



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0070/2024

July 31, 2024

OWNER(S): JACK ROCCA, 87 Baycrest Road, Sudbury, ON P3B 3X7

AGENT(S):

LOCATION: PIN 73584 0340, Lot(s) 3, Subdivision 52-S, Lot Part 5, Concession 3, Township of McKim, 36 Riverside Drive, Sudbury

SUMMARY

Zoning: The property is zoned R2-3 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit an existing multiple dwelling containing 4-units on the subject property providing lot frontage, lot depth, lot area, setbacks, and an encroachment at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, July 30, 2024

REVISED

Building Services has reviewed your application and sketches for the requested minor variances and can advise that we have the following comment:

We acknowledge Building Permits B19-0170 to legalize the conversion of a Single-Family Dwelling with attached garage to a four-unit Multiple Dwelling, and BP19-0270 for the construction of a new framed roof system. The applications for permit were submitted to resolve Orders to Comply for construction without benefit of permit. Owner to contact Building Services for outstanding documents for these open applications.

CGS: Development Approvals Section, July 30, 2024

REVISED

The purpose and effect of the application is to legally establish an existing multiple dwelling containing four units with the following variances:

1. A minimum lot frontage of 13.73 m, whereas 18 m is required;
2. A minimum lot depth of 22.18 m, where 30 m is required;
3. A minimum 76 m2 lot area per unit, whereas 140 m2 lot area per unit is required;
4. A minimum front yard setback of 3.9 m, whereas 6.0 m is required;
5. An eave encroachment of 0.4 m into the 3.9 m front yard setback, where eaves may encroach 1.2 m into the required front yard no closer than 0.6 m to the lot line;
6. A minimum rear yard setback of 6.30 m, whereas 7.5 m is required;
7. A eastern interior side yard setback of 0.15 m, whereas 1.2 m is required;
8. An eave encroachment of 0.15 m into the 0.15 m yard setback, where eaves may encroach 1.2 m into the required yard but no closer than 0.6 m to the lot line; and,
9. A western interior side yard setback of 0 m, whereas 1.2 m is required.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan, are zoned 'R2-3' Low Density Residential Two within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are residential and open space conservation.

SUBMISSION NO. A0070/2024 Continued.

The subject lands contain a single detached dwelling that was constructed in 1945 and converted to a multiple dwelling unit without benefit of a building permit in 1993. The existing building shares a common wall and roof with the abutting parcel to the west, known as 38 Riverside Drive. The subject lands are serviced by a municipal water and sanitary connection and have an existing access from Riverside Drive and Unnamed Lane 76. Required parking spaces have been identified by the applicant in the rear yard, with access from Unnamed Lane 76.

Staff are of the opinion that the variance is considered to be minor in nature given that the structure has existed since the early 1990's, is an appropriate use of the lands, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted. It should be noted that the granting of the requested variances will not negate the need for compliance with the Ontario Building Code.

CGS: Infrastructure Capital Planning Services, July 25, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, July 25, 2024

The purpose and effect of the application is to legally establish an existing multiple dwelling containing four units with the following variances:

1. A minimum lot frontage of 13.73 m, whereas 18 m is required;
2. A minimum lot depth of 22.18 m, where 30 m is required;
3. A minimum 76 m² lot area per unit, whereas 140 m² lot area per unit is required;
4. A minimum front yard setback of 4 m, whereas 6 m is required;
5. An eave encroachment of 0.4 m into the 4 m front yard setback, where eaves may encroach 1.2 m into the required front yard no closer than 0.6 m to the lot line;
6. A minimum rear yard setback of 6.09 m, whereas 7.5 m is required;
7. A eastern interior side yard setback of 0.73 m, whereas 1.2 m is required; and
8. A western interior side yard setback of 0 m, whereas 1.2 m is required.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan, are zoned 'R2-3' Low Density Residential Two within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are residential and open space conservation.

The subject lands contain a single detached dwelling that was constructed in 1945 and converted to a multiple dwelling unit without benefit of a building permit in 1993. The existing building shares a common wall and roof with the abutting parcel to the west, known as 38 Riverside Drive. The subject lands are serviced by a municipal water and sanitary connection, and have an existing access from Riverside Drive and Unnamed Lane 76. Required parking spaces have been identified by the applicant in the rear yard, with access from Unnamed Lane 76.

Through the circulation process, Building Services has identified discrepancies between the sketch provided and the plot plan that may result in the need for additional variances, including the front yard setback, east interior side yard setback, and parking. Based on this information, it is recommended that the application be deferred to allow the applicant an opportunity to address staff's comments.

It should be noted that the requested variances will not negate the need for compliance with the Ontario

SUBMISSION NO. A0070/2024 Continued.

Building Code.
Greater Sudbury Hydro Inc., July 23, 2024

No objections.

CGS: Building Services Section, July 23, 2024

Building Services has reviewed your application and sketches for the requested minor variances and can advise that we have the following comments:

Based on our records, the requested Minor Variances for Front Yard setback and East Interior Side Yard setback are incorrect. The actual Front Yard is 3.93m and Side Yard is 0.15m. It is unknown how the recently installed siding and roof / eave system has impacted these measurements. A revised plot plan will be required.

The plot plan has not shown the rear stairs and landing which interferes with the proposed parking stalls. A further Minor Variance may be necessary to address required parking.

We acknowledge Building Permits B19-0170 to legalize the conversion of a Single-Family Dwelling with attached garage to a four-unit Multiple Dwelling, and BP19-0270 for the construction of a new framed roof system. The applications for permit were submitted to resolve Orders to Comply for construction without benefit of permit. Owner to contact Building Services for outstanding documents for these open applications.

Nickel District Conservation Authority, July 23, 2024

A portion of the subject property is located in a floodplain of Junction Creek and is subject to regulations under the Conservation Authorities Act.

Floodproofing verification should be sought in order to ensure that the property would not be subject to floodwaters in the event of a regional flood. Floodproofing requirements are that the lowest opening into the dwelling are 30cm above the flood elevation, and that the fill around the perimeter of the building that abuts the floodplain is at the flood elevation for a distance of 2m from the building.

Conservation Sudbury would like the Minor Variance A0070/2024 be subject to a condition of floodproofing verification. Landowner can reach out to NDCA@ConservationSudbury for further details.

CGS: Site Plan Control, July 18, 2024

No objections.

CGS: Development Engineering, July 17, 2024

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 0.4 m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

CGS: Strategic and Environmental Planning, July 17, 2024

No concerns.

Ministry of Transportation, July 17, 2024

The subject lands are not located within the MTO's permit control area; therefore, we have no comments to provide at this time.

SUBMISSION NO. A0070/2024 Continued.

The applicant appeared before Committee and provided a history of the property and a summary of the Application. Committee Member Castanza did not have any questions or comments.

Committee Member Goswell thanked Alice Newton from the Nickel District Conservation Authority for attending the hearing and requested her to comment on the applicants claims that floodproofing would impact the neighbouring lots. Alice Newton provided an explanation for the requirement and advised Committee that she was unsure if it would have adverse effects on the neighbouring properties. Committee Member Goswell asked the Secretary-Treasurer if the recommendation contained the Nickel District Conversation Authorities condition and the Secretary-Treasurer advised Committee that it did not.

Committee Member Goswell asked Committee Chair Dumont about procedure to include the requested condition in the resolution. Committee Chair Dumont suggested that the condition would be dealt with through the building permit process. Committee Member Goswell asked Committee if they would consider including this condition in the recommendation.

Committee Chair Dumont asked Alice Newton how the condition would function through a minor variance versus a building permit. Alice Newton advised that the intent of the comment was to bring it to Committee's attention as Nickel District Conservation Authority did not have a record that the property was ever flood proofed when it was converted from a single-family dwelling to a four-plex. Committee Chair Dumont asked her if an application was required, and she advised that there was not but that it is regulated and under their jurisdiction, but reliance is on other review agencies to identify the requirement. Committee Chair Dumont asked if a permit would be required as part of the building permit and she was unsure if it would be required. Committee Chair Dumont advised that this condition was a new one for Committee and that it seems like there is no mechanism to confirm the flood proofing. Alice Newton advised Committee that it was unclear to the Conservation Authority if the building was in the flood hazard, and that the comment was coming from a Planning perspective.

Committee Chair Dumont asked staff if they could provide Committee with clarification on the condition and staff provided clarity.

Committee Chair Dumont asked staff to explain why the condition was not included in the recommendation and staff provided an explanation.

Committee Member Goswell requested that the condition be included in the recommendation.

Committee Member Murray expressed support for the Application but not to impose the condition.

Committee Chair Dumont expressed support for the Application and support for staff's recommendation.

Committee Member Castanza expressed support for the Application but not to impose the condition.

Staff addressed comments made by the applicant in his opening summary.

The following decision was reached:

DECISION:

THAT the application by:

JACK ROCCA

the owner(s) of PIN 73584 0340, Lot(s) 3, Subdivision 52-S, Lot Part 5, Concession 3, Township of McKim, 36 Riverside Drive, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing multiple dwelling containing 4 units providing, firstly, a minimum lot frontage of 13.73m, where 18.0m is required, secondly, a minimum lot depth of 22.18m, where 30.0m is required, thirdly, a minimum 76.0 sq.m lot area per unit, where 140.0 sq.m lot area per unit is required, fourthly, a minimum front yard setback of 3.9m with eaves encroaching 0.4m into the proposed 3.9m setback, where 6.0m is required and where eaves may encroach 1.2m into the required front yard but not closer than 0.6m to the lot line, fifthly, a minimum rear yard setback of 6.3m with eaves encroaching 0.4m into the proposed 6.3m setback, where 7.5m is required and where eaves may encroach 1.2m into the required rear yard but not closer than 0.6m to the lot line, sixthly, an easterly minimum side yard setback of 0.15m with eaves encroaching 0.15m, where 1.2m is required and where eaves may encroach 0.6m into the required yard but not closer than 0.6m to the lot line, and seventhly, a westerly minimum side yard setback of 0.0m, where 1.2m is required, be granted.

SUBMISSION NO. A0070/2024 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 and Buildings. 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
David Murray	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0071/2024

July 31, 2024

OWNER(S): ANGELE BARRETTE, 4609 Fergus Ave Val Therese ON P3P 1S3
ALAIN BARRETTE, 4609 Fergus Ave Val Therese ON P3P 1S3

AGENT(S):

LOCATION: PIN 73504 2004, Parcel 25171 SEC SES SRO, Survey Plan 53R-14566 Part(s) 2, Lot(s) Part 4, Subdivision M-506, Lot Part 6, Concession 3, Township of Hanmer, 4609 Fergus Avenue, Val Therese

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 detached garage, eaves and existing uncovered deck to provide encroachments, setbacks, landscaped area and landscaped open space at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 25, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, July 25, 2024

The purpose and effect of the application is to permit the construction of a detached garage with the following variances:

1. A front yard setback of 1.5 m, whereas a 6 m setback is required;
2. An eave encroachment of 0.3 m into the 1.5 m front yard setback; whereas eaves may encroach 1.2 m into the required front yard no closer than 0.6 m from the front lot line;
3. a 1.5 m landscaped area adjacent to the lot line abutting Angus Street, whereas a 3 m landscaped area is required;
4. a minimum of 27% landscaped area in the front yard, whereas 50% is required in low residential zones;

Additionally, the variance seeks to recognize an existing uncovered deck with a 0.9 m interior side yard setback, whereas uncovered decks may encroach 1.2 m into the interior side yard no closer than 1.2 m from the interior side lot line.

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

SUBMISSION NO. A0071/2024 Continued.

The subject lands contain a single detached dwelling and an accessory building. The lands are serviced by a municipal water and sanitary connection and have existing access from Fergus Avenue and Angus Street.

The dwelling is oriented towards Fergus Avenue; however, the front lot line is located along Angus Street. The front yard, as per the definition in the zoning by-law, functions as a side yard due to the orientation of the dwelling. The applicants have advised that due to the location of the existing dwelling, the proposed garage could not be located elsewhere on the subject lands. It is noted that the proposed garage will be located outside of the sight visibility triangle and maintains height and lot coverage requirements of the zoning by-law. As an advisory comment, consideration should be had for locating the garage no closer to Fergus Avenue than the existing dwelling in order to maintain an existing building line. This would result in an accessory building that is more consistent with the character of the surrounding residential area.

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

CGS: Building Services Section, July 23, 2024

Building Services has reviewed your application and sketches for the requested minor variances and can advise that we have the following comments:

We have no concerns with the requested variances. However, it should be noted that the open landscape area in the front yard calculates to 49% of the required front yard.

We acknowledge the receipt of Building Permit Application BP-NEW-2024-00946 for the construction of the proposed garage.

Greater Sudbury Hydro Inc., July 23, 2024

No objections. Not our area.

Nickel District Conservation Authority, July 23, 2024

Conservation Sudbury does not object to Minor Variance A0071/2024. Subject property includes some areas regulated by Conservation Sudbury. Map was shared to landowner with the building permit circulation. Future development in regulated areas requires permission of Conservation Sudbury.

CGS: Site Plan Control, July 18, 2024

No objections.

CGS: Development Engineering, July 17, 2024

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 0.3 m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

CGS: Strategic and Environmental Planning, July 17, 2024

No concerns.

Ministry of Transportation, July 17, 2024

The subject lands are not located within the MTO's permit control area; therefore, we have no

comments to provide at this time.

The applicant, Alain Barrette, appeared before Committee and provided a summary of the Application. Committee Member Castanza requested staff to comment on the two driveways and staff provided possibilities as to why the property provided two driveways.

Committee Member Goswell expressed support for the Application.

Committee Chair Dumont requested staff to provide an explanation to the applicant regarding Development Approval's comments about the location of the proposed garage and building alignment and staff provided an explanation.

The following decision was reached:

DECISION:

THAT the application by:

ANGELE BARRETTE AND ALAIN BARRETTE

the owner(s) of PIN 73504 2004, Parcel 25171 SEC SES SRO, Survey Plan 53R-14566 Part(s) 2, Lot(s) Part 4, Subdivision M-506, Lot Part 6, Concession 3, Township of Hanmer, 4609 Fergus Avenue, Val Therese

for relief from Part 4, Section 4.2, Table 4.1, Section 4.15, subsections 4.15.1 and 4.15.2 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate firstly, the construction of detached garage providing a front yard setback of 1.5m with eaves encroaching 0.3m into the proposed 1.5m front yard, where a 6.0m front yard setback is required and where eaves may encroach 1.2m into the required front yard but not closer than 0.6m to the lot line, secondly, a 1.5m wide landscaped open space adjacent to the full length of the lot line abutting August Street, where a 3.0m wide landscaped area adjacent to the full length of the lot line shall be required abutting all public roads having a width greater than 10.0m, thirdly, a minimum of 27% landscaped open space, where a minimum of 50% of all required front yards shall be maintained as landscaped open space in low density residential one zones, and fourthly, to permit an existing uncovered deck providing a 0.9m setback from the interior side lot line, where uncovered decks 1.2m or less in height above finished grade may encroach 1.2m into the required interior side yard but not closer than 1.2m to the interior side 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 Buildings. 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
David Murray	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0073/2024

July 31, 2024

OWNER(S): DEBRA PRESNIAK, 1073 Hawthorne Drive Sudbury ON P3A 1K1
JANICE GILES, 1073 Hawthorne Drive Sudbury ON P3A 1K1
MYKEL GILES, 1073 Hawthorne Drive Sudbury ON P3A 1K1

AGENT(S): DEBRA PRESNIAK, 1073 Hawthorne Drive Sudbury ON P3A 1K1

LOCATION: PIN 02132 0530, Parcel 27931 SEC SES SRO, Lot(s) 113, Subdivision M-382, Lot Part 2, Concession 5, Township of McKim, 1073 Hawthorne 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 accessory structure being a carport providing a setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 25, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, July 25, 2024

The purpose and effect of the application is to permit a carport with an interior side yard setback of 0.28 m, whereas a carport cannot be located closer than 0.6 m from the interior side lot line.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'R1-5' Low Density Residential One within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential and park in nature.

The subject lands contain a single detached dwelling, an accessory building, and a carport. The lands are serviced by a municipal water and sanitary connection and have an existing access from Hawthorne Drive.

The applicant has advised that the posts for the carport were located closer to the lot line than permitted, in error. Staff note that the roof of the carport is slanted, with the low end being located closest to the interior of the lot. Staff do not anticipate runoff concerns due to the roof design.

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

Greater Sudbury Hydro Inc., July 23, 2024

No objections.

CGS: Building Services Section, July 23, 2024

Building Services has reviewed your application and sketches for the requested minor variance and can advise that we have no concerns with the request.

We acknowledge Building Permit Application BP-ACC-2023-00263 for the construction of the carport.

Nickel District Conservation Authority, July 23, 2024

Conservation Sudbury does not object to Minor Variance A0073/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, July 18, 2024

No objections.

CGS: Development Engineering, July 17, 2024

No objection.

CGS: Strategic and Environmental Planning, July 17, 2024

No concerns.

Ministry of Transportation, July 17, 2024

The subject lands are not located within the MTO's permit control area; therefore, we have no comments to provide at this time.

Debra Presniak and Janice Giles appeared before Committee and provided a summary of the Application. Committee Members Castanza and Goswell and Committee Chair Dumont expressed support for the Application.

The following decision was reached:

DECISION:

THAT the application by:

DEBRA PRESNIAK, JANICE GILES AND MYKEL GILES
the owner(s) of PIN 02132 0530, Parcel 27931 SEC SES SRO, Lot(s) 113, Subdivision M-382, Lot Part 2, Concession 5, Township of McKim, 1073 Hawthorne 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 detached accessory structure being a carport providing an interior side yard setback of 0.2794m, where a carport can be no closer than 0.6m from the interior side 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 Buildings. 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.

Member	Status
Cathy Castanza	Concurring
David Murray	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0074/2024

July 31, 2024

OWNER(S): NANCY BARON-BLAKE, 54 St Denis Street Sudbury ON P3B 3K2
DANNY BLAKE, 54 St Denis Street Sudbury ON P3B 3K2

AGENT(S):

LOCATION: PIN 73578 0332, Parcel 11795 SEC SES, Lot(s) 12, Subdivision M-158, Lot Part 12, Concession 3, Township of Neelon, 54 St Denis 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 permit an existing accessory structure being a shed with eaves providing encroachments and setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 25, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, July 25, 2024

The purpose and effect of the application is to permit an existing accessory building with the following variances:

- 1. An interior side yard setback of 0.76 m, whereas 1.2 m is required; and
- 2. An eave encroachment of 0.3 m into the 0.76 m side yard, whereas eaves may encroach 1.2 m into the required side yard no closer than 0.6 m

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan, are zoned 'R1-5' Low Density Residential One within the City of Greater Sudbury Zoning By-law, and are located in the Ramsey Lake intake protection area under the source water protection plan. Surrounding uses are residential in nature.

The subject lands contain a single detached dwelling, an accessory building, and a carport. The lands are serviced by a municipal water and sanitary connection and have an existing access from St. Denis Street.

The applicant has advised that the accessory building received a building permit in 2021; however, through completing a survey in 2023 as part of a new house construction, it was identified that the interior side yard setback was deficient.

SUBMISSION NO. A0074/2024 Continued.

Staff do not anticipate negative impacts as a result of the proposed variance to surrounding land uses. Adequate space is being maintained for maintenance purposes.

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

Greater Sudbury Hydro Inc., July 23, 2024

No objections.

CGS: Building Services Section, July 23, 2024

Building Services has reviewed your application and sketches for the requested minor variances and can advise that we have no concerns with the request.

We acknowledge completed Building Permit B20-1979 for the construction of the existing shed.

Nickel District Conservation Authority, July 23, 2024

Conservation Sudbury does not object to Minor Variance A0074/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, July 18, 2024

No objections.

Source Water Protection Plan, July 18, 2024

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 Engineering, July 17, 2024

No objection.

CGS: Strategic and Environmental Planning, July 17, 2024

No concerns.

Ministry of Transportation, July 17, 2024

The subject lands are not located within the MTO's permit control area; therefore, we have no comments to provide at this time.

The applicant, Nancy Baron-Blake and Danny Blake, appeared before Committee and provided a summary of the Application.

All Committees Members and the Chair expressed support for the Application.

The following decision was reached:

DECISION:

SUBMISSION NO. A0074/2024 Continued.

THAT the application by:

NANCY BARON-BLAKE AND DANNY BLAKE
the owner(s) of PIN 73578 0332, Parcel 11795 SEC SES, Lot(s) 12, Subdivision M-158, Lot Part 12, Concession 3,
Township of Neelon, 54 St Denis Street, 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 detached accessory structure being a shed with eaves providing an interior side yard setback of 0.76m with eaves encroaching 0.3m into the proposed 0.76m side yard, where an accessory building greater than 2.5m in height may be no closer than 1.2m from the side lot line and where eaves may encroach 0.6m into the required interior side 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 Buildings. 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
David Murray	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0075/2024

July 31, 2024

OWNER(S): 2114115 ONTARIO INC., 60 Peavinery Rd Burford, ON N0E 1A0

AGENT(S): STEPHEN SKJONSBY, 1739 Old Falconbridge Road Sudbury ON P3A 4R7

LOCATION: PIN 73565 0962, Survey Plan 53R-18400 Part(s) 1, 2, 4, 5, 6, and 7, Lot Part 10, Concession 6, Township of Neelon, 1739 Old Falconbridge Road, Sudbury

SUMMARY

Zoning: The property is zoned M2 (Light Industrial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a detached accessory building on the subject property providing a reduced railroad setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CN Affaires juridiques/Law Department, July 31, 2024

CN does not have any objection to the revised setback since it is for an industrial storage . However, please ensure that any proposed alterations to the existing drainage pattern will not affect railway property .

Under the applicable federal legislation, CN is responsible for ensuring the safety of its railway operations. Additionally, as safety is a core value at CN, CN is committed to the health and safety of their employees, the customers we serve and the communities and environment in which we operate, at all times.

In order to ensure the safety of railway operations, CN's operations and infrastructure are not to be impaired or affected by any construction works or any other works. Additionally, any work performed on CN's property or within 10 meters of CN Right of Way must be arranged through a work permit. A work permit ensures that the proponents of the work, its authorized employees, servants, agents or contractors comply with CN's instructions and will take any safety precautions that CN may reasonably deem necessary in order to ensure that railway operations remain safe. A work permit can be obtained via GLD-Permits at permits.gld@cn.ca .

We request that CN Rail and the proximity@cn.ca email be circulated on public notices and notices of decisions with respect to this and future land use planning applications with respect to the subject site.

Thank you and do not hesitate to contact me with any questions.

CGS: Infrastructure Capital Planning Services, July 25, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation

SUBMISSION NO. A0075/2024 Continued.

No concerns.

CGS: Development Approvals Section, July 25, 2024

The purpose and effect of the application is to permit the construction of an accessory building with a setback of 5 m from the rail line, whereas a 15 m setback is required.

The subject lands are designated 'General Industrial' within the City of Greater Sudbury Official Plan, are zoned 'M2' Light Industrial within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).
Surrounding uses are industrial, rural, park, and residential in nature.

The subject lands contain an existing light industrial building. The lands are serviced by a municipal water connection, a private septic system, and have an existing access from Old Falconbridge Road. The applicant has advised that the accessory building would be used for the storage of mining materials that are required to be covered.

Staff do not have concerns in regard to the requested relief from the rail line given that the building is not intended to be habitable. Any vibration requirements will be addressed through the building permit process.

Site Plan Control advised that the existing site plan for the subject lands did not require an amendment as a result of the accessory building, however, advised that a more detailed plan should be provided to ensure loading areas, proposed entrances, adhere to the zoning by-law. Staff anticipate these items to be addressed through the building permit process.

Building Services also identified that a more detailed plan will be required through the building permit process to ensure proper setbacks from septic system, building separation, etc.

Staff are of the opinion that the variance is considered to be minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted, based on the information the applicant has provided to date. Additional variances may be required through the building permit stage once more detail has been provided.

CGS: Building Services Section, July 23, 2024

Building Services has reviewed your application and sketches for the requested minor variance and can advise that we have no objection with the request for the proximity to the railroad right-of-way.

Owner to be advised of the following:

A Building Permit to the satisfaction of the Chief Building Official will be required. Permit submission shall include Professional Engineer's design for the fabric structure and shall include provisions for vibrations caused by the use of the rail line.

Submission shall also include a detailed Site Plan with accurate building size and location. The proximity of the proposed building may be impacted by requirements under the Ontario Building Code for spatial separations. It should also be noted that the proposed location is in close proximity of a septic treatment and holding tank.

Building Services reserves further comment until time of Permit review.

Greater Sudbury Hydro Inc., July 23, 2024

No objections.

Nickel District Conservation Authority, July 23, 2024

Conservation Sudbury does not object to Minor Variance A0075/2024. Proposed development areas are

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not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, July 18, 2024

A Site Plan Control agreement is registered on title for this property. The proposed building would not be considered a substantial increase to the usability of the site, however, a detailed design drawing showing the location, grading, municipal easements and loading access to the existing building should be provided for review to ensure that there are no issues with the building location that may result in further variances or encroachment into the municipal easement.

CGS: Development Engineering, July 17, 2024

No objection.

CGS: Strategic and Environmental Planning, July 17, 2024

No concerns.

Ministry of Transportation, July 17, 2024

The subject lands are not located within the MTO's permit control area; therefore, we have no comments to provide at this time.

The applicant's authorized representative, Stephen Skjonsby of Weir Minerals, appeared before Committee and provided a summary of the Application.

All Committees Members and the Chair expressed support for the Application.

The following decision was reached:

DECISION:

THAT the application by:

2114115 ONTARIO INC.

the owner(s) of PIN 73565 0962, Survey Plan 53R-18400 Part(s) 1, 2, 4, 5, 6, and 7, Lot Part 10, Concession 6, Township of Neelon, 1739 Old Falconbridge Road, Sudbury

for relief from Part 4, Section 4.37, subsection 4.37.2 a) of By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached accessory building providing a minimum railroad setback of 5.0m, where all buildings and structures shall be setback 15.0m from any lot line abutting a railroad right-of-way, 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 Buildings. 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
David Murray	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring