

SUBMISSION NO. A0099/2022

July 27, 2022

OWNER(S): GUY BELANGER HOMES LTD., 60 Onwatin Lake Road E Hanmer ON P3P 1J4

AGENT(S): ADRIAN BORTOLUSSI, 144 Elm Street, Sudbury, ON P3C 1T7

LOCATION: PIN 73504 3163, Lot(s) 169, Subdivision M-1115, Lot Pt 5, Concession 2, Township of Hanmer, 0 Bonaventure Drive, Hanmer

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 of a lot to be retained containing a semi-detached dwelling, subject of a Consent Application B0051/2022, providing a maximum lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 21, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Building Services Section, July 21, 2022

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

1) Based on the provided Lot Area of 307.73m² and the Building Area of 137.22m² the Total Lot Coverage is 44.591%.

CGS: Development Approvals Section, July 21, 2022

The variance being sought would allow for an increased maximum lot coverage on a semi-detached dwelling that is under construction on the subject lands at the corner of Bonaventure Drive and Dominion Drive in Hanmer. The lands are also the subject of a recent consent application (File # B0051/2022) and it is noted that a decision on said application is tentatively scheduled for August 8, 2022 from the City's Consent Official. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff is satisfied that the variance being sought would not amount to the overdevelopment of a lot intended to accommodate a semi-detached dwelling. The variance is not excessive in nature or unreasonable and it is not anticipated that any negative land use planning impacts would be generated on abutting residential properties should the variance be approved. Staff also notes that the proposed mudroom addition would otherwise appear to comply with all other applicable development standards for a semi-detached dwelling situated within the "R2-2" Zone. Staff therefore has no concerns with respect to a maximum lot coverage of 44.5% whereas a maximum lot coverage of 40% is permitted in the "R2-2" Zone. 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 20, 2022

Subject parcel is located entirely within a floodplain regulated by the Conservation Authority. The construction of the duplex was subject to floodproofing requirements. As such, Conservation Sudbury does not object to Minor Variance A0099/2022. However, please note that the verification of the floodproofing requirements will be required for the approval of the consent application.

CGS: Development Engineering, July 13, 2022

No objection.

CGS: Site Plan Control, July 13, 2022

No concerns.

The applicant's representative, Guy Belanger, and agent, Adrian Bortolussi, appeared before Committee and provided a summary of the application. Committee Member Dumont requested staff to provide clarification on the comments relating to the maximum lot coverage calculation. Staff explained that the relief being sought would be sufficient to obtain a building permit. Committee had no further questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

GUY BELANGER HOMES LTD.

the owner(s) of PIN 73504 3163, Lot(s) 169, Subdivision M-1115, Lot Pt 5, Concession 2, Township of Hanmer, 0 Bonaventure Drive, Hanmer

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, to approve the lands to be retained containing a semi-detached dwelling, subject of Consent Application B0051/2022, providing a maximum lot coverage of 44.5%, where 40% 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 and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0100/2022

July 27, 2022

OWNER(S): MERVYN SHEPHERD, 16-285 Martha St Hanmer ON P3P 1Y2

AGENT(S):

LOCATION: PIN 73503 0507, Lot(s) 11, Subdivision M-1083, Lot 2, Concession 3, Township of Hanmer, 285 Martha Street, Hanmer

SUMMARY

Zoning: The property is zoned R3.D17 (Medium Density Residential) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a detached garage having a reduced planting strip width and containing no screening devices at variance to the by-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 21, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Approvals Section, July 21, 2022

The variances being sought would facilitate construction of a detached garage on the subject lands that have frontage on Martha Street in Hanmer. The lands are designated Living Area 1 in the City's Official Plan and zoned "R3.D17", Medium Density Residential under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. There is a previous variance application (File # A0115/2020) for the same detached garage that was deferred more than one year ago and therefore a new variance application has now been submitted. Staff was previously supportive of the development proposal that would involve a reduced planting strip along the north-easterly interior side lot line having no screening devices. Staff also previously attended the lands where it was noted that some mature vegetation exists along the northeasterly interior side lot line and said vegetation would appear to be capable of continuing to provide some buffering between the existing low and medium density residential uses in the area. 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 20, 2022

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

However, Owner to be advised of the following comments:

1) Temporary storage containers to be not permitted under Zoning By-Law 2010-100Z and are to be removed.

The Nickel District Conservation Authority, July 20, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage, providing a smaller than required planting strip, and to permit the reduced planting strip to contain no screening devices.

Conservation Sudbury does not object to Minor Variance A0100/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, July 13, 2022

No objection.

CGS: Site Plan Control, July 13, 2022

No concerns. Note, There is a site plan control agreement registered for application A0100/2022 – 285 Martha Street, but no amendment to the site plan is required for the proposed garage.

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

The following decision was reached:

DECISION:

THAT the application by:

MERVYN SHEPHERD

the owner(s) of PIN 73503 0507, Lot(s) 11, Subdivision M-1083, Lot 2, Concession 3, Township of Hanmer, 285 Martha Street, Hanmer

for relief from Part 4, Section 4.15, subsections 4.15.4 and 4.15.5 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 detached garage, firstly, providing a planting strip width of 1.2m (3.94 ft) along the northeastern lot line, whereas a minimum planting strip width of 3.0m (9.84 ft) is required where a medium density residential zone abuts a low density residential zone, and secondly, to permit the reduced planting strip to contain no screening devices along the full length of the detached garage, whereas a planting strip containing one or more screening devices in the form of a continuous row of trees, a continuous hedgerow of evergreens, bushes or shrubs, or berm, a wall, or a fence 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 and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0102/2022

July 27, 2022

OWNER(S): DARLENE BERTRAND, 1180 Capreol Lake Road Hanmer ON P3P 1V9
ROBERT BERTRAND, 1180 Capreol Lake Road Hanmer ON P3P 1V9

AGENT(S):

LOCATION: PIN 73510 0255, Surveys Plan 53R-18455 Part(s) 1, 2, 3, 4, and 5 & Plan 53R-18476 Part(s) 1, Lot Pt 8, Concession 6, Township of Capreol, 1180 Capreol Lake Road, Hanmer

SUMMARY

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

Application: Approval to construct a secondary dwelling unit having a separation distance from the primary residential dwelling on the lands at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 21, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Approvals Section, July 21, 2022

The variance being sought would facilitate the construction of a secondary dwelling unit to the east of the primary residential dwelling (ie. single-detached dwelling) on the subject lands that have frontage on Capreol Lake Road in Hanmer. The lands are designated both Aggregate Reserve and Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed secondary dwelling unit would provide for a maximum separation distance of 45.72 m (150.00 ft) from the primary residential dwelling whereas a maximum separation distance of 30 m (98.43 ft) from the primary residential dwelling is permitted. Staff further notes that there is an existing driveway access from Capreol Lake Road leading to the primary residential dwelling, a detached garage and other accessory buildings on the lands. Staff is of the opinion that the increased separation distance is appropriate in this particular context as the existing driveway access and cleared areas that are adjacent to the driveway area can easily be utilized by the secondary dwelling unit. Staff would also caution the owner that the presence of a secondary dwelling unit on a rural property does not infer that the lands can be severed in the future thereby creating a new rural lot that is also partially within the Aggregate Reserve. 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 20, 2022

No concerns.

The Nickel District Conservation Authority, July 20, 2022

Subject parcel contains regulated area by the Conservation Authority. Conservation Sudbury does not object to Minor Variance A0102/2022 as the development envelope is located sufficiently far away enough from the wetland. However, future development within a regulated area requires permission from Conservation Sudbury and must conform to Conservation Sudbury's wetland guidelines.

CGS: Site Plan Control, July 13, 2022

No concerns.

CGS: Development Engineering, July 13, 2022

No objection.

The applicant, Robert Bertrand, appeared before Committee and provided a summary of the application. Committee Member Dumont noted Development Approval's caution on regarding a future severance. Committee had no further comments or questions.

The following decision was reached:

DECISION:

THAT the application by:

DARLENE BERTRAND AND ROBERT BERTRAND
the owner(s) of PIN 73510 0255, Surveys Plan 53R-18455 Part(s) 1, 2, 3, 4, and 5 & Plan 53R-18476 Part(s) 1, Lot Pt 8, Concession 6, Township of Capreol, 1180 Capreol Lake Road, Hanmer

for relief from Part 4, Section 4.2.10.3 c) ii) 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 secondary dwelling unit having a maximum separation distance of 45.72 m (150.00 ft) from the primary residential dwelling, whereas a maximum separation distance of 30 m (98.43 ft) from the primary residential dwelling 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 and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring

SUBMISSION NO. A0071/2022

July 27, 2022

OWNER(S): DONNIE ROBICHAUD, 2359 Old HWY 69 North Municipal Road 80, P3N 1L7

AGENT(S): STEPHAN VILLENEUVE,

LOCATION: PIN 73498 0185, Parcel 35531 SEC SES SRO, Surveys Plan 53R-3324 Part(s) 1 & 2 & Plan 53R-3981 Part(s) Except Part 1 & Plan 53R-6062 Part(s) 4, 5, and 6 & Plan 53R-12368 Part(s) 1 & 2, Lot 7, Concession 4, Township of Blezard, 2359 Old Highway 69 North, Val Caron

SUMMARY

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

Application: Approval to permit a detached garage containing a secondary dwelling unit 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 21, 2022

REVISED

Roads

No concerns.

Transportation and Innovation Support / Active Transportation

No concerns.

CGS: Development Approvals Section, July 21, 2022

REVISED

This application was previously deferred in order to provide for additional public notice as it was brought to the attention of staff that the existing detached garage contains a secondary dwelling unit. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would be situated on an irregularly shaped lot and maintain an approximate setback of 173 m (146.75 ft) from the street line of Municipal Road #80. The proposed detached garage would also maintain a setback of approximately 102 m (334.65 ft) to the northerly lot line and 54 m (177.17 ft) to the southerly lot line. There is a large and well-vegetated rural lot containing a single-detached dwelling having frontage on Valleyview Road to the west. Staff therefore does not anticipate any negative land use planning impacts on abutting residential properties or any negative impacts on the existing rural residential character that exists along this portion of Municipal Road #80 should the additional height be approved. Staff also notes that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building situated within the "RU" Zone. Staff would caution the owner that the proposed detached garage portion may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also caution the owner that the proposed accessory building may only be used for the purposes of human habitation if legally 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 20, 2022

REVISED No concerns.

The Nickel District Conservation Authority, July 20, 2022

REVISED

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing detached garage containing a secondary dwelling unit providing maximum height of 8.33m where the maximum height of an accessory dwelling shall be 6.5m.

Portions of the subject property are regulated by the Conservation Authority under Ontario Regulation 156/06. Conservation Sudbury does not object to Minor Variance A0071/2022 as the height of the garage is not relevant to the responsibilities of Conservation Sudbury. The detached garage was constructed a sufficient distance away from the wetland.

CGS: Site Plan Control, July 13, 2022

REVISED No concerns.

CGS: Infrastructure Capital Planning Services, June 09, 2022

Roads

No concerns.

Transportation and Innovation Support / Active Transportation

No concerns.

CGS: Development Approvals Section, June 08, 2022

Staff understands that the existing detached garage situated on the subject lands also contains a secondary dwelling unit. This information was not included in the application and therefore the public notice that was provided did not include reference to the presence of a secondary dwelling unit on the lands within the existing detached garage. Staff recommends that the application be deferred in order to provide additional public notice that the existing detached garage contains a secondary dwelling unit.

The Nickel District Conservation Authority, June 07, 2022

Conservation Sudbury does not object to Minor Variance A0071/2022 as the height of the garage is not relevant to the responsibilities of Conservation Sudbury. The detached garage was constructed a sufficient distance away from the wetland.

Notes

The proponent is advised that development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

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

CGS: Building Services Section, June 07, 2022

Based on the information provided, Building Services requests that the application be differed as the description as noted is incorrect, as the detached garage also includes a secondary unit on the second floor.

For the applicant's information, upon resubmission, the following shall be required:

- A plot plan showing the distance of the accessory structure to the main structure

- Measurements/areas shall be indicated for:
 - the gross floor area of the main building
 - the net floor area of the secondary unit.

Additionally, the owner to be advised that a search of our records indicates that there are open/incomplete permits for:

1. Detached Garage (B14-1375)
2. Above Ground Pool (B15-1096)

Please contact Building Services to close/resolve these projects.

CGS: Site Plan Control, June 06, 2022

No objection.

Ministry of Transportation, June 02, 2022

Located outside of MTO's permit control area.

CGS: Development Engineering, June 02, 2022

No objection.

The applicant's agent, Stephen Villeneuve, appeared before Committee and provided a summary of the application. Committee Member Dumont commended the applicants for addressing all of staff's concerns and expressed support for staff's recommendation. Committee had no further comments or questions.

The following decision was reached:

DECISION:

THAT the application by:

DONNIE ROBICHAUD

the owner(s) of PIN 73498 0185, Parcel 35531 SEC SES SRO, Surveys Plan 53R-3324 Part(s) 1 & 2 & Plan 53R-3981 Part(s) Except Part 1 & Plan 53R-6062 Part(s) 4, 5, and 6 & Plan 53R-12368 Part(s) 1 & 2, Lot 7, Concession 4, Township of Blezard, 2359 Old Highway 69 North, Val Caron

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 permit an existing detached garage containing a secondary dwelling unit providing maximum height of 8.33m, where the maximum height of any building or structure accessory to a residential dwelling shall be 6.5m, be granted.

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

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

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0083/2022

July 27, 2022

OWNER(S): HELENE BOWEN, 1673 Talon Street Val Therese ON P0M 3B0
MURRAY BOWEN, 1673 Talon Street Val Therese ON P0M 3B0

AGENT(S): TULLOCH ENGINEERING - VANESSA SMITH, 1942 REGENT STREET UNIT L SUDBURY ON P3E 5V5

LOCATION: PIN 73505 0108, Parcel 47592 SEC SES, Survey Plan 53R-10993 Part(s) 3, Lot Part 7, Concession 3, Township of Hanmer, 1673 Talon Street, Hanmer

SUMMARY

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

Application: Approval to permit the existing single detached dwelling on the subject property providing eaves, a minimum front yard and interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 21, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Approvals Section, July 21, 2022

The variances being sought are corrective in nature and would recognize the location of the existing single-detached dwelling on the subject lands that have frontage on Talon Street in Hanmer. The lands are designated Living Area 1 in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that a previous approval (File # A0175/1986) granted variances for reduced front yard and interior side yard setbacks however it has been discovered that the existing residential dwelling on the lands is closer to said front and interior side lot lines than what was permitted via the previous minor variance approvals. Staff has reviewed the previous variance approvals and is of the opinion that no negative land use planning impacts would appear to have been generated on abutting residential lands over the last three decades. Staff would note however that an easterly interior side yard setback of 3 m (9.84 ft) is required under Table 9.3, Special Provision (3) as the lands are a legal existing lot having a lot area less than 0.8 ha (1.98 acres). 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 20, 2022

No concerns.

The Nickel District Conservation Authority, July 20, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing single detached dwelling providing a smaller than regulated front yard setback, with eaves than encroach, and a smaller than regulated interior side yard with encroaching eaves. The subject parcel is located adjacent to a wetland and as a result the area is regulated by the Conservation Authority under Ontario Regulation 156/06. However, Conservation Sudbury does not object to Minor Variance A0083/2022.

CGS: Development Engineering, July 13, 2022

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: Site Plan Control, July 13, 2022

No concerns.

The applicant, Murray Bowen, and agent, Vanessa Smith of Tulloch Engineering, appeared before Committee and provided a summary of the application. Committee had no comments or questions.

The following decision was reached:

DECISION:

THAT the application by:

HELENE BOWEN AND MURRAY BOWEN
the owner(s) of PIN 73505 0108, Parcel 47592 SEC SES, Survey Plan 53R-10993 Part(s) 3, Lot Part 7, Concession 3, Township of Hanmer, 1673 Talon Street, Hanmer

for relief from Part 4, Section 4.2, Table 4.1 and Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing single detached dwelling providing, firstly, a minimum front yard setback of 7.4m with eaves encroaching 0.71m into the proposed 7.4m front yard setback, where 10.0m is required, whereas 8.53m was previously approved under Application for Minor Variance A0175/1986 and where eaves may encroach 1.2m into the required front yard but not closer than 0.6m to the lot line, and secondly, a minimum interior side yard setback of 2.9m with eaves encroaching 0.71m into the proposed 2.9m interior side yard setback, where 3.0m is required, whereas 3.04m was previously approved under Application for Minor Variance A0175/1986 and where eaves may encroach 0.6m into the required interior yard but not closer than 0.6m to the lot line, be granted.

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

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

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0098/2022

July 27, 2022

OWNER(S): SHEILA MCGILLIS, 430 Brenda Drive Sudbury ON P3E 5G7
BRIAN MCGILLIS, 430 Brenda Drive Sudbury ON P3E 5G7

AGENT(S):

LOCATION: PIN 73475 1354, Survey Plan 53R-18006 Part(s) 2, Lot(s) Part Block A, Subdivision M-340, Lot Pt 6, Concession 6, Township of Broder, 430 Brenda Drive, 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 an existing uncovered deck on the subject property providing an encroachment into the required rear yard and setback from the rear lot line at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 21, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Approvals Section, July 21, 2022

The variance being sought would recognize an existing uncovered deck that encroaches into the rear yard of the subject lands that have frontage on Brenda Drive in Sudbury. The lands are designated Living Area 1 and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the rear lot line immediately abuts a municipal easement for which contain a storm-water management facility associated with the Moonglo Subdivision. Staff further notes that sufficient landscaped open space would be maintained in the rear yard that would allow for proper maintenance of the rear yard outdoor amenity area. The proposed uncovered deck would also not detract from the functionality of the rear yard as an outdoor amenity area should the variance be approved. Staff therefore has no land use planning related concerns with respect to the proposed uncovered deck encroachment having any negative impacts on abutting residential properties. 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.

CGS: Building Services Section, July 20, 2022

No concerns.

Greater Sudbury Hydro Inc., July 20, 2022

No conflict.

The Nickel District Conservation Authority, July 20, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing uncovered deck to encroach into the required rear yard.

Conservation Sudbury does not object to Minor Variance A0098/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, July 13, 2022

No objection.

CGS: Site Plan Control, July 13, 2022

No concerns.

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

The following decision was reached:

DECISION:

THAT the application by:

SHEILA MCGILLIS AND BRIAN MCGILLIS
the owner(s) of PIN 73475 1354, Survey Plan 53R-18006 Part(s) 2, Lot(s) Part Block A, Subdivision M-340, Lot Pt 6, Concession 6, Township of Broder, 430 Brenda Drive, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing uncovered deck to encroach 5.7m into the required rear yard, being 1.79m setback from the rear lot line, where uncovered decks greater than 1.2m in height may encroach 3.6m into the required rear yard but not closer than 3.0m to the rear lot line, be granted.

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

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

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring