



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0082/2021

July 21, 2021

OWNER(S): 5010889 ONTARIO INC, 560 Skead Rd Sudbury ON P3L 1N2

AGENT(S):

LOCATION: PIN 73374 0156, Parcel 12615, Lot(s) 44, Subdivision M-297, Lot 2, Concession 1, Township of Waters, 21 Uphill Road, Lively

SUMMARY

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

Application: Approval to construct a two-storey seasonal dwelling and attached covered deck on the subject property with eaves and a side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Engineering, July 20, 2021

Revised: Eaves Encroachment Condition:

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 0.6 m (1.9 ft) from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

CGS: Infrastructure Capital Planning Services, July 16, 2021

Roads

No concerns.

Transportation & Innovation

No concerns.

Active Transportation

No concerns.

CGS: Development Approvals Section, July 15, 2021

The variances being sought would facilitate construction of a seasonal dwelling with a covered deck on the subject lands that have water frontage on Long Lake in Lively. The lands also have public road frontage on Uphill Road. The lands are zoned "SLS", Seasonal Limited Service under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands form an legal existing undersized lot of record having approximately 15 m (49.21 ft) of lot frontage on Uphill Road and Long Lake whereas 45 m (147.64 ft) is required in the "SLS" Zone. Staff acknowledge in this respect that some degree of relief is therefore warranted given the narrowness of the lots that exist along this portion of Uphill Road, as well as the sloping topography that exists on the lands toward Long Lake. Staff is satisfied that the reduced interior side yard setbacks being sought are not excessive and would still allow for sufficient area on both sides of the proposed seasonal dwelling to access the rear yard. Staff also note that the residential dwellings in the general area tend to have similar interior side yard setbacks on similarly legal existing undersized lots of record. Staff has no concerns with the eaves variance. There was also a previous minor variance approval (File # A0021/2019) applicable to the lands that would facilitate an attached garage addition to an existing single-detached dwelling. Staff notes that the previous variance granted a 1 m (3.28 ft) interior side yard setback whereas the current

application involving construction of a new single-detached dwelling seeks an interior side yard variance to 1.8 m (5.91 ft) whereas 3 m (9.84 ft) is required. 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: Building Services Section, July 14, 2021

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

1) Our research indicates there may be accessory structure(s) located on the property that have not been reflected on the site plan submitted. Owner to be informed that any structure 10 m² (108 ft²) in area or more requires a building permit. Accessory structures shall be removed or legalized with building permit documents to the satisfaction of the Chief Building Official. Public Health approval will also be required at the time of building permit. Each structure must also comply with the requirements of the CGS Zoning By-Law 2010-100Z. If requirements of the CGS Zoning By-Law 2010-100Z cannot be met, a minor variance may be required.

Also, it appears an accessory structure has been built within a designated flood plain. Owner to be informed that if building on a flood plain, approval from Conservation Authority is required.

Building Services requests that the Owner verify all accessory structures on the property as this will also impact the calculations associated with total lot coverage and accessory lot coverage. Further minor variance may be required.

2) Our research reflects a retaining wall on the property that was built without benefit of a building permit. Owner to be informed that retaining walls greater than 1 m in height require a Building Permit to the satisfaction of the Chief Building Official as well as an Engineer's design in accordance with OBC Div A, Part 1 Section 1.1.2.2. Owner to verify dimensions and location of retaining wall. In accordance with Section 4.1 of the CGS Zoning By-Law 2010-100Z, all setbacks are to be met. A minor variance may be required.

3) Building Services acknowledges an associated Building Permit for this project under #21-0803.

Given the above information, as further Minor Variances may be required, Building Services recommends deferral of this application until such time that the Owner can provide a survey that reflects all buildings and structures (including the retaining wall) on the property so that we may evaluate and verify all building permit requirements and associated CGS Zoning By-law requirements.

The Nickel District Conservation Authority, July 14, 2021

While Conservation Sudbury does not oppose Minor Variance Application A0082/2021 as the application is to permit increased eaves encroachment and reduced side yard setbacks. However, it does appear that the proposed development will be within a regulated area. As such, the proponent is advised that a permit may be required for the proposed seasonal dwelling and any associated development. '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), and the erection of a building or structure.

Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please find our application form on our website at conservationsudbury.ca. Please note that a building permit cannot be issued in a regulated area without the permission of Conservation Sudbury, so please contact our office early in the process.

Notes

The proponent is advised that development in the floodplain is prohibited in most circumstances. Please ensure all development is outside of the floodplain.

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

CGS: Site Plan Control, July 09, 2021

No concerns.

CGS: Development Engineering, July 08, 2021

Eaves Encroachment Condition:

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 0 m (0 ft) from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

CGS: Environmental Planning Initiatives, July 07, 2021

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 Long Lake, Township of Waters, 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 Long Lake in 2008, 2011, 2012, 2013, 2014, 2016 and 2019.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments 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 30 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.
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.

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).

The agent appeared before Committee and explained that they are relocating the home on the property. The agent explained that a variance was already granted to allow the property to be closer to the lot lines however they found that it would be easier to demolish the existing dwelling and build a new home. The Secretary-Treasurer advised that the City received correspondence from Alicia Woods for her own household of 15 Uphill Road as well as two other households being 23 Uphill Road and 25 Uphill Road, and confirmed that the same were circulated to Committee prior to the meeting. The Secretary-Treasurer advised that the concerns expressed related to the encroachment on the property lines, size of the seasonal dwelling, the position of the dwelling on the lot and the site preparation. The agent explained that they are repositioning the home in the current layout of the land, keeping the same slope but pushing it forward away from the original home. The agent explained that they were instructed by the City that the home was not to be built on the premises that they had and the City didn't want it to be built on the condemned home. Committee Member Dumont asked staff to comment on Building Services comments and recommendation to defer. Staff advised that Building Services had noted accessory structures on the lot for which they did not have information on and their comments are therefore cautionary in nature. Staff recommended that Committee ask the agent to advise on what was being done with those accessory structures. Committee Member Dumont asked the agent and the agent confirmed that they obtained a demolition permit and they have removed all of the structures from the lot. Committee Member Dumont asked the agent if they would require further variances and the agent confirmed that they would not and the agent advised that the lot was empty. Committee Chair Chartrand, referring to the letter of concern, asked staff to confirm the lot coverage. Staff explained that Building Services advised that the property complied with SLS zoning requirements in terms of lot coverage. Staff advised that the lot was an undersized and legal existing lot of record in the City's Zoning By-law and as a result that allows for an increase in lot coverage up to 25% of the lot, not 10%. Committee Chair Chartrand also requested staff to comment on the drainage concerns noted in the letter of concern. Staff advised that the review of the drainage would be done through the Building Permit process. The agent explained that the property was lower than the abutting properties and the abutting properties drain onto the subject property and that was something that they are rectifying based on the instructions received.

The following decision was reached:

DECISION:

THAT the application by:

5010889 ONTARIO INC

the owner(s) of PIN 73374 0156, Parcel 12615, Lot(s) 44, Subdivision M-297, Lot 2, Concession 1, Township of Waters, 21 Uphill Road, Lively

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 two-storey seasonal dwelling and attached covered deck providing eaves to encroach 0.6m into the required yard, where eaves may only encroach 1.2m into the required yard but not closer than 0.6m to the lot line, and also, a minimum side yard setback of 1.8m, where 3.0m is required, be granted.

SUBMISSION NO. A0082/2021 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.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0087/2021

July 21, 2021

OWNER(S): TERI DAWE, 160 Third Avenue Sudbury ON P3B 3P8
RYAN HICKEY, 160 Third Avenue Sudbury ON P3B 3P8

AGENT(S): 3RD LINE STUDIO INC., 289 Cedar Street, Suite 300, Sudbury, ON P3B 1M8

LOCATION: PIN 73572 0454, Parcel 14795, Survey Plan SR-908 Part(s) 3, Lot 11, Concession 4, Township of Neelon, 160 Third 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 permit a second driveway on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 16, 2021

Roads

No concerns.

Transportation & Innovation

We do not support this application. Access to the rear of the property should be provided from the existing driveway.

Active Transportation

No concerns.

Source Water Protection Plan, July 15, 2021

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, July 15, 2021

The variance being sought would facilitate the placement of a second driveway on the subject lands that have frontage on Third Avenue in Sudbury. The lands are zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the submitted sketch indicates that the second driveway would be situated to the north of the existing residential dwelling and appears to be intended to provide access to landscaped open space in the rear yard. Staff notes that the existing driveway is situated to the south of the existing residential dwelling on the lands and provides access to a detached garage. Staff is not supportive of the variance request and would advise that the addition of a second driveway in this location would introduce an additional and unnecessary conflict point between vehicles ingressing and egressing from the proposed secondary driveway and vehicles, pedestrians and cyclists traveling along Third Avenue. The proposed second driveway would also be immediately to the south and in close proximity to an existing primary driveway giving access to those lands known municipally as 172 Third Avenue. Staff recommends that the variance be denied as it is not minor, not appropriate development for the area and the intent of both

SUBMISSION NO. A0087/2021 Continued.

the Official Plan and Zoning By-law are not maintained.

The Nickel District Conservation Authority, July 14, 2021

Conservation Sudbury does not oppose Minor Variance Application A0087/2021. 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 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 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 bailey.chabot@conservationsudbury.ca.

CGS: Building Services Section, July 14, 2021

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

Greater Sudbury Hydro Inc., July 12, 2021

No concerns.

CGS: Site Plan Control, July 09, 2021

No concerns.

CGS: Development Engineering, July 08, 2021

No objection.

The owner appeared before Committee and provided a brief explanation of the application. The Secretary-Treasurer advised that the City received correspondence from the abutting landowner Dwayne Hart, and confirmed that the same was circulated to Committee prior to the meeting. The Secretary-Treasurer advised that the concerns expressed related to drainage and the existing catchbasin and concrete pipe situated where the driveway was being proposed as well as dust that may be created from the driveway. The owner advised that the neighbour's property sits higher than her property and his property drains onto hers. The owner also advised that a portion of her property was sold to that neighbor in order for him to expand his driveway and the easement that was existing was no longer there. The owner further advised there was an easement with the other neighbor and that their current driveway was only a couple of feet from that neighbour. Committee Member Castanza explained that she did a site visit and with the driveway being to the left of the house she had a problem having the two driveways on the property and it was her understanding that there was a rule around second driveways and she therefore supported staff's recommendation. Committee Member Dumont asked the owner if she had an opportunity to review the comments from staff. The owner confirmed that she had reviewed the comments and found no concerns other than staff not supporting the second driveway. The owner explained that if they did expand the existing driveway they would have to dismantle the existing shed and carport. Committee Member Dumont expressed understanding of what the intention was behind the application but was not able to support it and agreed with staff's recommendation. Committee Chair Chartrand advised that he echoed the other Member's comments.

The following decision was reached:

DECISION:

THAT the application by:

TERI DAWE AND RYAN HICKEY

the owner(s) of PIN 73572 0454, Parcel 14795, Survey Plan SR-908 Part(s) 3, Lot 11, Concession 4, Township of Neelon, 160 Third Avenue, Sudbury

for relief from Part 5, Section 5.4, subsection 5.4.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit a second driveway, where only one driveway is permitted per lot for residential dwelling units, 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. The general intent and purpose of the By-Law and the Official Plan are maintained.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0088/2021

July 21, 2021

OWNER(S): DALRON CONSTRUCTION LTD., 130 Elm Street, Sudbury, ON P3C 1T6

AGENT(S):

LOCATION: PIN 73597 0813, Lot(s) 22, Subdivision 53M-1439, Lot 6, Concession 1, Township of McKim, 22 Tucana Terrace, 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 allow a single detached dwelling on the subject property providing a front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 16, 2021

Roads
No concerns.
Transportation & Innovation
No concerns.
Active Transportation
No concerns.

CGS: Development Approvals Section, July 15, 2021

The variance being sought would facilitate construction of a single-detached dwelling having frontage on Tucana Terrace in Sudbury. The lands are zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The variance would allow for a reduced minimum front yard setback of 5.7 m (18.70 ft) whereas 6.0 m (19.69 ft) is required in the "R1-5" Zone. Staff has no concerns with the proposed front yard setback and would note that it amounts to a difference of 0.3 m (0.98 ft), which is not expected to have any negative land use planning impacts on abutting residential properties or the existing residential character that exists along Tucana Terrace. 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.

The Nickel District Conservation Authority, July 14, 2021

Conservation Sudbury does not oppose Minor Variance Application A0088/2021. 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 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 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. A0088/2021 Continued.

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 bailey.chabot@conservationsudbury.ca.

CGS: Building Services Section, July 14, 2021

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

Greater Sudbury Hydro Inc., July 12, 2021

No concerns.

CGS: Site Plan Control, July 09, 2021

No concerns.

CGS: Development Engineering, July 08, 2021

No objection.

The agent appeared before Committee and explained that there was a field error wherein the setback was input at 5.7m, where 6.0m is required and they are therefore seeking relief to allow that in order to construct the building.

The following decision was reached:

DECISION:

THAT the application by:

DALRON CONSTRUCTION LTD.

the owner(s) of PIN 73597 0813, Lot(s) 22, Subdivision 53M-1439, Lot 6, Concession 1, Township of McKim, 22 Tucana Terrace, Sudbury

for relief from 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, in order to facilitate the construction of a single detached dwelling providing a minimum front yard setback of 5.7m, where 6.0m is required, be granted.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0089/2021

July 21, 2021

OWNER(S): KYNBA TRICKEY, 3712 Timberview Rd Bonnington BC VOH 2G3

AGENT(S): ROGER POITRAS,

LOCATION: PIN 73583 0375, Lot 4, Concession 3, Township of McKim, 539 Howey 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 allow a reduced number of parking spaces for a duplex dwelling on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 16, 2021

Roads

No concerns.

Transportation & Innovation

We are unable to support this application. As detailed in the Official Plan, this segment of Howey Drive requires a 30 metre right-of-way. Currently, Howey Drive in this area has a 20 metre right-of-way width which results in an additional 5 metres of property being required from each side of Howey Drive for future road projects. For example, due to future development in the area, the installation of a centre left turn lane will be required in this area. In order to construct the centre left turn lane the City will need to acquire all or some of the additional 5 metre right-of-way width from the property owners.

In regards to this application, the current legal required parking space is within the garage and there is approximately 8.3 metres between the residence and the property line. When widening of Howey Drive occurs and property is acquired there will likely be less than the required 6 metre parking space length in the front yard and insufficient space for a vehicle to park. It is for this reason we are unable to support this application.

Active Transportation

No concerns.

CGS: Development Approvals Section, July 15, 2021

The variance being sought would facilitate the conversion of a single-detached dwelling to a duplex dwelling on the subject lands that have frontage on Howey Drive in Sudbury. The lands are zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The lands were previously the subject of a minor variance application (File # A0013/2021) that was denied by the Committee on March 17, 2021. The previous application sought to permit two required parking spaces to be situated in the front yard. The current application seeks to reduce the required number of parking spaces for a duplex dwelling from two parking spaces to one parking space. Staff notes that the one parking space that is proposed would be situated within the existing attached garage and as such there would be no required parking spaces located within the required front yard. Staff acknowledges that the current application certainly represents an improvement over the prior application, but remain unable to support the overall development proposal that would result in less than one parking space per residential dwelling unit on the lands. Staff recommends that

SUBMISSION NO. A0089/2021 Continued.

the variance be denied as it is minor, not appropriate development for the area and the intent of the Zoning By-law is not maintained.

The Nickel District Conservation Authority, July 14, 2021

Conservation Sudbury does not oppose Minor Variance Application A0089/2021. 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 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 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 bailey.chabot@conservationsudbury.ca.

CGS: Building Services Section, July 14, 2021

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

- 1) Although the proposed (1) parking space is not reflected on the submitted plot plan, we acknowledge (1) required parking space as legal non-conforming in accordance with the applicable Zoning By-law at the time the dwelling was constructed in 1960. For this reason, we have no concerns with the proposed parking.
- 2) Owner to be advised that although a duplex dwelling is permitted within an R2-2 (Low Density Residential Two) zone, the proposed duplex does not meet the required minimum lot area of 230.0 m² per unit as outlined in Section 6.3 of the CGS Zoning By-Law 2010-100Z. A minor variance will be required for the minimum lot area per unit.
- 3) Our records indicate an incomplete permit for the property for weeping tiles (B20-2036). Please contact Building Services to proceed in closing this project.
- 4) Building Services acknowledges a building permit for the proposed interior alterations to convert a single family dwelling into a duplex under permit #B21-0188.

Greater Sudbury Hydro Inc., July 12, 2021

No concerns.

CGS: Site Plan Control, July 09, 2021

No concerns.

CGS: Development Engineering, July 08, 2021

No objection.

The agent appeared before Committee and explained that they are trying to convert the existing home into a duplex. The agent explained that the intention was to rent to students as there was a bus stop across the street as well as another bus stop down the street. The agent also explained that there was a side entrance with a walkway and they hope that Committee approves the variance. Committee Member Castanza asked staff if there were new standards coming regarding tandem parking due to the age of the building. Staff advised that the City was currently reviewing parking standards and the changes that the Committee Member was referring to are not in full force and effect as Planning Committee and Council have not made a decision. Staff further advised that tandem parking was not currently permitted in the Zoning By-law in a manner that could be utilized by the applicant. Committee Member Castanza asked staff, referring to the parking spot in the garage and the parking spot in front of the garage, if that accounted for the two parking spots. Staff advised that the parking spot in front of the garage blocks access to the other parking spot in the garage and was also in the required front yard and for the purposes of by-law compliance it does not demonstrate compliance. Committee Member Dumont asked the agent if they reviewed the comments prior to the hearing and the agent confirmed that he had. Committee Member Dumont explained that the comments received were to deny the application and also explained how the comments received from Infrastructure Capital Planning influenced his thoughts on a decision in supporting staff's recommendation. The agent explained that he was not seeking a parking spot in the driveway and wants the second unit to be approved without a parking spot as public transit was available. Committee Member Dumont asked staff to clarify Infrastructure Capital Planning's comments. Staff advised that there was a previous variance application for the subject property requesting front yard parking for which Committee denied that application. Staff advised that this was a reapplication with the result being a duplex dwelling, however this application was seeking a reduction in a parking space. Staff advised that the previous application was for two parking spaces, one of which was going to be in the front yard, and this time the ask was to provide one parking space where two spaces are required with the one space being in the attached garage. Committee Member Dumont explained to the agent that there would potentially be issues with visitor parking due to the Howey Drive improvements and could not support the variance. Committee Member Castanza asked staff how a future owner would know that there was only one parking space available. Staff explained that variances carry with the land, not with owners and a lawyer could request that information from the City as part of their due diligence and zoning checks in the purchase of the property. Committee Chair Chartrand asked staff to confirm that the property would still require relief for the front yard parking if tandem parking was allowed. Staff did not want to speculate on that possibility as that issue was still before Planning Committee and Council, however there still would be a question of whether or not tandem parking would be allowed in the required front yard. Staff advised that the applicant was proposing to convert a single detached dwelling to a duplex dwelling and the current Zoning By-law requires that each of those units must provide one parking spot. Staff explained that the application was to provide one parking spot in the garage and the relief being sought was to provide no second parking spot. Staff advised that tandem parking was under review but currently the Zoning By-law allows tandem for secondary dwelling units, not duplex dwellings. Staff advised that if this was to be treated as a secondary dwelling unit that tandem spot would be in the required front yard and a variance would be required. Staff advised that the review currently being done was a general parking review for residential built-forms across the City. Committee Chair Chartrand requested staff to speak to Building Services' comments around the lot area. Staff advised that each dwelling unit would require 230.0m² of lot area which would mean that in order to have duplex dwelling on the land you would need 460.0m², whereas the property only provides 444.0m², so Buildings comments were correct in that a second variance would be required. Staff advised that in the event Committee approves the application then a second variance would be required, however that would not materially change the position of Development Approval and would most likely not change the comments from Roads and Traffic and Transportation. Committee Chair Chartrand explained his position and why he could not support the variance and agreed with staff's comments. Committee Member Laing explained that he was in agreement with staff's comments.

The following decision was reached:

DECISION:

THAT the application by:

KYNBA TRICKEY

the owner(s) of PIN 73583 0375, Lot 4, Concession 3, Township of McKim, 539 Howey Drive, 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, in order to convert a single detached dwelling to a duplex dwelling providing one (1) parking space, where two (2) parking spaces are required, be denied.

SUBMISSION NO. A0089/2021 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 not minor in nature and is not 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>
Cathy Castanza	Concurring
Dan Laing	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring

SUBMISSION NO. A0090/2021

July 21, 2021

OWNER(S): BRETT MERRICK, 128 St Alphonse St Azilda ON P0M 1B0
JULIE MERRICK, 128 St Alphonse St Azilda ON P0M 1B0

AGENT(S):

LOCATION: PIN 73346 0137, Parcel 12199, Lot(s) 123, Subdivision M-271, Lot 4, Concession 1, Township of Rayside,
128 St Alphonse Street, Azilda

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 garage on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 16, 2021

Roads
No concerns.
Transportation & Innovation
No concerns.
Active Transportation
No concerns.

CGS: Development Approvals Section, July 15, 2021

The variance being sought would facilitate construction of a detached garage having an increased maximum height on the subject lands that have frontage on St. Alphonse Street in Azilda. The lands are zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would be located in the rear yard and would be partially screened by the existing residential dwelling on the lands. The proposed detached garage would also immediately abut mature vegetation and an existing driveway providing access to the abutting lands known municipally as 120 St. Alphonse Street. Staff is of the opinion that the additional height being requested would therefore not have any negative land use planning impacts on abutting residential properties or on the established residential character of St. Alphonse Street. Staff therefore has no concerns with the additional building height of 0.95 m (3.12 ft) being sought that would be above and beyond the 5 m (16.40 ft) that is permitted for accessory buildings as or right in this urban residential setting. Staff would also caution the owner that the upper portion of the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. 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.

The Nickel District Conservation Authority, July 14, 2021

Conservation Sudbury does not oppose Minor Variance Application A0090/2021. 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 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 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 bailey.chabot@conservationsudbury.ca.

CGS: Building Services Section, July 14, 2021

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

1) Our records indicate an incomplete permit for the property for an addition and front porch (90-0688). Please contact Building Services to proceed in closing this project.s

2) Building Services acknowledges a building permit for the proposed detached garage under permit #B21-0651.

CGS: Site Plan Control, July 09, 2021

No concerns.

CGS: Development Engineering, July 08, 2021

No objection.

The owner appeared before Committee and explained that he needs 13.5 feet interior height to accommodate a 12 foot door for his RV in order to store it in the winter months. Committee had no questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

BRETT MERRICK AND JULIE MERRICK

the owner(s) of PIN 73346 0137, Parcel 12199, Lot(s) 123, Subdivision M-271, Lot 4, Concession 1, Township of Rayside, 128 St Alphonse Street, Azilda

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an accessory structure, being a detached garage, providing a maximum height of 5.95m, where 5.0m 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 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. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0093/2021

July 21, 2021

OWNER(S): RENEE RICHER, PO BOX 510 Azilda ON P0M 1B0
CARI RICHER, PO BOX 510 Azilda ON P0M 1B0

AGENT(S):

LOCATION: PIN 73347 1676, Lot(s) 4, Subdivision 53M-1410, Lot Part 8, Concession 6, Township of Snider, 2115
Whitewater Lake, Sudbury

SUMMARY

Zoning: The property is zoned SLS(10) (Seasonal Limited Service) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a detached garage on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 16, 2021

Roads
No concerns.
Transportation & Innovation
No concerns.
Active Transportation
No concerns.

The Nickel District Conservation Authority, July 15, 2021

Conservation Sudbury does not oppose Minor Variance Application A0093/2021 as the height of a structure is not a concern and the garage appears to be outside of any regulated areas.

Notes

Please be advised that a permit may be required for development within a regulated area.

'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), and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost

of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please find our application form on our website at conservationsudbury.ca.

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

CGS: Development Approvals Section, July 15, 2021

The variance being sought would facilitate construction of a detached garage having an increased maximum height on the subject lands that have water frontage only on Whitewater Lake in Azilda. The lands are zoned "SLS(10)", Seasonal Limited Service Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would be located in the rear yard and behind the existing residential dwelling. There is also mature vegetation present on the subject lands as well as abutting residential properties. It is also noted that the proposed detached garage would otherwise appear to comply with all other development standards applicable to an accessory building in this particular location. Staff is of the opinion that the additional height being requested would therefore not have any negative land use planning impacts on abutting residential properties or on the established residential character along this portion of Whitewater Lake. Staff therefore has no concerns with the additional building height of 0.75 m (2.46 ft) being sought that would be above and beyond the 5 m (16.40 ft) that is permitted for accessory buildings as of right in this rural waterfront residential setting. Staff would also caution the owner that the upper portion of the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. 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.

CGS: Building Services Section, July 14, 2021

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

However, Owner to be advised of the following comments:

- 1) Our records indicate an incomplete permit for the property for a seasonal dwelling with walkout foundation (B15-2035). Please contact Building Services to proceed in closing this project.
- 2) Building Services acknowledges a building permit for the proposed detached garage under permit #B21-0441.

CGS: Site Plan Control, July 09, 2021

No concerns.

CGS: Environmental Planning Initiatives, July 08, 2021

This correspondence is for informational purposes only.

The subject lands are immediately adjacent to Whitewater Lake, Township of Snider, City of Greater Sudbury. 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. There are no records of the confirmed presence of cyanobacterial blooms in Whitewater Lake according to Public Health Sudbury & Districts.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments 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 30 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.
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.
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).

CGS: Development Engineering, July 08, 2021

No objection.

The owner appeared before Committee and explained that they are building a detached garage. The owner explained that they submitted a variance application a number of months ago for which they received approval however once they started to excavate they found issues and had to move the location of the garage by forty feet which required them to apply for another variance for the height. Committee Member Dumont asked the owner why they require the additional height. The owner explained that they own a backhoe and would like to store it in the garage. Committee Member Dumont expressed support with staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

RENEE RICHER AND CARI RICHER
the owner(s) of PIN 73347 1676, Lot(s) 4, Subdivision 53M-1410, Lot Part 8, Concession 6, Township of Snider, 2115 Whitewater Lake, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an accessory structure, being a detached garage, providing a maximum height of 5.75m, where 5.0m is permitted, be granted.

SUBMISSION NO. A0093/2021 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. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

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

SUBMISSION NO. A0094/2021

July 21, 2021

OWNER(S): RIK CORMIER, 17 Lindsley Street Falconbridge ON P0M 1S0
ANNA KOSNICKA, 17 Lindsley Street Falconbridge ON P0M 1S0
LANDA CORMIER, 17 Lindsley Street Falconbridge ON P0M 1S0
ERIC CORMIER, 17 Lindsley Street Falconbridge ON P0M 1S0

AGENT(S): ALI SAEED,

LOCATION: PIN 02136 0224, Lot(s) 131, Except NW corner, Subdivision Plan 1S, Lot 6, Concession 4, Township of McKim, 0 Bloor Street, 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 construct semi-detached dwellings on the subject property, providing location of parking and frontage for Unit A and lot area and lot frontage for Unit B at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 16, 2021

Roads
No concerns.
Transportation & Innovation
No concerns.
Active Transportation
No concerns.

CGS: Development Approvals Section, July 15, 2021

The above noted applications were submitted concurrently and together the variances would facilitate the construction of a semi-detached dwelling at the corner of Bloor Street and Lansdowne Street in Sudbury. The lands are zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands are located within an older residential neighbourhood that has a general mix of lot areas, lot frontage and lot depths, along with a variety of residential built-forms. Staff is satisfied in this respect that the variances being sought would therefore not negatively impact the existing residential character that exists along both Bloor Street and Lansdowne Street. From a good land use planning perspective and within the context of the surrounding area, staff has no concerns with the locating of a semi-detached dwelling on the subject lands. If the variance applications are approved, the owner is cautioned that two secondary dwelling units are only permitted on the lands once the lands are severed.

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.

The Nickel District Conservation Authority, July 14, 2021

Conservation Sudbury does not oppose Minor Variance Applications A0094/2021 nor A0095/2021. 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 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 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 bailey.chabot@conservationsudbury.ca.

CGS: Building Services Section, July 14, 2021

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

1) A review of the submitted plot plan indicates a proposed Lot A and Proposed Lot B. A search of our records does not reflect an application for consent and/or approval to sever the subject property. As such, the subject property remains as a consolidated lot (PIN 02136 0224). Owner to be informed that in accordance with Section 4.2.10.1.(b) a secondary unit may be permitted within a semi-detached dwelling or a building accessory there to; provided that a maximum of one secondary dwelling unit shall be permitted on a lot. Building Services believes this application to be pre-mature and we recommend that you contact CGS Planning and Development to discuss development intentions.

Given the above information, we recommend deferral of this application.

Greater Sudbury Hydro Inc., July 12, 2021

No concerns.

CGS: Site Plan Control, July 09, 2021

No concerns.

CGS: Development Engineering, July 08, 2021

No objection.

The owner appeared before Committee and explained that they plan to build two semi-detached dwelling units each with an accessory unit but due to the odd shape of the lot they require variances. Committee Member Dumont asked staff to explain Building Service's comments regarding their recommendation to defer the application as well as the secondary dwelling unit. Staff advised that in general it is considered good land use planning that an applicant pursue all planning approvals required prior to severing the land. Staff advised that currently the subject lands were one property and the owners are proposing to construct a semi-detached dwelling on one lot. Staff explained that semi-detached dwellings on one lot, the City's Zoning By-law would allow you to have one secondary dwelling unit. Staff advised that the plan submitted with the application depicts a semi-detached dwelling with a note that each half would have its own secondary dwelling unit. Staff advised that as this was one lot two secondary dwelling units would not be permitted. Staff advised that if the variances were approved for both applications that would facilitate the severance of the semi-detached dwelling down the party wall at some point in the future. Staff further advised that once the land was severed into two lots each half would be entitled to its own secondary dwelling unit. Staff advised that Building Services concern around the property being one lot was valid insofar as only one secondary dwelling unit would be permitted, however Development Approval's comments provide clarity where it was noted that if the variances were approved and the owner does not sever then the variances obtained would not provide permission to allow two secondary dwelling units. Committee Member Dumont asked staff to clarify if the variances were granted the owner would be entitled to one secondary dwelling unit and if they sever in the future they would be entitled to a second secondary dwelling unit for the other semi-detached dwelling. Staff advised that the applications being considered revolve around the intention to sever and in the event the owner does not sever then it would be possible that Committee may see further variances, however the development proposal overall was a semi-detached dwelling with each having its own second unit which means that the owners would need sever. Committee Chair Chartrand asked staff that if Committee were to approve the application what was being proposed in the sketch would not be allowed to happen until a severance took place and staff confirmed that generally that would be correct. Committee Chair Chartrand asked staff to confirm that the parking space noted as

“Parking Space 1” on the sketch was the only parking space in the corner side yard and staff confirmed that was correct. Committee Member Dumont asked the applicant if their intent was to sever and the applicant confirmed that it was. Committee Member Dumont asked staff what the parking requirements were for secondary dwelling units. Staff advised that development proposal portrayed in the sketch accounts for all parking requirements that would be associated with a semi-detached dwelling that has a secondary dwelling unit on each side with the lots severed and that is why four parking spaces are described on the sketch. Staff advised that a semi-detached dwelling without secondary dwelling units would only require two parking spaces.

The following decision was reached:

DECISION:

THAT the application by:

RIK CORMIER, ANNA KOSNICKA, LANDA CORMIER AND ERIC CORMIER
the owner(s) of PIN 02136 0224, Lot(s) 131, Except NW corner, Subdivision Plan 1S, Lot 6, Concession 4, Township of McKim, 0 Bloor Street, Sudbury

for relief from Part 5, Section 5.2, subsection 5.2.4.3 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, in order to facilitate the construction of a semi-detached dwelling providing the location of a parking spot in the required corner side yard, where no part of any parking area shall be located in any required corner side yard, and also, a minimum lot frontage of 9.1m, where 10.5m is required, be granted.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0095/2021

July 21, 2021

OWNER(S): RIK CORMIER, 17 Lindsley Street Falconbridge ON P0M 1S0
ANNA KOSNICKA, 17 Lindsley Street Falconbridge ON P0M 1S0
LANDA CORMIER, 17 Lindsley Street Falconbridge ON P0M 1S0
ERIC CORMIER, 17 Lindsley Street Falconbridge ON P0M 1S0

AGENT(S): ALI SAEED,

LOCATION: PIN 02136 0224, Lot(s) 131, Except NW corner, Subdivision Plan 1S, Lot 6, Concession 4, Township of McKim, 0 Bloor Street, 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 construct semi-detached dwellings on the subject property, providing location of parking and frontage for Unit A and lot area and lot frontage for Unit B at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 16, 2021

Roads
No concerns.
Transportation & Innovation
No concerns.
Active Transportation
No concerns.

CGS: Development Approvals Section, July 15, 2021

The above noted applications were submitted concurrently and together the variances would facilitate the construction of a semi-detached dwelling at the corner of Bloor Street and Lansdowne Street in Sudbury. The lands are zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands are located within an older residential neighbourhood that has a general mix of lot areas, lot frontage and lot depths, along with a variety of residential built-forms. Staff is satisfied in this respect that the variances being sought would therefore not negatively impact the existing residential character that exists along both Bloor Street and Lansdowne Street. From a good land use planning perspective and within the context of the surrounding area, staff has no concerns with the locating of a semi-detached dwelling on the subject lands. If the variance applications are approved, the owner is cautioned that two secondary dwelling units are only permitted on the lands once the lands are severed.

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: Building Services Section, July 14, 2021

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

1) A review of the submitted plot plan indicates a proposed Lot A and Proposed Lot B. A search of our records does not reflect an application for consent and/or approval to sever the subject property. As such, the subject property remains as a consolidated lot (PIN 02136 0224). Owner to be informed that in accordance with Section 4.2.10.1.(b) a secondary unit may be permitted within a semi-detached dwelling or a building accessory there to; provided that a maximum of one secondary dwelling unit shall be permitted on a lot. Building Services believes this application to be pre-mature and we recommend that you contact CGS Planning and Development to discuss development intentions.

Given the above information, we recommend deferral of this application.

The Nickel District Conservation Authority, July 14, 2021

Conservation Sudbury does not oppose Minor Variance Applications A0094/2021 nor A0095/2021. 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 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 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 bailey.chabot@conservationsudbury.ca.

Greater Sudbury Hydro Inc., July 12, 2021

No concerns.

CGS: Site Plan Control, July 09, 2021

No concerns.

CGS: Development Engineering, July 08, 2021

No objection.

The owner appeared before Committee and provided a brief explanation of the application. Committee had no questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

RIK CORMIER, ANNA KOSNICKA, LANDA CORMIER AND ERIC CORMIER
the owner(s) of PIN 02136 0224, Lot(s) 131, Except NW corner, Subdivision Plan 1S, Lot 6, Concession 4, Township of McKim, 0 Bloor Street, Sudbury

for relief from 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, in order to facilitate the construction of a semi-detached dwelling providing, a minimum lot area of 233.0m², where 275.0m² is required, and also, a minimum lot frontage of 6.4m, where 9.0m is required and a front lot line measured at the street-line having a length of 6.4m where 6.5m is required, be granted.

SUBMISSION NO. A0095/2021 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>
Cathy Castanza	Concurring
Dan Laing	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0097/2021

July 21, 2021

OWNER(S): ROB LEMIEUX, 104-8377 Tilton Lake Road Sudbury ON P3G 1L7
PAM LEMIEUX, 104-8377 Tilton Lake Road Sudbury ON P3G 1L7

AGENT(S): KEN O'MALLEY, 1276 Paquette St Sudbury ON P3A 3Y2

LOCATION: PINs 73398 0200 & 73459 0041, Parcels 32682 & 19910, Lot 1, Concession 6, Township of Eden, 104-8377 Tilton Lake Road, Sudbury

SUMMARY

Zoning: The property is zoned R1-1 (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 to recognize an existing cleared shoreline buffer area at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Environmental Planning Initiatives, July 20, 2021

The application for relief from Part 4, Section 4.41.3 of By-law 2010-100Z to allow for 50% of the required shoreline buffer area to be cleared of natural vegetation should be denied on the following basis:

Tilton Lake is a relatively small, oligotrophic (low nutrient) lake that currently has a relatively low phosphorus concentration but has been placed in the 'Enhanced Management' category due to its relatively high phosphorus loading and high responsiveness to phosphorus loading. As such, every effort should be undertaken by shoreline property owners to ensure that Tilton Lake remains in a low nutrient state. Reducing the natural shoreline buffer is not in keeping with Best Management Practices aimed at reducing phosphorus input to lakes.

The following paragraphs elaborate on the observations above and provide suggestions for shoreline property owners to help maintain Tilton Lake in a low nutrient state.

The subject lands are immediately adjacent to Tilton Lake, Township of Eden, City of Greater Sudbury. Tilton Lake is a relatively small (51.7 ha), oligotrophic (low nutrient) lake that has an average phosphorus concentration of 5.6 micrograms per litre based on spring samples taken over the past twenty years.

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 not been confirmed by the Public Health Sudbury & Districts in Tilton Lake.

Tilton Lake has been placed in the "Enhanced" management category by Hutchinson Environmental Sciences Ltd. based on their 2015 study on the development and application of a water quality model for lakes in the City of Greater Sudbury. According to this study, lakes in the Enhanced management category "have either been, or are likely to be impaired by phosphorus inputs from human sources. Additional phosphorus loads could further impair water quality in these lakes and should be avoided by,

for example, implementing Best Management Practices for phosphorus abatement or limiting the creation of new unserviced shoreline lots.” Reducing the natural shoreline buffer is not in keeping with Best Management Practices aimed at reducing phosphorus input to lakes.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments 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 property owners are encouraged to continue adopting lake-friendly practices.

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 30 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.
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.
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).

CGS: Infrastructure Capital Planning Services, July 16, 2021

Roads
No concerns.
Transportation & Innovation
No concerns.
Active Transportation
No concerns.

CGS: Development Engineering, July 15, 2021

No objection.

The Nickel District Conservation Authority, July 15, 2021

Conservation Sudbury does not oppose Minor Variance Application A0097/2021 as there appears to be developable area on the subject parcel. However, it does appear that the proposed development will be within a regulated area. As such, the proponent is advised that a permit may be required for the proposed seasonal dwelling and any associated development. '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), and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please find our application form on our website at conservationsudbury.ca. Please note that a building permit cannot be issued in a regulated area without the permission of Conservation Sudbury, so please contact our office early in the process.

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

CGS: Development Approvals Section, July 15, 2021

The variances being sought would facilitate construction of a single-detached dwelling having no public road frontage on nearby Tilton Lake Road in Sudbury. The lands are zoned "R1-1", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands from the owner that the natural vegetation within the shoreline buffer area was removed in the 1960s. Staff notes in this regard that the amount of natural vegetation that is present within the shoreline buffer area may be legal non-complying in nature. If the existing shoreline buffer area is legal non-complying in nature then the variance is not required and staff is concerned that allowing variances to the extent being applied for would bring permanency to the amount of clearing that has taken place within the shoreline buffer area. Staff recommends that the application be deferred in order to afford the owner the opportunity to address the above noted comments. In the alternative, staff would have no concerns should the Committee wish to only approve the variance pertaining to the lands having no access on an assumed public road provided that the owner produces sufficient proof that a legal right-of-way for access purposes is in place out to Tilton Lake Road.

CGS: Building Services Section, July 14, 2021

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

However, Owner to be advised of the following comments:

1) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official. Owner to be informed that the information provided on the submitted plot plan, does not verify the dimension of the proposed single family dwelling with attached garage (including the number of storey's), height, southerly interior side yard setback from the proposed dwelling, and location and dimension of driveway which will impact various zoning requirements as detailed in the CGS Zoning By-law 2010-100Z. Further minor variances may be required at the time of building permit.

Greater Sudbury Hydro Inc., July 12, 2021

No concerns.

CGS: Site Plan Control, July 09, 2021

No concerns.

The owners appeared before Committee and explained that they would like to build a single family home on the property. The owners explained that there was an existing cottage which they demolished with a demolition permit and also that they had the documentation showing they have the right-of-way for the private road. The owners also explained that according to their information the vegetation was cleared back in the 1960's and that they have no plans to remove any more. Andre Grandmaison and Anne Blais of 8449 Tilton Lake Road expressed concern with the application. Mr. Grandmaison advised that they have resided in their property since 2001 and when they moved into the area there were two permanent homes in that area and to their understanding it was seasonal property but turned into single family residential low density, but he was not sure when that happened. Mr. Grandmaison advised that this was the first minor variance notification about someone not meeting the three hundred feet requirement at the back onto the main road and now there are five permanent homes for which this one would be the 6th. Mr. Grandmaison explained that this has increased the amount of traffic on that unnamed private road and the encroachment onto their property from neighbours due to their needs for removal, trucking, storage and they feel that this was turning into a small subdivision and want to know why the City hadn't turned the road into a public road. Mr. Grandmaison explained that they had some previous severance applications that had expired and they were not allowed to renew them due to concerns with Whippoorwills and Blandings Turtles, however there is no mention of that in the development that happened in the area. Mr. Grandmaison expressed frustration as to why they had been left out of all of this. Mr. Grandmaison advised that they would consider selling the 33 addition feet required to turn this into a public road and they are wondering how all the emergency services address the people coming in and out of that area and could a fire truck get in there. Committee Chair Chartrand asked Mr. Grandmaison to narrow his concerns down to the application being made by the Lemieuxs. Mr. Grandmaison explained that they feel that there was a double standard as they were told that they would more likely be denied yet all the other properties go through and are wondering why that was. Mr. Grandmaison expressed frustration that this was the first time that they had heard of a 300 foot minor variance. Committee Chair Chartrand asked Mr. Grandmaison if he had any specific concerns to the Lemieux's application. Mr. Grandmaison said he did not other than the fact that it would increase traffic in the area of which it was slowly growing and they are not being notified of it. The owner advised that they have a right-of-way access that was researched by their lawyer when they purchased the property that is out of their property and onto Tilton Lake Road. The owner also addressed comments received by Environmental Planning and the natural vegetation and advised that the numbers he provided were not accurate. The owner explained that he believed he was allowed 256.0m² of cleared area but that he was only at 198.0m² except for a small 7.75m opening where there was an existing dock and a little clearing beside the dock where they launch their kayaks. The owner explained that the remaining area was cleared prior to them purchasing the property and believe that it was done a long time ago. The owners explained that if there was remedial work to gain the additional vegetation they would be fine with that and that they have no plans to clear any more. Committee Member Dumont asked staff to explain the comments from Development Approvals. Staff advised they are in receipt of a parcel register and documentation that demonstrates that a right-of-way exists across the neighbouring and abutting lands out to Tilton Lake Road so that comment in Development Approval's comments have been dealt with. Staff further advised that the area that has been cleared in the shoreline buffer area seems to be legal non-complying in nature as it seems to have been done some 50-60 years ago. Staff advised that often applicants will include additional variances in their applications where legal non-compliance status is involved and staff reviews these on their own merits and context and in this particular context, staff felt that giving permanency to this degree of removal in the shoreline buffer would not be good land use planning. Staff advised that there was no requirement that the owner replace the natural vegetation and come into compliance as legal non-compliance status would allow it to remain as such. Staff further advised that the land use planning principal with legal non-complying status is that eventually compliance would be achieved and therefore does not want to give permanence to the situation. Committee Chair Chartrand requested staff to clarify their position as it relates to the frontage and the shoreline buffer. Staff advised that Development Approvals had no concerns with the public road frontage variance as staff reviewed the legal documentation and are satisfied that a right-of-way exists out to Tilton Lake Road. Staff advised 25% of the shoreline buffer is permitted to be cleared but as this was a legal non-complying amount of clearing in that buffer, which amounted to 50%, the landuse rationale in not supporting that variance was because it would be preferable to Development Approvals to not give permanency to the existing situation and let it be a legal non-complying situation and hopefully at some point in the future the amount of natural vegetation would increase and come

into compliance. Committee Chair Chartrand asked staff to confirm that the shoreline buffer variance was not necessary and staff confirmed that it was not. Committee Member Dumont asked staff to clarify the recommendation. Staff advised that the resolution that was been prepared was to defer the entire application however staff did not have any concerns if Committee wanted to approve the variance pertaining to the public road access and be silent on the shoreline buffer variance. Committee Member Dumont asked staff if Committee should impose a condition that the documents relating to the right-of-way be submitted to the Direct of Planning. Staff advised that the material submitted regarding the right-of-way satisfied their concerns and there would be no benefit to impose a condition. Committee Member Dumont asked staff to expand on the concerns expressed by the area resident around the legal access to Tilton Lake Road. Staff advised that all of the properties along the lane have a legal right-of-way out to Tilton Lake Road and that was demonstrated to staff with the material that was submitted to the Development Approval's section. Staff also advised that there are no new lots being created off of this private road and that was why there was no subdivision plan requirement. Staff advised that this was a lot of record where the owner was proposing to develop and they require a variance to develop the land like they would like too. Committee Chair Chartrand asked staff to explain the notification radius around a property that is subject to a planning application. Staff advised that the Planning Act requires that properties within 60.0m of the subject lands be notified of a minor variance application. Staff explained that there are different distances required depending on the type of planning application, but for minor variances it was 60.0m. Staff explained that notification was triggered when the application was filed with the City and prior to a public hearing being held at the Committee of Adjustment, landowners within 60.0m of the property are notified however the newspaper was where the statutory notice was provided, but as a courtesy the City also provides 60.0m mail-out to people within 60.0m of the lands. Committee Member Dumont requested staff to clarify the recommendation and the procedure in the event that the recommendation was defeated and staff provided clarification. The staff recommendation to defer the application was defeated. Committee Member Dumont put forward a motion to support the variance for no frontage on an assumed road only and Committee Member Laing seconded the motion. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

ROB LEMIEUX AND PAM LEMIEUX

the owner(s) of PINs 73398 0200 & 73459 0041, Parcels 32682 & 19910, Lot 1, Concession 6, Township of Eden, 104-8377 Tilton Lake Road, Sudbury

for relief from Part 4, Section 4.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, in order to facilitate the construction of a single-detached dwelling providing 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, 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. The general intent and purpose of the By-Law and the Official Plan are maintained. Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0098/2021

July 21, 2021

OWNER(S): VYTIS LANDS (KAGAWONG) LTD., 942 Montee Principale Chelmsford ON P0M 1L0

AGENT(S): TULLOCH ENGINEERING, Attention: Kevin Jarus, 1942 Regent Street, Unit L, Sudbury, ON, P3E 5V5

LOCATION: PIN 73572 0598, Lot(s) 21, Subdivision 53M-1408, Lot 11, Concession 3, Township of Neelon, 258 Jeanine Street, 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 one-storey, single-detached dwelling with a rear yard setback at variance to the By-law

Comments concerning this application were submitted as follows:

Source Water Protection Plan, July 21, 2021

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.

CGS: Infrastructure Capital Planning Services, July 16, 2021

Roads
No concerns.
Transportation & Innovation
No concerns.
Active Transportation
No concerns.

CGS: Development Approvals Section, July 15, 2021

The variance being sought would facilitate construction of a single-detached dwelling on the subject lands that have frontage on Jeanine Street in Sudbury. The lands are zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. It is noted that the requested variance would allow for the proposed single-detached dwelling to be 0.4 m (1.31 ft) closer to the front lot line than what is required in the "R1-5" Zone. Staff is of the opinion that the requested front yard setback of 7.1 m (23.29 ft) whereas 7.5 m (24.61 ft) is required would have no negative land use planning impacts on abutting residential properties or on the established residential character that is present along Jeanine Street. 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.

CGS: Building Services Section, July 14, 2021

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

SUBMISSION NO. A0098/2021 Continued.

The Nickel District Conservation Authority, July 14, 2021

Conservation Sudbury does not oppose Minor Variance Application A0098/2021. 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 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 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 bailey.chabot@conservationsudbury.ca.

Source Water Protection Plan, July 13, 2021

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

Greater Sudbury Hydro Inc., July 12, 2021

No concerns.

CGS: Site Plan Control, July 09, 2021

No concerns.

CGS: Development Engineering, July 08, 2021

No objection.

The agent appeared before Committee and provided a brief summary of the application. Committee had no questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

VYTIS LANDS (KAGAWONG) LTD.

the owner(s) of PIN 73572 0598, Lot(s) 21, Subdivision 53M-1408, Lot 11, Concession 3, Township of Neelon, 258 Jeanine Street, Sudbury

for relief from 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, in order to facilitate the construction of a single-detached dwelling having a rear yard setback of 7.1 m (23.29 ft) whereas a minimum rear yard setback of 7.5 m (24.61 ft) is required, be granted.

SUBMISSION NO. A0098/2021 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. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0070/2021

July 21, 2021

OWNER(S): IVAN BOUDREAU, 4329 Odile St Hanmer ON P3P 1L6

AGENT(S):

LOCATION: PIN 73508 0476, Parcel 35161, Survey Plan 53R-7038 Part(s) 2, Lot 12 (Part), Concession 2, Township of Capreol, 4329 Odile Street, Capreol

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 garage on the subject property, providing a maximum allowable lot coverage for an accessory building and height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 16, 2021

Roads
No concerns.
Transportation & Innovation
No concerns.
Active Transportation
No concerns.

CGS: Building Services Section, July 15, 2021

REVISED

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

However, Owner to be advised of the following comments:

1) Building Services acknowledges a Building Permit application for the proposed garage, however we await drawings for this project. Owner to provide fully dimensioned drawings (including truss layouts) with respect to the construction of the proposed garage. Should the proposed garage be slab on grade (exceeding 55 m² / 592 ft²) the slab is required to be Engineered.

2) Our research indicates the subject property is located in a Source Water Protected area. For this reason, Owner to be informed that an Application for Section 59 Notice will be required for the proposed garage.

3) As per discussion with the Owner/Applicant, there is an existing 12 ft x16 ft shed located at the rear (north westerly corner) of the property that is not shown on the provided plot plan. Owner has advised the shed has been sold and will be removed from the property. Owner to be informed that final building permit issuance for the proposed garage is contingent upon removal of the existing shed. A Demolition Permit for the removal of the existing shed will be required.

As it appears the existing shed was constructed without benefit of a building permit and is greater than

SUBMISSION NO. A0070/2021 Continued.

10 m2 (108 ft2), the buyer is to be informed that a building permit and building permit documents will be required to the satisfaction of the Chief Building Official.

CGS: Development Approvals Section, July 15, 2021

Staff was previously generally supportive of the development proposal to construct a detached garage in those comments dated June 14, 2021. It was noted at that time however that the resulting accessory buildings and structures lot coverage of 11.8% exceeded the 10% maximum permitted in the City's Zoning By-law and therefore an additional variance was required. Staff understands that the additional variance noted above has since been added to the application and appropriate public notice with respect to this additional variance has been completed. 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.

The Nickel District Conservation Authority, July 14, 2021

Revised

Conservation Sudbury does not oppose the revised Minor Variance application A0070/2021. 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 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 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 bailey.chabot@conservationsudbury.ca.

CGS: Development Engineering, July 08, 2021

No objection.

CGS: Site Plan Control, June 17, 2021

No concerns.

The Nickel District Conservation Authority, June 16, 2021

Conservation Sudbury does not oppose Minor Variance A0070/2021. 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 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 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,

SUBMISSION NO. A0070/2021 Continued.

please contact the undersigned at bailey.chabot@conservationsudbury.ca.

CGS: Infrastructure Capital Planning Services, June 16, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

CGS: Building Services Section, June 15, 2021

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

However, Owner to be advised of the following comments:

1) In accordance with Section 4.2.3. of the CGS Zoning By-law 2010-100Z, the total lot coverage of all accessory buildings and structures, on a residential lot shall not exceed 10 per cent. Owner to be informed that accessory lot coverage has been calculated at 11.76%. For this reason, a minor variance will be required for accessory lot coverage.

As per discussion with the Owner/Applicant, there is an existing 12 ft x16 ft shed located at the rear (north westerly corner) of the property that is not shown on the provided plot plan. Owner has advised the shed has been sold and will be removed from the property. Owner to be informed that final building permit issuance for the proposed garage is contingent upon removal of the existing shed. A Demolition Permit for the removal of the existing shed will be required.

As it appears the existing shed was constructed without benefit of a building permit and is greater than 10 m² (108 ft²), the buyer is to be informed that a building permit and building permit documents will be required to the satisfaction of the Chief Building Official.

CGS: Development Approvals Section, June 14, 2021

This application seeks to facilitate construction of a detached garage on the subject lands that have frontage on Odile Street in Capreol. The lands are zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The variance being sought would permit the detached garage to have a maximum accessory building height of 5.4 m (17.72 ft) whereas a maximum accessory building height of 5 m (16.40 ft) is permitted. Staff is satisfied that the maximum accessory building height increase of 0.4 m (1.31 ft) would not generate any negative impacts on abutting residential properties. Staff also notes that a number of similar detached garages situated in rear yards exist in the general area. Staff therefore have no concerns with respect to any negatives impacts being generated in relation to the existing residential character that exists along Odile Street. Staff would also caution the owner that the detached garage may not be used as the habitable living space unless the provisions of City's Zoning By-law with respect to secondary dwelling units is complied with accordingly. Staff does advise however that an additional variance permitting a maximum accessory buildings and structures lot coverage of approximately 11.8% appears to be required whereas a maximum accessory buildings structures lot coverage of 10% is permitted. Staff therefore recommends that the application be deferred into order to afford the owner the opportunity to address the above comment related to the need for an additional minor variance being required.

The owner appeared before Committee and explained that he is building the garage for storage purposes. Committee had no questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

IVAN BOUDREAU

the owner(s) of PIN 73508 0476, Parcel 35161, Survey Plan 53R-7038 Part(s) 2, Lot 12 (Part), Concession 2, Township of Capreol, 4329 Odile Street, Capreol

for relief from Part 4, Section 4.2, Subsections 4.2.3 and 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, in order to permit the construction of a garage providing a lot coverage of 11.8%, where permitted lot coverage for an accessory building shall not exceed 10% and a height of 5.4m, where the maximum height of an accessory building on a residential lot is 5.0m, 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. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

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