



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0067/2021

June 24, 2021

OWNER(S): NORTH QUARTER FARMS INC., 4245 Highway 537 Sudbury, ON P3E 4N1

AGENT(S): DS DORLAND LIMITED, 298 Larch Street Sudbury ON P3B 1M1

LOCATION: PIN 73470 0035, Parcel 51470, Survey Plan 53R-15317 Part(s) 2, Lot 1, Concession 2, Township of Dill, 0 Old Wanup Road, Sudbury, 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 for the resultant lot, following a lot addition, having a lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Site Plan Control, June 17, 2021

No concerns.

CGS: Building Services Section, June 16, 2021

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

However, Owner to be advised of the following comments:

1) Owner to be informed that in accordance with Section 4.23 of the CGS Zoning By-law 2010-100Z, where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the permitted uses and zone provision of the By-law for the applicable zone as if it were a separate lot. In accordance with Section 4.23 (a), the lot area and lot frontage requirements of the most restrictive zone on the lot shall be applied to the entire lot.

2) With the exception of lot frontage and lot area which will conform to the Rural (RU) requirements in accordance with Part 9, Table 9.3, with respect to future construction, Owner to be informed that Part 1 (PIN 73470-0034) will maintain its zoning status of Low Density Residential One (R1-1) and Part 2 (PIN 73470-0578) will maintain its zoning status of Rural (RU).

The Nickel District Conservation Authority, June 16, 2021

The parcel is outside of the watershed regulated by Conservation Sudbury. Please contact the Ministry of Natural Resources and Forestry at their district general office number (705) 564-7823 or via e-mail at MNRFSudburyDistrict@ontario.ca.

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

CGS: Infrastructure Capital Planning Services, June 16, 2021

Roads

SUBMISSION NO. A0067/2021 Continued.

No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, June 14, 2021

The variance being sought would facilitate a rural lot addition to benefitting lands that have frontage on Old Wanup Road in Sudbury. The lands are zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The lands are the subject of a related consent application (File # B0039/2020), which was approved by the City's Consent Official on August 27, 2020. The provisional consent that was granted include a condition that the owner apply for and receive appropriate relief from the multiple zones on one lot provisions of Section 4.23 of the City's Zoning By-law. Staff is satisfied that the minor variance is technical in nature and would avoid extending the existing "R1-1", Low Density Residential One Zone east-ward to the shores of the Wanapitei River. It is also note that the minor variance would avoid extending the "RU" Zone to the west thereby establishing an undersized lot frontage for a rural lot. It should be further noted that the development proposal involved two separate lot additions to two separate abutting lots and therefore a minor variance for each resulting lot is necessary. As such, staff would note that the other lot addition has already been granted a minor variance (File # A0083/2020). 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: Development Engineering, June 10, 2021

No objection.

The agent appeared before Committee and explained that the application was identical to previous minor variance application A0083/2020, which Committee approved. The agent explained that the reason for the application arose from the fact that the City's Zoning By-law and the Official Plan policies and specifications for water front lots in rural zones are not in sync and in order to accommodate the lot consolidation previously dealt with through a consent application, the variance was a condition of the consent decision. Committee and staff had no further questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

NORTH QUARTER FARMS INC.
the owner(s) of PIN 73470 0035, Parcel 51470, Survey Plan 53R-15317 Part(s) 2, Lot 1, Concession 2, Township of Dill,
0 Old Wanup Road, Sudbury, Sudbury

for relief from Part 9, Table 9.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to approve the resultant lot following a lot addition, which is subject of Consent Application B0039/2020, providing a lot frontage of approximately 49.18m, where 90m is required, be approved.

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.

SUBMISSION NO. A0067/2021 Continued.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0068/2021

June 24, 2021

OWNER(S): FOUR CORNERS HOSPITALITY LTD, 1696 Regent Street Sudbury ON P3E 3Z8

AGENT(S): DS DORLAND LIMITED, 298 Larch Street Sudbury ON P3B 1M1

LOCATION: PIN 73595 0041, Survey Plan 53R-21148 Part(s) 1-9, Lot(s) 7, Subdivision M-140, Lot 6, Concession 1, Township of McKim, 235 Caswell Drive, Sudbury, Sudbury

SUMMARY

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

Application: Approval to allow an increased number of dwelling units for a multiple dwelling at variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., June 17, 2021

No Conflict.

CGS: Site Plan Control, June 17, 2021

No concerns.

CGS: Infrastructure Capital Planning Services, June 16, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, June 16, 2021

This application seeks to facilitate the conversion of an existing hotel to a multiple dwelling on the subject lands that have frontage on Regent Street and Caswell Drive in Sudbury. The lands are zoned "C2", General Commercial under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The variance would permit a multiple dwelling having a maximum of 66 residential dwelling units whereas a maximum of 30 residential dwelling units per building is permitted in the applicable "C2" Zone. Staff would advise that in general the development proposal to sever the existing buildings into separate and distinct lots has been supported in previous applications (Files # A0025/2019, A0026/2019 & B0011/2020). Staff would also note that the intended use of the existing building is a permitted use in the "C2" Zone and the variance being sought would only facilitate a residential dwelling unit increase. Staff also notes that the proposed multiple dwelling would also otherwise appear to comply with all

SUBMISSION NO. A0068/2021 Continued.

other applicable development standards under the "C2" Zone. Staff is satisfied that the additional residential dwelling units in this location would not generate any negative land use planning impacts on abutting properties along both Regent Street and Caswell Drive. 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, June 16, 2021

Conservation Sudbury does not oppose Minor Variance A0068/2021. 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, June 16, 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.

2) Our research indicates multiple shipping and storage containers on the property which are not permitted within a C2 zone in accordance with Section 4.34 of the CGS Zoning By-law 2010-100Z. Shipping and storage containers to be removed.

CGS: Development Engineering, June 10, 2021

No objection.

The agent appeared before Committee and provided a brief history of the property. The agent explained that the owners sought to divide the subject property through site plan control and consent. The agent explained that the owner's entered into an Agreement of Purchase and Sale with a company called Whitehall Apartments and they wish to convert the hotel into a student housing project. The agent thanked staff for guidance to seek a minor variance to allow increased number of units that would be permitted under a C2 zoning to 66 apartment units, given the landuse existing around the property, the process and the timeline involved in a rezoning. Committee and staff had no further questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

FOUR CORNERS HOSPITALITY LTD
the owner(s) of PIN 73595 0041, Survey Plan 53R-21148 Part(s) 1-9, Lot(s) 7, Subdivision M-140, Lot 6, Concession 1, Township of McKim, 235 Caswell Drive, Sudbury, Sudbury

for relief from Part 7, Section 7.2, Table 7.1 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to facilitate the conversion of an existing general commercial hotel into a multiple dwelling building providing 66 residential units, where a maximum of 30 dwelling units are permitted per building, be approved.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0069/2021

June 24, 2021

OWNER(S): RICHARD CAYA, 72 Edward Ave Chelmsford ON P0M 1L0
CYNTHIA CAYA, 72 Edward Ave Chelmsford ON P0M 1L0

AGENT(S): STEPHANE PRONOVOST,

LOCATION: PIN 73349 1402, Parcel 13995, Lot(s) 17, Subdivision M-348, Lot 1, Concession 3, Township of Balfour, 72 Edward Avenue, Chelmsford

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 the maximum allowable lot coverage for an accessory building at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Site Plan Control, June 17, 2021

No concerns.

The Nickel District Conservation Authority, June 16, 2021

Conservation Sudbury does not oppose Minor Variance A0069/2021. 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: Infrastructure Capital Planning Services, June 16, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

SUBMISSION NO. A0069/2021 Continued.

CGS: Building Services Section, June 15, 2021

No concerns.

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 Edward Avenue in Chelmsford. 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 a maximum accessory buildings and structures lot coverage of 16% whereas a maximum lot coverage of 10% for accessory buildings and structures is permitted. Staff notes that the principal use of the lands being that of a single-detached dwelling maintains a gross floor area of approximately 89.19 m² (960.00 ft²) whereas the proposed detached garage would maintain a gross floor area of approximately 111.48 m² (1,200.00 ft²). Staff advises in this respect that accessory buildings and structures are to be incidental and subordinate in nature to the principal use. Staff is therefore concerned with respect to the scale and magnitude of the variance being sought (ie. 6% increase). Staff further notes that existing detached garages in the area generally appear ancillary and subordinate to the main residential dwelling. Staff is of the opinion that the accessory buildings and structures lot coverage variance being sought is not minor and not appropriate given the site and neighbourhood context. Staff recommends that the variance be denied as it is not minor, not appropriate development for the area and the intent of the Zoning By-law is not maintained.

CGS: Development Engineering, June 10, 2021

No objection.

The agent appeared before Committee and explained that the owners are seeking to build a 30x40 garage on the property and that they require a variance for the lot coverage. The agent explained that the garage would be located in the rear of the property and would not create an eyesore for curb appeal. The agent also explained that the garage would meet height requirements so it would not impede with the neighbours enjoyment. Committee Member Dumont asked the agent if he reviewed the comments from staff and the agent advised that he did not. Committee Member Dumont advised the agent that the staff recommendation was to deny the application and wanted to know if the agent understood the rationale behind that recommendation. The agent explained that he was not contacted and had not received the comments. Committee Member Dumont explained his understanding of staff's rationale which was that the house is approximately 900 sq. ft. in total square footage and the proposed detached garage or accessory structure is approximately 1200 sq. ft. which is larger than the house and the garage should be an accessory structure, not a primary dwelling and the accessory structure should be incidental or subordinate to the main house. Committee Member Dumont further explained that when you have an accessory structure larger than the house, based on staff's comments, it would no longer be incidental or subordinate to the main house. Committee Member Castanza advised that she did a site visit of the property and appreciates staff's comments but based on where the garage is going to be placed, the vegetation on the lot and the length of time the house has been there she did not have an issue with the application. Committee Member Coupal advised that she felt the same way as Committee Member Castanza and also did a site visit and feels that you won't be able to see the garage. Committee Chair Chartrand expressed that he felt the same but requested staff to explain the intent behind the 10% lot coverage requirement in the Zoning By-law. Staff reiterated that the recommendation was to deny the application and further explained that the garage was proposed to be larger than the dwelling and in terms of that section of the Zoning By-law, accessory buildings are intended to be incidental and subordinate to the main use. Staff advised that they are concerned that the scale and magnitude of the variance that would be required to permit the garage is inconsistent with that concept that accessory structures are intended to be subordinate to the primary use of the property which is the residential dwelling. Staff further advised that their understanding was that the proposed garage is inconsistent with other detached garages in the area and staff doesn't consider the variance to be minor or appropriate given the site and the neighbourhood context. Staff advised that these are the reasons staff was recommending that the variances be denied. Chair Chartrand asked staff if there were other factors, other than the footprint, that staff looked at when considering an accessory structure to be subordinate or incidental. Staff advised that that in terms of it being incidental or subordinate it was primarily based on the footprint, so that it wouldn't detract or stand-out as being the primary use of the dwelling with respect to the residential use of the property. Staff advised that the residential use was intended to be the primary use and the garage was accessory and subordinate to that primary use. Chair Chartrand asked the agent what the intended use of the garage was. The agent explained that the garage was strictly for storage as the owners sold their farm and need somewhere to store their toys. The agent advised that the owners are not mechanics and would not be operating a business as they are retired. The agent also explained that they are not covering more than 40% of the property with structures and that the garage is only 6% over. The agent also explained that if the garage were to be attached to the home a variance would not be required as they would not be over the 40%. Committee Member Dumont asked the agent when the home was built and the agent advised that he believed it was built in the 70's. Committee Member Dumont asked staff if they have record of when the home was built. Staff advised that the year the home was built should be on the application form. Committee Member Castanza confirmed that it was and the home was built in the 60's. Committee Member Dumont explained that based on the age and size of the home and that the owners do not intend to use the garage to run a business he had no issues with the application. Committee Chair Chartrand agreed with Committee Member Dumont's opinion and had no issues with the application. Committee Member Coupal asked if the City received any letters and the Secretary-Treasurer confirmed that the City did not. Committee Member Dumont asked staff if there were any further zoning issues or any other development applications that would need to be addressed if Committee defeated the recommendation to deny the application. Staff advised that they are not aware of any thing that would impact any other process that might be required to enable development of the garage. The staff recommendation to deny the application was defeated. Committee Member Dumont put forward a motion to support the application and Committee Member Coupal seconded the motion. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

RICHARD CAYA AND CYNTHIA CAYA

the owner(s) of PIN 73349 1402, Parcel 13995, Lot(s) 17, Subdivision M-348, Lot 1, Concession 3, Township of Balfour, 72 Edward Avenue, Chelmsford

SUBMISSION NO. A0069/2021 Continued.

for relief from Part 4, Section 4.2, subsection 4.2.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, in order to permit the construction of a garage providing a lot coverage of 16%, where permitted lot coverage for an accessory building shall not exceed 10%, 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
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0071/2021

June 24, 2021

OWNER(S): PRATAP KUMAR SATPATHY, 44 Clemow Ave Sudbury ON P3C 3H3
CHANDRANI SATPATHY, 44 Clemow Ave Sudbury ON P3C 3H3

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

LOCATION: PIN 73588 0403, Parcel 7251, Lot(s) 277, Subdivision M-128, Lot 8, Concession 2, Township of McKim, 44 Clemow Avenue, 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 allow a reduced lot area, side yard setback, front yard setback, number of parking spaces as well as reduced drive aisle for a multiple dwelling a variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., June 17, 2021

No Conflict.

CGS: Site Plan Control, June 17, 2021

No concerns.

CGS: Infrastructure Capital Planning Services, June 16, 2021

Roads
No concerns.

Transportation & Innovation
While Clemow Avenue does have parking permitted on the East side, it is limited to a maximum of 4 hours. Parking is also prohibited in the laneway behind this residence. Given this, it is unclear where the additional residents or visitors to the residence will park.

Active Transportation
No concerns.

CGS: Building Services Section, June 16, 2021

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

1) A review of the Public Notice indicates relief of lot area per unit of 124.0 m² where 140.0 m² per unit is required. Our calculations indicate relief of 124.6 m² is required rather than 124.0 m². Also, the Public Notice indicates relief of a front yard setback of 5.5 m, where 6.0 m is required, rather than a front yard setback of 5.77 m where 6.0 m is required.

2) Owner to be informed that a building permit and building permit documents are required for the third dwelling unit constructed without benefit of a building permit. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.

The Nickel District Conservation Authority, June 16, 2021

Conservation Sudbury does not oppose Minor Variance A0071/2021. 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 Approvals Section, June 14, 2021

The variances being sought would collectively legalize an existing multiple dwelling having three residential dwelling units on the subject lands that have frontage on Clemow Avenue in Sudbury. The lands are zoned "R2-3", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff advises that the variance related to a reduced number of required parking spaces would still allow for each residential dwelling units to have a dedicated parking space accessed via the laneway in the rear yard. Staff would further note that the lands do have access to public transportation (ie. GOVA) to the south along Lorne Street (ie. Route #13 – Copper Cliff). In this regard, staff has no concerns with the variance that would allow for a reduced number of required parking spaces. Staff also has no concerns with the variance related to a reduced aisle width onto the lane, which is maintained by the municipality. Staff is also of the opinion that the reduced lot area per residential dwelling unit is appropriate in this particular context and it is not anticipated to generate any negative land use planning impacts on abutting residential properties.

Staff would note however that the variances being sought for a reduced front yard setback and interior side yard setback are not necessary as the existing residential building is legal non-complying in this respect. Staff would however no object to the variances should the owner wish to include them given that the existing building is situated within an older residential neighborhood having similar residential buildings nearby that maintain similar yard setbacks. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Development Engineering, June 10, 2021

No objection.

The agent appeared before the Committee and explained that the variances being sought were needed to legalize an existing 3 unit multiple dwelling. The agent provided a brief explanation of the application. The agent further explained that the application was made due to the property's small size as is common in that area of the City and the new owners desire to legalize the three units. The agent further explained that in terms of appropriateness, the reliefs requested would legalize the existing three unit building and thereby support a range of housing types. The agent explained that the concept plan depicts the maximized use of the backyard space and that was the reason for no drive aisle and the application still provided one parking space per unit which the agent believed was appropriate for the scenario. The agent explained that because of those reasons they believed the application to be both minor and appropriate. Committee Member Dumont asked the agent to explain why there was a need to legalize the property. The agent explained that the new owners purchased the property with the understanding that the three units were legal, however after purchasing the owners learned that they were not done with permits and this application was made to bring them into conformity and legalize the three units. Committee Chair Chartrand, referring to Infrastructure Capital Planning's comment, asked the agent where additional parking or visitors would be parking. The agent confirmed that they received the comments and explained that there is a GOVA transit route and four hour parking is permitted. The agent further explained that they hope that one-for-one would be appropriate in this instance as it was quite common in other areas of the City and they are comfortable that one parking space per unit here would be okay.

The following decision was reached:

DECISION:

THAT the application by:

PRATAP KUMAR SATPATHY AND CHANDRANI SATPATHY

the owner(s) of PIN 73588 0403, Parcel 7251, Lot(s) 277, Subdivision M-128, Lot 8, Concession 2, Township of McKim, 44 Clemow Avenue, Sudbury

for relief from Part 6, Section 6.3, Table 6.4 and Part 5, Section 5.5, Table 5.5 and subsection 5.2.9.2 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, in order to legalize an existing multiple dwelling as a triplex providing, firstly, a lot area of 124.0m² per unit, where 140.0m² per unit is required, secondly, an interior side yard setback of 0.0m, where 1.2m is required, thirdly, providing a front yard setback of 5.5m, where 6.0m is required, fourthly, a minimum of three (3) parking spaces, where five (5) is required and, fifthly, providing no drive aisle, where a minimum 6.0m drive aisle width is required, be approved.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0072/2021

June 24, 2021

OWNER(S): KIRKWOOD SUDBURY CORP, 18 Collier St Barrie ON L4M 1G6

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

LOCATION: PINs 73581 0215 & 73581 0271, Lot(s) 7 (Part), 8 and 9, Subdivision M-38, Township of McKim, 477 Kirkwood Drive, Sudbury

SUMMARY

Zoning: The property is zoned R1-3 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 front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., June 17, 2021

No Conflict.

CGS: Site Plan Control, June 17, 2021

No concerns.

The Nickel District Conservation Authority, June 16, 2021

Conservation Sudbury does not oppose Minor Variance A0072/2021 as the location of the proposed garage is not within a regulated area.

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.

The proponent is advised that works within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, 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 bailey.chabot@conservationsudbury.ca.

SUBMISSION NO. A0072/2021 Continued.

CGS: Infrastructure Capital Planning Services, June 16, 2021

Roads

No concerns.

Transportation & Innovation

It is unclear if a new driveway will result from this application. The owner should be made aware that only one driveway to the residence will be permitted.

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) With respect to the proposed garage, building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.

Owner to be informed the subject property is located in a vulnerable Source Water Protection area which will require a Section 59 Notice at the time of building permit. Owner to also be advised that prior to issuance of a building permit, Public Health approval will also be required.

As drawings of the proposed garage were not provided with this application, Owner to be informed that in accordance with Section 4.2.4. of the CGS Zoning By-law 2010-100Z the maximum height of any accessory building or structure permitted on a residential lot shall be 5.0 m (16.4 ft). Should the proposed garage exceed this height, further minor variance would be required.

2) Based on the plot plan submitted, Owner to be informed that it appears the neighbors deck is encroaching into the westerly side of the subject property and may require a building permit. All setbacks are to be met in accordance with CGS Zoning By-law 2010-100Z.

3) A search of our records indicates incomplete permits for the property to rebuild a boathouse (B18-1259) and construct a single family dwelling with covered entry, sunroom, and attached decks (B20-1282). Please contact Building Services to proceed in closing these projects.

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 Kirkwood Drive in Sudbury. The lands are zoned "R1-3", 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 maintain a front yard setback of 5 m (16.40 ft) whereas a front yard setback of 6 m (19.69 ft) is permitted. Staff notes that an existing detached garage on the lands is to be demolished in favor of a new detached garage that would be generally located in the same location and would be accessed from the existing driveway entrance onto Kirkwood Drive. Staff has no concerns with the reduced front yard setback that amounts to the new detached garage being situated 1 m (3.28 ft) closer to the front lot line than what the applicable "R1-3" Zone requires. Staff advises that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building in this particular residential area. 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 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: Environmental Planning Initiatives, June 11, 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 Ramsey Lake, Township of McKim, 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. Public Health Sudbury & Districts confirmed the presence of cyanobacterial blooms in Ramsey Lake in 2008 and every year from 2010 to 2020 inclusive.

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, June 10, 2021

No objection.

The agent appeared before the Committee and briefly explained the application. The agent explained that the application was being made primarily due to the desired location of the garage, the existing septic field bed, the existing vegetation on site and the topographic constraints as the property slopes towards the water. The agent explained that in terms of appropriateness, the garage had been situated as far back from the street line as possible given the field bed and there was no anticipated impact with the reduced setback given that the garage would be situated approximately 18.0m from the edge of the road, which was shown on the sketch, and the lands to the south are currently vacant open space. The agent advised that because of those reasons they believe that the variances are minor and appropriate for the area. Committee Member Castanza, referring to Building Services comments regarding the deck encroachment, asked staff if that was an appropriate comment as wouldn't it be up to the owner to talk to the neighbours. Staff advised that Building Services provided those comments as a point of information and provided that to the applicant to raise awareness and to encourage the owner to follow-up on the item. Committee Chair Chartrand, referring to Infrastructure Capital Planning's comments, asked the agent if there would only be one driveway and the agent confirmed that there would only be one driveway.

The following decision was reached:

DECISION:

THAT the application by:

KIRKWOOD SUDBURY CORP

the owner(s) of PINs 73581 0215 & 73581 0271, Lot(s) 7 (Part), 8 and 9, Subdivision M-38, Township of McKim, 477 Kirkwood Drive, Sudbury

for relief from Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, in order to facilitate the construction of a garage providing a front yard setback of 5.0m, where minimum required front yard setback is 6.0m, be approved.

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
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring