



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0156/2021

January 12, 2022

OWNER(S): CANADIAN GROUP INC., 2354 Long Lake Road Sudbury ON P3E 5H5

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

LOCATION: PIN 73598 0017, Parcel 7542, Lot Pt 9, Concession 1, Township of McKim, 0 Southview Drive, Sudbury

SUMMARY

Zoning: The property is zoned H48R3-1(30) (Medium Density Residential) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit no more than one multiple dwelling on the subject property providing a height of 23.0m and 6-storeys and 60 dwelling units at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Site Plan Control, January 06, 2022

A site plan control agreement is not registered on this property. An application for site plan control is required for the proposed development as per the Memo of Understanding dated July 14, 2021 (PC2021-063). It is typically recommended that the applicant complete one circulation of the site plan control application process to identify any other possible minor variances that may be required prior to applying for a minor variance for the proposed development.

CGS: Infrastructure Capital Planning Services, January 05, 2022

Roads
No concerns.

Transportation & Innovation Support
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, January 04, 2022

Conservation Sudbury does not oppose Minor Variance Application A0156/2021 as the height and density of the proposed building is not germane to Conservation Sudbury. However, the proponent is advised that the approval of the above noted Minor Variance Application is separate from, and unrelated to, the review of any subsequent applications, particularly for Site Plan Control.

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 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

SUBMISSION NO. A0156/2021 Continued.

705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

Conservation Sudbury has released the "Conservation Sudbury Determination of Regulation Limits Reference Manual" which provides direction on how the limit of Ontario Regulation 156/06 is measured based on specific hazard(s) and on-site information. The Manual can be found on our website here: <https://bit.ly/3y55zD1>

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at bailey.chabot@conservationsudbury.ca.

CGS: Building Services Section, January 04, 2022

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

However, Owner to be advised of the following comments:

- 1) Multiple Dwelling containing 50 or more dwelling units require (1) loading space. Ensure to indicate a designated location on your Site Plan for Site Plan Control Agreement.
- 2) Dimensions of parking aisles, parking spots, driveway width, etc are all to be dimensioned on your Site Plan for Site Plan Control Agreement including details of the "enclosed parking".
- 3) Additional minor variances may be required upon submission of Site Plan Control Agreement.

Greater Sudbury Hydro Inc., December 22, 2021

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

CGS: Development Approvals Section, December 20, 2021

The variances being sought would facilitate the development of a multiple dwelling on the subject lands that have frontage on Southview Drive in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "H48R3-1(30)", Holding – Medium Density Residential Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands were recently rezoned in order to permit (File # 751-6/17-20) a multiple dwelling containing 32 residential dwelling units and a retirement home having a maximum of 80 guestrooms. The development proposal at the time of rezoning depicted each of the above noted land uses being situated within separate buildings where the owner is now proposing to construct one building being that of a multiple dwelling containing a total of 60 residential dwelling units. Staff notes that the should the owner pursue one building (ie. multiple dwelling having 60 residential dwelling units) on the lands as opposed to two buildings then it would allow for more of the lands to be preserved in their natural vegetated state. Staff views this as being desirable given that the lands also have water frontage on Robinson Lake. Staff also has no concerns with respect to negative impacts on abutting lands as it relates to the additional storey being added in order to provide for the multiple dwelling having a total of 60 residential dwelling units. Staff would however recommend that any decision by the Committee also preserve the former rezoning approval so as to ensure that a reasonable amount of land use and development flexibility remains on the lands. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Development Engineering, December 16, 2021

No objection.

The applicant's agent, Eric Taylor of Tulloch Engineering, appeared before Committee and explained that there are two variances being requested, the first to increase the building height from 5-storeys to 6-storeys and a corresponding increase in height from 19.0m to 23.0m, and the second variance to allow for 60 dwelling units to be located within one building. The agent explained that the current zoning on the property provides for a maximum of 32 dwelling units within buildings. The agent explained that when this matter was dealt with by Planning Committee and Council as part of the rezoning, there were two buildings that were proposed to be located, each with 32 dwelling units for a total of 64 dwelling units. The agent explained that the owners had an opportunity since then to look at this a little bit more and are now looking to accommodate all the dwelling units within one building with 60 units. The agent explained that there are advantages to this in terms of the reduced ground floor area on the property allowing for more landscaped area to be maintained. The agent explained that the actual footprint of the building from what was previously proposed would be reduced by about 23%, which allows for more infiltration and landscaped area to be maintained. The agent further explained that the owner is not looking to change anything with respect to the guestrooms that were permitted in a retirement home on the property, that was also included in the zoning which would allow up to 80 guestrooms for retirement home purposes in a building. The agent, referring to Planning staff comments, explained to Committee that staff is in support of the minor variance as it maintains the intent of the Official Plan for residential uses and the intent of the Zoning By-law as they are not looking to increase the number of residential units that are permitted on the property and the changes that are proposed are considered to be minor and provide for the appropriate development of the lands. The agent wanted to note that comments from Planning staff referred to 60 guestrooms for the retirement home use, but it is 80. Committee Chair Chartrand asked the agent if they received the comments from Building Services. The agent confirmed that he had and explained that it shouldn't present any issue for the owner as they move forward into the site plan as there is sufficient area in the landscaping on the site to locate the required loading space and they don't see any need for a variance. Staff advised that they would correct the comments as noted by the agent.

The following decision was reached:

DECISION:

THAT the application by:

CANADIAN GROUP INC.

the owner(s) of PIN 73598 0017, Parcel 7542, Lot Pt 9, Concession 1, Township of McKim, 0 Southview Drive, Sudbury

for relief from Part 6, Section 6.3, Table 6.5 and Part 11, Section 1, subsection 11, paragraph (dd), clause (ii), subclause (a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit no more than one multiple dwelling on the subject property providing, firstly, a maximum height of 23.0m and 6-storeys, where 19.0m and 5-storeys is permitted, and secondly, a maximum of 60 dwelling units, where 32 dwelling units per building is permitted, be granted.

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

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

<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. A0159/2021

January 12, 2022

OWNER(S): AMINA KHADEEJA HOLDINGS INC., 1500 Paris Street Sudbury ON P3E 3B8

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

LOCATION: PINs 73595 0203 & 73595 0020, Parcels 29355 SEC SES & 51633 SEC SES, Lot Pt 6, Concession 1, Township of McKim, 2050 Regent Street, Sudbury

SUMMARY

Zoning: The property is zoned C2 (General Commercial), R3-1 (Medium Density Residential) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to allow reduced landscaped area locations and location of parking on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Site Plan Control, January 06, 2022

A site plan control agreement is not registered on this property. An application for site plan control is required for the proposed development as per the Memo of Understanding dated May 5, 2021 (PC2021-039). It is typically recommended that the applicant complete one circulation of the site plan control application process to identify any other possible minor variances that may be required prior to applying for a minor variance for the proposed development. Note the plan provided shows proposed street trees within the municipal right of way. Due to the location of the existing utilities in this area, the proposed street trees may not be practical.

CGS: Infrastructure Capital Planning Services, January 05, 2022

Roads
No concerns.

Transportation & Innovation Support
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, January 04, 2022

Conservation Sudbury does not oppose Minor Variance Application A0159/2021 as it appears that the proposed development is outside of the regulatory flood associated with Lake Nepahwin. However, the proponent is advised that the approval of the above noted Minor Variance Application is separate from, and unrelated to, the review of any subsequent applications, particularly for Site Plan Control.

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. A0159/2021 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 has released the "Conservation Sudbury Determination of Regulation Limits Reference Manual" which provides direction on how the limit of Ontario Regulation 156/06 is measured based on specific hazard(s) and on-site information. The Manual can be found on our website here: <https://bit.ly/3y55zD1>

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at bailey.chabot@conservationsudbury.ca.

CGS: Building Services Section, January 04, 2022

Based on the information provided, Building Services has no concern with this application. However, the owner is to be advised of the following comments:

- 1) A building permit is required for any alterations to the building as per Ontario Building Code.
- 2) A building permit and sign permit are required for the erection of signs as per Sign By-Law 2021-111 and the Ontario Building Code.
- 3) A change of use permit is required for a change in major occupancy as per Ontario Building Code; a Record of Site Condition may be required dependent on the new Major Occupancy(s).
- 4) An additional minor variance may be required for parking requirements dependent on the new Major Occupancy(s).

Greater Sudbury Hydro Inc., December 22, 2021

No conflict.

CGS: Development Approvals Section, December 20, 2021

The variances being sought would facilitate the conversion of the existing building to a mixed use building on the subject lands that have frontage on Regent Street in Sudbury. The lands also have water frontage on Lake Nepahwin. The lands are designated both Mixed Use Commercial and Living Area 1 in the City's Official Plan and zoned "C2", General Commercial and "R3-1", Medium Density Residential under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the development proposal pertains to the front portions of the lands situated within the Mixed Use Commercial land use designation and the "C2" Zone. Staff has no concerns with the variances being sought but would note that the lands are subject to site plan control. Staff is therefore satisfied that the variances in combination with the utilization of site plan control on the lands will lead to the lands being redeveloped in a contextually appropriate manner. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Development Engineering, December 16, 2021

No objection.

The agent, Kevin Jarus of Tulloch Engineering, appeared before Committee and explained that currently this is the Covid testing site and these variances are to allow for adaptive reuse of the existing structure and they are looking to maintain the existing extent of the structure, no expansion but given the placement of the structure on the ground he explained that it is difficult to provide all of the landscaping strips while also providing sufficient and/or appropriate parking for the future retail use that will be established in the location. The agent explained that they are seeking relief for the landscape strip on the road greater than 10.0m to allow for the parking that is along the frontage of the property. The agent

explained that given the setback of the existing structure to the roadway they would not be able to provide parking along the front if they were to provide a 3.0m landscape strip. The agent further explained that parking for retail use is very important and at the same time is justification for the relief as Committee can see, referring to the sketch, that there is a relatively significant landscaped boulevard in front of the property in the City's right-of-way that could be re-vegetated or regreened through the future site plan control process for this property and they will be investigating that with staff, but there is still an opportunity for landscaping between the roadway and the property itself because of that existing boulevard. The agent explained that in terms of relief for the landscaping strip abutting residential, the right side of the sketch, there is a substantial parking area directly to the right of this building which services the large residential multiple dwelling on the right side of the sketch and they are asking for the landscaping strip to be reduced just along what is currently parking neighbouring the area that they would be reducing that landscape strip and it is his opinion that there would not be any landuse planning impacts from a compatibility perspective. The agent explained with regards to permitting commercial parking to be closer than 3.0m to any road having a width of more than 10.0m, is very much in line with the same rationale as reducing the 3.0m front yard landscaping strip. Staff showed a satellite view of the subject property on the screen. The agent explained the fourth variance to permit commercial parking more than 3.0m to a residential zone, the same residential zone on the right which was previously described, and they are not adjacent to any of the residential structures and they are looking to reduce the landscaping strip adjacent to what is currently a parking area and that is a product of the existing structures location. The agent explained that they would not be able to provide the required parking around the building along with a full circular drive aisle around the building if they do not reduce that 3.0m landscaping strip on the right side of the sketch. The Secretary-Treasurer advised that the City received written correspondence from area residents around this location. She advised that the first correspondence that was received was from Rod Jouppi of 0 Regent Street, a lakefront lot abutting the subject property, however staff did respond to his inquiry received no further comments from this resident. The second correspondence received was from Celeste Courville of 110 Este Drive requesting further clarification which staff provided and no further communication from this resident was received. The third correspondence was received from Nancy Piquette of 2000 Regent Street and she is opposed to the proposed reduction of greenspace and does not think it should be allowed. The fourth letter of concern was received from Akos Frich of 2000 Regent Street, and he objects to the elimination of landscaping strip of the south property line and he feels that with minor changes to the proposed parking the required landscaping strip can be maintained. The last letter of concern was received from Sudbury Condominium Corporation No. 6 of 2000 Regent Street and they are opposed to the variances being proposed. The Secretary-Treasurer confirmed that all the letters of concern were provided to Committee for their consideration in relation to this application. Committee Chair Chartrand asked the agent if he would like to address the concerns expressed by area residents. The agent explained that the variances are to address the location of the existing structure and they would not be able to provide the parking and that further, they did numerous iterations of the concept plan to see if they could accommodate parking while maintaining landscaping strips, however based on the setback of the existing building to the front lot line and the depth that's provided, they would not be able to provide the 6.0m deep parking spaces along with the 6.0m wide drive aisle that is required to access those parking spaces and that is why the front landscaping strip request has been made. The agent further explained that the reduction in the landscaping strip adjacent to the residential zone on the right side of the sketch, which would not be intersecting with 2000 Regent, is the condo to the north east of this property, it is largely in relation to the parking area and in his opinion as a professional planner, this meets the tests of a minor variance in terms of general intent of the Official Plan and the Zoning By-law and in his professional opinion these requests are minor in nature and appropriate for the development of the site. Committee Chair Chartrand asked staff to clarify the grassy and treed area indicated on the sketch near the road and whether that was on the property or in the City's right-of-way. Staff advised that a good majority of that is within the City's road allowance but requested the Chair to direct the question to the agent for further clarification. The agent confirmed that that is correct, that area is within the City's road allowance. Committee Chair Chartrand asked staff to show the satellite view of the property on the screen which staff did. Committee Chair Chartrand asked the agent, in relation to the Cedar Point Plaza and the landscaping along the front of that property, if that sight line continues along the front of the subject property. The agent explained that that would be the City's boulevard or right-of-way, but he couldn't say exactly where the property lines start and end on the aerial, but the property lines are in line with the Cedar Point Plaza. Committee Chair Chartrand asked the agent if his interpretation of the sketch was correct in that based on the sketch it seems like there would be grass and trees on the front, but the applicant is proposing to have their parking and drive aisle, and would it look like it looks now with no vegetation in the front. The agent explained that because it is the City's property the applicant couldn't beholden the City to enter into any kind of agreements or partnerships to reinstate or revegetate that portion of the right-of-way, which is not used for vehicular traffic, but because that real estate is available that it would be usable to enhance the general realm that they are working within especially given that the property is on Regent Street and a gateway corridor to the City. Committee Chair Chartrand asked staff if they were able to provide any clarification as the concerns from area residents seem to be that area at the road. Staff showed an aerial photo of the subject property with layers of data on top of each other

showing the extent of the lot boundaries, staff cautioned Committee that it does not perfectly align, but what is clear is the boulevard and the City's road allowance, which is the City's responsibility, is aligned with the extent of the parking lot of the plaza to the west and is a line that continues to the east.

The following decision was reached:

DECISION:

THAT the application by:

AMINA KHADEEJA HOLDINGS INC.

the owner(s) of PINs 73595 0203 & 73595 0020, Parcels 29355 SEC SES & 51633 SEC SES, Lot Pt 6, Concession 1, Township of McKim, 2050 Regent Street, Sudbury

for relief from Part 4, Section 4.15, subsection 4.15.1, paragraph e) and subsection 4.15.4, paragraph a), clause i) and Part 5, Section 5.2, subsection 5.2.4.3, paragraph c), clause ii) 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 1-storey building into a mixed use space, firstly, providing no landscaped area along the south lot line, where a 3.0 metre-wide landscaped area adjacent to the full length of a lot line shall be required abutting all public roads having a width greater than 10.0m, secondly, providing a 1.0 metre-wide planting strip along the east lot line, where a 3.0 metre-wide planting strip adjacent to the full length of the lot line shall be required where a non-residential lot abuts a residential lot or residential zone, and thirdly, to permit required parking within the front yard and corner side yard, where required parking is not permitted to be closer to any road having a width of more than 10.0 metres than 3.0 m in a commercial zone, be granted.

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

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

<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. A0160/2021

January 12, 2022

OWNER(S): CONSEIL SCOLAIRE CATHOLIQUE DU NOUVEL-ONTARIO, 201 Jogues Street Sudbury ON P3C 5L7

AGENT(S): BELANGER SALACH ARCHITECTURE, 255 Larch Street Sudbury ON P3E 4T1

LOCATION: PIN 02137 0075, Lot(s) 56, Subdivision 85S, Lot Pt 5, Concession 4, Township of McKim, 100 Levis Street, Sudbury

SUMMARY

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

Application: Approval to construct an addition with a canopy on the subject property providing a front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Site Plan Control, January 06, 2022

An application for site plan control is not required for the proposed addition; however, an application for site alteration is required for the proposed changes to the parking lot. Also, a Driveway permit is required for the proposed layby including further consultation with Technical Services and Infrastructure Capital Services as per our email to the owner and their consultant dated May 8, 2020.

CGS: Infrastructure Capital Planning Services, January 05, 2022

Roads
No concerns.

Transportation & Innovation Support
Staff do not support this application. The applicant does not have an approved road occupancy permit for the proposed work within and adjacent to the city right of way on Levis Street. We recommend that this application be deferred until the applicant has an approved set of drawings and a road occupancy permit for the proposed layby.

Active Transportation
No concerns.

The Nickel District Conservation Authority, January 04, 2022

Conservation Sudbury does not oppose Minor Variance Application A0160/2021. 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 natural features subject to Ontario Regulation 156/06.

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

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 has released the "Conservation Sudbury Determination of Regulation Limits Reference Manual" which provides direction on how the limit of Ontario Regulation 156/06 is measured based on specific hazard(s) and on-site information. The Manual can be found on our website here: <https://bit.ly/3y55zD1>

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at bailey.chabot@conservationsudbury.ca.

CGS: Building Services Section, January 04, 2022

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

However, Owner to be advised of the following comments:

1) A building permit for the construction of the canopy will need to be re-applied for through Building Services.

Greater Sudbury Hydro Inc., December 22, 2021

No conflict.

CGS: Development Approvals Section, December 20, 2021

The variances being sought would facilitate the construction of an addition with a canopy to the existing school building on the subject lands that have frontage on Levis Street and Bloor Street in Sudbury. The lands are designated Institutional in the City's Official Plan and zoned "I", Institutional under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The existing school building in this location maintains a front yard setback of 12.65 m (41.50 ft) whereas 10 m (32.81 ft) is required. The existing school entrance is accessed via a set of stairs whereas staff understands that the entrance addition with canopy has been designed in a manner that is intended to now provide barrier-free access into the school building. Staff notes that the entrance addition with canopy would also facilitate direct access to a new dedicated pick-up and drop-off lane. Staff is therefore of the opinion that some degree of relief is warranted in these circumstances. Staff has reviewed the design of the entrance addition and canopy and is satisfied that the proposed addition and canopy are reasonable and not excessive in nature. Staff therefore does not anticipate any negative land use planning impacts on abutting properties should the variances be approved. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Development Engineering, December 16, 2021

No objection.

The agent, Louis Belanger of Belanger, Salach Architecture, appeared before Committee and explained that they are seeking two minor variances for a project and the intent is to replace the existing exterior stairs that are currently at the school with a new at grade entrance so that barrier-free can be allowed at the front entrance. The agent further explained that as part of the project a new parent drop-off would be accommodated at the front of the school to address the current traffic pressures that are existing. The agent also acknowledged the comments that were provided by Traffic and Transportation regarding the encroachment of the school's layby onto the City's road allowance and they would like to suggest that through the detail design phase that they are going to undertake and the applications for permits that are going to be required, that adjustment to the layby would be addressed and the layby would be moved totally onto the school property to address their concern. The agent explained that the minor variance they are seeking would be the maximum encroachments that they would look to achieve and in the detail design phase they believe that by tweaking

the proposed addition they will easily be able to move all the components onto the school property. Staff advised caution to Committee as a minor variance is based on all of the information that Committee has in front of it when they make their decision, that includes everything from the application form, the numbers and the setbacks provided in that application form, to the drawing, the discussion that takes place, to the minutes, and the written decision that is issued by the Secretary-Treasurer, so staff's concern with this application would be based on the comments from Roads, that if the sketch submitted with the application changes in any way, even if it's made better, it is entirely possible that a re-application would be needed. Staff advised that if through conversation with Roads and Transportation and Innovation it ends up that no minor variance is required, then the variance decision that would be made by Committee now wouldn't be necessary at all, but if there is going to be an issue to comply with the by-law once this is amended, changed and altered it is entirely possible that this ends up back at Committee, and if that is where Committee thinks this might be going it would be best to defer the application or at least have the agent acknowledge that they are proceeding at their own risk and that they understand that there may be a future need for a new variance application. Committee Chair Chartrand asked the agent if they were looking for a decision or a deferral considering staff's comments. The agent explained that the school board would most likely be fine with a deferral but that a minor variance would still be required as there is no other location for this small addition within the setbacks that have been outlined. The agent further explained that they are looking at reducing either the addition or the sidewalk leading up to the addition by approximately two feet so they can locate all of the parking on the school board property, and that he doesn't think it's a significant issue, he thinks it is easily achievable and he would venture that the school board would want to proceed because the intent is that this work should occur this summer and therefore they would like to move on with this as soon as possible. Committee Chair Chartrand asked staff, referring to Development Approval's comments as they are suggesting approval, if that is still the case considering the comments from Roads and Transportation. Staff advised that as a development proposal and in terms of a minor variance and the four tests that staff applied, Development Approvals is prepared to support, but in light of the Roads comments, it would be wise to defer so that once this design is finalized those numbers are corrected and the City has one minor variance decision and that Committee doesn't have the school board coming back for a second application to adjust for two feet as that wouldn't resolve itself, there would be a need for a future minor variance if there is any alteration to what Committee approves tonight. Staff advised that they are prepared to support the minor variance that is in front of Committee and Development Approvals would most likely support a minor variance that adjusts the proposal by two feet in the future, but another application would be needed in the future if this was to proceed to an approval. Committee Chair Chartrand acknowledged that the applicants want to proceed with the project in the summer but believes that a deferral would not stop that from happening and asked the agent if he is looking for an approval today with the possibility of coming back in the future or would he like Committee to defer this to give him an opportunity to address comments. The agent asked for clarification as they are asking for a minor variance of a maximum distance and if the final design is less than that, he doesn't know that they would have to go back for an adjustment to that minor variance given that they would be less than what they were requesting. The agent also stated that time is of the essence as the school board would not undertake detailed drawings until this minor variance is accepted. The agent explained that they still must go out for tender, get the proposal approved and constructed in the summertime, which doesn't leave them much time given that we are already in January, but he stated that he would leave it to Committee to see if they believe that a deferral is required, and they will comply as they thought it was a minor element to address and would like to carry on at this point. Committee Chair Chartrand asked staff if the variance is less than what is approved, can an updated drawing be provided. Staff advised that there is good caselaw, Ontario Municipal Board decisions and Local Planning Appeal Tribunal decisions that do boil down to exactly what staff previously said which is that a decision that a Committee of Adjustment makes is based on all of the information that they have in front of them when they make their decision, so if the drawing changes from what Committee approved, if the measurements change on a drawing, that is not what Committee approved, it extends to things like pictures that might have been shown at the hearing, staff explained that it is everything that Committee had that forms their decision and caselaw has established that; even though the change might be minimal and may approve upon the variance that was request and approved, it represents a departure from what Committee approved. Staff provided an example to Committee to expand on the previous statement and advised that the case law has said that Committee's decision is based on everything that they have in front of them when they made the decision. Committee Member Dumont expressed support for staff's decision as it seems like the agent would like a decision made and state that if anything changes in the future they will have to figure that out at that time. Staff advised that they are fine with proceeding with a decision as staff is supporting the application.

The following decision was reached:

DECISION:

THAT the application by:

CONSEIL SCOLAIRE CATHOLIQUE DU NOUVEL-ONTARIO

the owner(s) of PIN 02137 0075, Lot(s) 56, Subdivision 85S, Lot Pt 5, Concession 4, Township of McKim, 100 Levis Street, Sudbury

for relief from Part 10, Section 10.3, Table 10.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an addition with a canopy providing, firstly, a minimum front yard setback of 6.92m, where 10.0 is required, and secondly, to permit the canopy to encroach 4.94m into the required front yard, where canopies may encroach 1.2m into the required front yard, be granted.

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

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

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