

SUBMISSION NO. A0108/2024

January 08, 2025

OWNER(S): YAN CHEN, 1069 Lakeshore Drive Sudbury ON 3B 1E3  
MARK PRYSTUPA, 1069 Lakeshore Drive Sudbury ON 3B 1E3

AGENT(S): CENTRELINE ARCHITECTURE, 158 Elgin St- Suite 201, Sudbury ON P3E 3N5

LOCATION: PIN 73582 0316, Surveys Plan 53R-18480 Part(s) 2 & Plan 53R-18658 Part(s) except 1, Lot Part 2 and 3, Concession 3, as in LT43488, Township of McKim, 1069 Lakeshore Drive, Sudbury

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### 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 permit an existing canopy attached to the existing dwelling and an existing gazebo with eaves on the subject property providing setbacks, encroachments, high water mark setbacks and shoreline structures at variance to the By-law.

Comments concerning this application were submitted as follows:

Source Water Protection Plan, January 08, 2025

No activity or activities engaged in or proposed to be engaged in on the above noted property are considered to be significant drinking water threats at this time. You may undertake the activity or activities described in your application and proceed to apply for a Building Permit or Planning Approval as they are neither prohibited nor restricted for the purpose of Part IV of the Clean Water Act, 2006.

CGS: Development Approvals Section, January 03, 2025

The purpose and effect of the application is to permit an existing canopy on a single detached dwelling and an existing gazebo with the following variances:

1. a minimum setback of 1.94 m between the gazebo and main building, whereas a 2 m setback is required;
2. a minimum interior side yard setback of 0.67 m for the gazebo, whereas a 1.2 m setback is required;
3. an eave encroachment for the gazebo of 0.3 m into the 0.67 m interior side yard setback, whereas 0.6 m encroachment is permitted in the 1.2 m setback, no closer than 0.6 m from the lot line; and
4. a minimum high water mark setback of 16.54 m for the canopy, whereas 30 m is required.

The subject lands contain a single detached dwelling with a canopy and two gazebos. The subject lands are serviced by a municipal water and sanitary connection and have access from Lakeshore Drive.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan, are zoned 'R1-5' Low Density Residential One within the City of Greater Sudbury Zoning By-law, are located within the Ramsey Lake Intake Protection Zone 9, and are regulated by the Nickel District Conservation Authority (NDCA).

Surrounding uses are low density residential and parks and open space in nature.

The lands were subject to a previous Minor Variance Application of the same nature in 2023, which was deferred by Committee requesting a more detailed concept plan and examination of the shoreline buffer area. The 2023 file lapsed in July of 2024. The applicant has submitted a new application with a more detailed concept plan and have included a letter of opinion on the vegetated buffer clearance being legal non-complying.

Staff have no concerns with the location of the gazebo as adequate space will be maintained between the dwelling and interior side yard for access and maintenance purposes. It is noted that gazebos are permitted within the high water mark setback and shoreline buffer area.

Environment and Strategic Planning identified that the canopy is located overtop of an area that is already removed of natural vegetation and as such does not have an objection to the canopy.

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

CGS: Infrastructure Capital Planning Services, January 02, 2025

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Engineering, January 02, 2025

No concerns.

Nickel District Conservation Authority, December 30, 2024

Conservation Sudbury does not object to the minor variance A0108/2024. Subject property contains areas regulated by Conservation Sudbury (see attached map) and future development in these areas requires permission of Conservation Sudbury.

Notes

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

CGS: Building Services Section, December 23, 2024

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

However, Applicant/Owner to be advised of the following comments:

- 1) Building Services acknowledges the receipt of associated building permit (B23-0469) for the legalization of a canopy addition. Please contact Building Services to discuss next steps for permit issuance.
- 2) A Building Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for the reconstruction of the gazebo.
- 3) Retaining walls measuring 1,0m or higher require a building permit application.

Greater Sudbury Hydro Inc., December 20, 2024

No objections.

CGS: Strategic and Environmental Planning, December 19, 2024

Staff of the City's Strategic and Environmental Planning Section are not opposed to the approval of this application as the proposed canopy is over an existing hard surface structure that had previously received the necessary permit. Staff strongly urge the owners to retain the naturally vegetated shoreline on the western half of their property for the lake benefits that it provides.

The following advice is provided for informational purposes only:

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

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

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

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

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

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

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

CGS: Site Plan Control, December 19, 2024

No objection.

Ministry of Transportation, December 18, 2024

I can confirm that the subject lots are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

The applicant's agent, Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the Application.

The Committee Members and Chair expressed support for the Application and staff recommendation.

The following decision was reached:

**DECISION:**

THAT the application by:

YAN CHEN AND MARK PRYSTUPA

the owner(s) of PIN 73582 0316, Surveys Plan 53R-18480 Part(s) 2 & Plan 53R-18658 Part(s) except 1, Lot Part 2 and 3, Concession 3, as in LT43488, Township of McKim, 1069 Lakeshore Drive, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Section 4.41, subsections 4.41.2 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing canopy on the single detached dwelling and existing detached gazebo with eaves the following: firstly, for the gazebo with eaves to provide a 1.94m setback from the main building, where gazebos are permitted no closer than 2.0m to the main building; secondly, for the gazebo with eaves to provide a 0.67m setback from the interior side lot line with eaves encroaching 0.3m into the 0.67m setback, where accessory buildings and structures greater than 2.5m in height shall be no closer than 1.2m from the side lot line and where eaves may encroach 0.6m into the required yard but no closer than 0.6m to the lot line; and thirdly, for the existing canopy to provide a 16.54m setback from the high water mark of a lake, where no person shall erect any residential building closer than 30.0m to the high water mark of a lake or a river, and where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

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

SUBMISSION NO. A0118/2024

January 08, 2025

OWNER(S): BRANDI SAVILLE, 817 Dominion Drive Sudbury ON P3P 0A6  
ERIC DUPUIS, 817 Dominion Drive Sudbury ON P3P 0A6

AGENT(S): CENTRELINE ARCHITECTURE, 158 Elgin St- Suite 201, Sudbury ON P3E 3N5

LOCATION: PIN 73504 2268, Parcel 17364 SEC SES, Lot Part 4, Concession 1, Township of Hanmer, 817 Dominion Drive, Hanmer

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SUMMARY

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

Application: Approval to construct a garage addition on the existing single detached dwelling providing an eave encroachment and setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, January 03, 2025

The purpose and effect of the application is to permit the construction of a 57.39 m<sup>2</sup> garage addition onto the existing single detached dwelling with the following variances:

1. an interior side yard setback of 1.2 m, whereas 3 m is required; and
2. an eave encroachment of 0.45 m into the 1.2 m interior side yard setback, whereas 0.6 m encroachment is permitted within the 3 m setback, no closer than 0.6 m from the lot line.

The subject lands contain a single detached dwelling and decks. The subject lands are serviced by a municipal water and sanitary connection and have access from Dominion Drive. The subject lands are designated 'Parks and Open Space' and 'Urban Reserve Expansion' within the City of Greater Sudbury Official Plan and are zoned 'RU' Rural within the City of Greater Sudbury Zoning By-law. Surrounding uses are rural in nature.

Staff have no concerns with the location of the proposed addition as adequate space will be maintained between the dwelling and interior side yard for access and maintenance purposes. It is also noted that a vegetative buffer exists along the western interior side lot line between the proposed addition and the abutting property to the west. Staff are of the opinion that the variances are considered to be minor in nature, are an appropriate use of the land, and meet the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

CGS: Infrastructure Capital Planning Services, January 02, 2025

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Engineering, January 02, 2025

No concerns.

Nickel District Conservation Authority, December 30, 2024

Conservation Sudbury does not object to the minor variance A0118/2024. Subject property contains areas regulated by Conservation Sudbury (see attached map) and future development in these areas requires permission of Conservation Sudbury.

Please note that Conservation Sudbury is currently completing a new floodplain study for the Whitson River watershed and results are expected in early 2025. The floodplain elevation at this location may change. The landowner is encouraged to consult with our office prior to the planning of future development for an update, and for direction regarding required approvals from our office.

**Notes**

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

CGS: Building Services Section, December 23, 2024

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

However, 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 the proposed attached garage addition & covered deck. Building Services may request further zoning relief at time of review

Greater Sudbury Hydro Inc., December 20, 2024

No objection - outside of our territory.

CGS: Strategic and Environmental Planning, December 19, 2024

No concerns.

CGS: Site Plan Control, December 19, 2024

No objection.

Ministry of Transportation, December 18, 2024

I can confirm that the subject lots are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

The applicant's agent, Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the Application. Committee Member Sawchuk asked the agent about the trees on the property and the agent advised that the trees were on the neighbouring property. Committee Member Sawchuk expressed support for the Application. Committee Members Castanza, Goswell and Murray and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

**DECISION:**

THAT the application by:

BRANDI SAVILLE AND ERIC DUPUIS

the owner(s) of PIN 73504 2268, Parcel 17364 SEC SES, Lot Part 4, Concession 1, Township of Hanmer, 817 Dominion Drive, Hanmer

for relief from Part 4, Section 4.2, Table 4.1 and Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a garage addition on the existing single detached dwelling providing a minimum interior side yard setback of 1.2m with eaves encroaching 0.45m into the proposed 1.2m setback, where 3.0m is required and where eaves may encroach 0.6 m into the required interior side yard but not closer than 0.6 m 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.

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

SUBMISSION NO. A0119/2024

January 08, 2025

OWNER(S): DALRON LEASING LIMITED , 130 Elm Street, Sudbury ON P3C 1T6

AGENT(S):

LOCATION: PIN 02135 0240, Lot(s) 5, 6, and Block B, Subdivision 3-SA, Lot Part 6, Concession 4, Township of McKim, 130 Elm Street, Sudbury

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SUMMARY

Zoning: The property is zoned C2(89) (General Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit reduced number of parking spaces on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, January 03, 2025

The purpose and effect of the application is to permit a minimum of 38 parking spaces, whereas 50 parking spaces are required.

The applicant has provided parking calculations based on the Zoning By-law, stating that the restaurant use requires 11 parking spaces based on the net floor area, and the office use requires 44 parking spaces based on the net floor area. Additionally, the subject lands abut a GOVA route and are subject to a 10% parking reduction, requiring a total of 50 parking spaces for the building. Parking calculations are included on the concept plan.

The subject lands contain a commercial building that contains an office use (Dalron Construction Ltd., Phoenix Audiology Services) and a restaurant (Knowhere Public House). There are 34 existing parking spaces located offsite on a parcel located across Varnier Lane from the subject lands, 17 existing parking spaces are located offsite at 19 Pine Street, and 4 parking spaces located on the subject lands for a total of 55 spaces. The applicant is seeking to maintain 38 parking spaces and remove the 17 parking spaces from 19 Pine Street.

It is noted that the subject lands were previously subject to a Minor Variance in 2019 to permit a minimum of 57 parking spaces. Since then, the parking ratio for restaurant changed from 1 parking space per 10 m<sup>2</sup> to 1 parking space per 12.5 m<sup>2</sup> and the 10% GOVA reduction came into effect. The current zoning standards require fewer parking spaces than the previously approved variance. Staff are evaluating the application against the current standards which require a minimum of 50 parking spaces.

The commercial building Phoenix Audiology Services hours of operation are Monday to Friday 9:00 am to 4:30 pm. Dalron Construction Ltd.'s hours of operation are Monday to Friday 8:00 am to 5:00 pm. Knowhere Public House's hours of operation are Tuesday 4:00 pm to 10:00 pm, Wednesday 4:00 pm to 11:00 am, Thursday 11:00 am to 11:00 pm, Friday and Saturday 11:00 am to 12:00 am, and Sunday 11:00 am to 5:00 pm. The applicant submitted parking count data from 12 days in 2024 at various times ranging from 9:30 am to 5:15 pm. During the days and times observed, the applicant has indicated that the maximum parking spaces occupied were just over half of the 38 spaces. Although, the applicant did not provide any sampling data from evening hours or weekends to capture the peak restaurant use, staff recognize that the office use and restaurant have differing hours of operation, and that the restaurant could utilize all 38 spaces during office closure hours.

The subject lands are designated 'Downtown' within the City of Greater Sudbury Official Plan and are zoned 'C2(89)' General Commercial Special within the City of Greater Sudbury Zoning By-law. Surrounding uses are commercial in nature.

Given the location of the subject lands being downtown along a transit route, the observed parking counts provided by the applicant, and the varied hours of operation of the uses, staff are supportive of the 38 parking spaces to accommodate the existing uses. Should the use of the building change in the future, parking would be examined at the time of change of use.

Staff are of the opinion that the variance is considered to be minor in nature, is an appropriate use of the land, 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 02, 2025

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 parking is prohibited at any time at Elm Street, College Street, and Pine Street; therefore, any overflow parking that may occur from this site will affect the neighboring property owners.

Active Transportation  
No concerns.

CGS: Development Engineering, January 02, 2025

No concerns.

Nickel District Conservation Authority, December 30, 2024

Conservation Sudbury does not object to Minor Variance A0119/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Building Services Section, December 23, 2024

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

However, Applicant/Owner to be advised of the following comments:

1) A search of our records indicates an incomplete change of use permit for the subject property for the conversion from office space to café (B19-0810). Please contact Building Services to proceed in closing this project.

Greater Sudbury Hydro Inc., December 20, 2024

No objections,

CGS: Strategic and Environmental Planning, December 19, 2024

No concerns.

CGS: Site Plan Control, December 19, 2024

Where parking is required on 19 Pine Street, the owner will be required to enter into a site plan control agreement.

Ministry of Transportation, December 18, 2024

I can confirm that the subject lots are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

The authorized agent for the Applicant, John Arnold, appeared before Committee. Committee Chair Dumont requested the agent to specifically address Transportation's comments and the agent addressed the comments in his summary of the Application to Committee.

The Committee Members and Chair expressed support for the Application and staff recommendation.

The following decision was reached:

**DECISION:**

THAT the application by:

DALRON LEASING LIMITED

the owner(s) of PIN 02135 0240, Lot(s) 5, 6, and Block B, Subdivision 3-SA, Lot Part 6, Concession 4, Township of McKim, 130 Elm Street, Sudbury

for relief from Part 5, Section 5.3, Table 5.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit a minimum of 38 parking spaces on the subject property, where a minimum of 57 parking spaces were approved under Minor Variance Application A0102/2019, 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.

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

SUBMISSION NO. A0120/2024

January 08, 2025

OWNER(S): DALE BONNIS, 28 Cedar St PO Box 200 Coniston ON P0M 1M0

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

LOCATION: PINs 73560 0399 & 73560 0897, Parcel 4364 and 1880 SEC SES, Lot(s) 62 and 63, Subdivision M-23, Lot Part 2, Concession 3, Township of Neelon, 32 East Street, Coniston

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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 detached accessory building containing an additional dwelling unit with balcony providing eaves encroachment, height, setbacks, accessory lot coverage and minimum building separation at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, January 03, 2025

The purpose and effect of the application is to permit the construction of a 178 m<sup>2</sup> accessory building containing an additional dwelling unit with the following variances:

1. a minimum front yard setback of 2.82 m, whereas a minimum of 6 m is required;
2. an eave encroachment of 0.3 m into the 2.82 m front yard setback, whereas eaves may encroach 0.6 m into the required 6 m setback, no closer than 0.6 m to the lot line;
3. a minimum setback of 1.9 m between the main building and additional dwelling unit, whereas the minimum separation distance is 2.4 m;
4. a maximum total lot coverage for all accessory buildings of 28%, where the maximum permitted is 25%; and
5. a maximum height of an accessory building containing an additional dwelling unit of 8.4 m, whereas the maximum permitted is 8 m.

The lands contain a 74 m<sup>2</sup> single detached dwelling and two accessory buildings, one of which has been identified by the applicant as being removed. The lands are serviced by a municipal water and sanitary connection and have an existing access from East Street. The additional dwelling unit will need to be connected to the service lines of the main dwelling to City specifications, and access will be from a shared driveway. Only one driveway is permitted per residential lot.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan, are zoned 'R1-5' Low Density Residential One within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are low density residential in nature.

An additional dwelling unit is defined within the zoning by-law as an additional dwelling unit that is ancillary to the main dwelling unit that may be contained within the main building on a lot and/or in an accessory building. The zoning by-law permits one main dwelling and two additional dwelling units within the existing dwelling or one within an accessory building and two in the main dwelling for a total of three dwelling units on urban parcels of land located within the settlement area boundary on full municipal services. Additional dwelling units shall only be permitted in the rear and interior side yards. The additional dwelling unit in an accessory building must adhere to accessory building standards. 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.

Staff have no concerns with the proposed 0.4 m increase in height as it will not exceed the height of the dwelling and it remains subordinate to the maximum height permitted for main buildings in the R1-5 Zone being 11 m. Staff have no concerns with the additional 3% lot coverage for accessory buildings as adequate rear yard amenity space will be maintained and adequate space is provided around the building for maintenance and access purposes. Additionally, the overall lot coverage for all buildings and structures is being maintained as a result of the new building. Staff have no concerns with the separation distance between the main dwelling and additional dwelling unit; however, it is noted that additional fire safety requirements may be required through the building permit process.

The applicant's intent is to have the additional dwelling unit align with the setback of the existing dwelling and have identified the required parking spaces within the garage of the additional dwelling unit. As an advisory comment, the Roads Department has identified that the driveway depth/front yard setback would not accommodate the average length of a vehicle and have concerns with vehicle overhang onto the City's right of way. The applicant should consider locating the building further setback from the front property line to accommodate vehicles in the event that the garage is not used for parking of vehicles for both the single detached and the additional dwelling unit. Parking that is accessed through the rear lane way would not be supported as it is not year-round maintained by the City, and the separation distance between the single detached dwelling and additional dwelling unit is not wide enough to accommodate a vehicle to the rear of the property from East Street. Although the applicant has demonstrated minimum parking space standards within the garage, further consideration should be had on the shared driveway, parking, and building setback prior to building permit submission.

As an advisory comment, the Nickel District Conservation Authority (NDCA) advised that a permit will be required from their office prior to issuance of building permit.

The lands are located within the MTO'S Permit Control Area. MTO has advised that a building/land use permit is required, as such, staff have included a condition to that effect within the resolution.

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

CGS: Infrastructure Capital Planning Services, January 02, 2025

Roads  
No concerns.

Transportation and Innovation Support

We note from the sketch provided that the proposed dimensions of the existing driveway adjacent to the proposed detached garage is 2.8m. The owner understands that if a vehicle was to park in front of the garage, it will overhang on the City's right of way.

Active Transportation  
No concerns.

CGS: Development Engineering, January 02, 2025

No concerns. A design lot grading plan will be required for review and approval through the building permit review process.

Nickel District Conservation Authority, December 30, 2024

Conservation Sudbury does not object to the minor variance A0120/2024. Subject property contains areas regulated by Conservation Sudbury (see attached map) and future development in these areas requires permission of Conservation Sudbury.

Notes

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

CGS: Building Services Section, December 23, 2024

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

However, 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 the proposed detached garage with an additional dwelling unit.

2) A Demolition Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for the demolition of the existing detached garage.

Greater Sudbury Hydro Inc., December 20, 2024

All structures, equipment and personnel must maintain proper clearance from energized electrical conductors and apparatus as per the latest edition of the Ontario Electrical Safety Code.

CGS: Strategic and Environmental Planning, December 19, 2024

No concerns.

CGS: Site Plan Control, December 19, 2024

No objection.

Ministry of Transportation, December 18, 2024

The subject lands for application A0120/2024 are within the MTO's PCA; and therefore, are subject to review under the Public Transportation and Highway Improvement Act R.S.O. 1990 and will require proper MTO permits. MTO supports the proposed minor variance in principle, with the following comments to consider:

- An MTO building/land use permit will be required for the placement of any buildings or structures on the subject lot.
- Any future development or change in land use must be subject to MTO review.

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

The applicant's agent, Sherry Dexter, appeared before Committee and provided a summary of the Application. The Secretary-Treasurer advised Committee that an email of concern was received from an area resident and confirmed Committee's receipt of the email on Monday, January 6, 2025.

The agent advised Committee that the Application was for a front yard setback variance not a side yard variance and they would be in compliance with the side yard setback and eave encroachment. She also advised Committee that the sewer connection for the additional dwelling unit would be from the existing dwelling.

Committee Member Goswell asked staff to explain the parking and rear laneway comments provided by Development Approvals and staff advised Committee that the comments were advisory only in the event parking were to occur on the City's right-of-way. Committee Member Goswell expressed support for the Application.

Committee Member Sawchuk asked the agent if there were any obstacles preventing the building from being moved back. Committee Chair Dumont added that he was familiar with the area and that there are issues with snow removal and requested the agent how they would accommodate that. The agent advised Committee that the building will accommodate 4 parking spaces, a utility room, washroom, and stairs to the second-storey unit. She advised that there will be a 12x8 foot garage door under the proposed balcony for drive-thru to allow for parking in the rear yard. She also advised that snow would be moved to the front yard of the existing dwelling. Committee Member Sawchuk expressed support for staff's recommendation.

Committee Member Murray expressed support for staff's recommendation. Committee Member Castanza asked the agent to confirm the setback between the proposed building and existing building and the agent advised that it would be 1.9m. Committee Member Castanza stated that it would be tight for a vehicle to access the rear yard and the agent advised that they wouldn't be able to.

The following decision was reached:

**DECISION:**

THAT the application by:

DALE BONNIS

the owner(s) of PINs 73560 0399 & 73560 0897, Parcel 4364 and 1880 SEC SES, Lot(s) 62 and 63, Subdivision M-23, Lot Part 2, Concession 3, Township of Neelon, 32 East Street, Coniston

for relief from Part 4, Section 4.2, Table 4.1 and subsection 4.2.10.3 (c), (g), and (h) and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit a detached accessory building containing an additional dwelling unit with balcony providing, firstly, a minimum front yard setback of 2.82m with eaves encroaching 0.3m into the proposed 2.82m setback, where 6.0m is required and where eaves may encroach 1.2 m into the required front yard but not closer than 0.6 m to the lot line, secondly, a minimum 1.9m setback from the main building, where 2.4m is required, thirdly, a maximum accessory lot coverage of 28%, where the maximum lot coverage shall not exceed 25% on a parcel of urban residential land, and fourthly, a maximum height of 8.4m, 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 variances are minor in nature and are desirable for the appropriate development and use of the land and Buildings. The general intent and purpose of the By-Law and the Official Plan are maintained. Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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