee Member Laing explained that he would be supporting staff's recommendation. Committee Member Coupal commented that there is only four-hour parking permitted on the road which can create a plowing issue and if the abutting lot is sold and the new owners don't want shared use than that will create more issues. Committee Chair Chartrand explained that he echoes the other Committee Member's concerns around snow removal, garbage, safety, and he is not in support of the application. Committee Member Dumont commented that he does not believe that a variance is the solution and suggested to the applicant that he obtain professional advice.

The following decision was reached:

DECISION:

THAT the application by:

NICHOLAS HUI
the owner(s) of PIN 02129 0053, Parcel 4850, Lot(s) 7, Subdivision M-93, Lot Pt 6, Concession 4, Township of McKim,
175 Jean Street, Sudbury

for relief from Part 5, Section 5.5, Table 5.5 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a secondary unit providing one (1) parking space, where two (2) parking spaces are required, be denied.

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 NOT minor in nature and is NOT 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 NOT maintained.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0007/2022

February 09, 2022

OWNER(S): TM QUALITY HOMES INC., 366 Fourth Ave Sudbury ON P3B 3S1

AGENT(S):

LOCATION: PIN 73577 0446, Parcel 15873 SEC SES, Lot Pt 11, Concession 3, Township of Neelon, 122A Fourth Avenue, Sudbury

SUMMARY

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

Application: Approval to construct a single-detached dwelling on the subject property with no frontage onto an assumed road and a lot frontage and front lot line at the street at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, February 03, 2022

Roads
No Concerns

Transportation and Innovation Support
No Concerns

Active Transportation
No Concerns

CGS: Building Services Section, February 02, 2022

No concerns.

Source Water Protection Plan, February 02, 2022

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. 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.

The Nickel District Conservation Authority, February 02, 2022

Conservation Sudbury does not object to Minor Variance A0007/2022. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site

SUBMISSION NO. A0007/2022 Continued.

that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

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

Greater Sudbury Hydro Inc., February 01, 2022

Applicant is cautioned that an appropriately sized and appropriately located easement in favour of Greater Sudbury Hydro Inc must be registered against title of all pertinent properties prior to bringing an electricity service to the subject property. This registered easement, and any costs thereto, will be acquired for Greater Sudbury Hydro Inc by the applicant.

CGS: Development Approvals Section, January 31, 2022

The variances being sought would facilitate construction of a single-detached dwelling on the subject lands that do not have any public road frontage on Fourth Avenue in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that there is an easement for access purposes that was established in 1952 along a private driveway to Fourth Avenue in favour of the lands. Staff would note that the variances are largely technical in nature and are intended to facilitate the issuance of a building permit that demonstrates compliance with the City's Zoning By-law. Staff has also reviewed the location of the single-detached dwelling on the submitted sketch and has no concerns with respect to any negative impacts on abutting residential properties. 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.

Ministry of Transportation, January 27, 2022

No concerns.

CGS: Development Engineering, January 26, 2022

No objection.

The applicant appeared before Committee and provided a brief explanation of the application.

The following decision was reached:

DECISION:

THAT the application by:

TM QUALITY HOMES INC.

the owner(s) of PIN 73577 0446, Parcel 15873 SEC SES, Lot Pt 11, Concession 3, Township of Neelon, 122A Fourth Avenue, Sudbury

for relief from Part 4, Section 4.3 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, in order to facilitate the construction of a single-detached dwelling providing, firstly, no frontage onto an assumed road, whereas no person shall erect any building on any lot that does not have frontage on an assumed road, and secondly, a minimum lot frontage of 0.0m and no front lot line at the street line, where 15.0m is required and where no lot shall have a front lot line less than 10.5m in length, measured at the street line, be granted.

SUBMISSION NO. A0007/2022 Continued.

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

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

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