



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0073/2022

June 29, 2022

OWNER(S): TRACEY DELWO, 4669 Long Lake Road, Sudbury, ON P3G 1K5

AGENT(S):

LOCATION: PIN 73476 0217, Parcel 38821 SEC SES, Survey Plan 53R-5195 Part(s) 3, Lot Part 6, Concession 3, Township of Broder, 4669 Long Lake Road, Sudbury

SUMMARY

Zoning: The property is zoned R1-2 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit the reconstruction of the single detached dwelling on the subject property providing an increase in gross floor area within the front yard setback, shoreline setback and buffer, eaves and front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 27, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Engineering, June 24, 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: Environmental Planning Initiatives, June 24, 2022

Approval of this application is recommended given that the proposed development will not increase the disturbed area within the Shoreline Buffer Area or decrease the setback from the high water mark beyond the situation that currently exists. Every effort should be made to ensure the survival of existing trees, some of which are mature, within the Shoreline Buffer Area.

Additional points are offered below for the benefit of the property owners and the Committee of Adjustment.

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

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

confirmed the presence of cyanobacterial blooms in Long Lake in 2008, 2011, 2012, 2013, 2014, 2016, 2019 and 2021.

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or river bank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
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 amounts of 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 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).

Greater Sudbury Hydro Inc., June 22, 2022

Contact GSHI energy supply if disconnect/reconnect is required.

CGS: Development Approvals Section, June 22, 2022

This application seeks permission to demolish and reconstruct a legal non-complying residential dwelling having frontage on Long Lake Road in Sudbury. The lands also have water frontage on Long Lake. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has reviewed the development proposal and is satisfied that the additions are at an appropriate magnitude that is not considered to be excessive and it is particularly noted that the existing shoreline

SUBMISSION NO. A0073/2022 Continued.

setback to the nearest building (ie. detached garage) would not be further reduced. Staff notes that the majority of the reconstructed residential dwelling will utilize the existing building footprint and setbacks that are protected under Section 4.25.2 of the City's Zoning By-law. The additions are limited to a screened-in porch, a connecting addition between a detached garage and the main building, and a small "bump-out" front addition. Staff recommends that the application be approved as the reconstruction and expansion of the existing residential dwelling is considerable to be reasonable, not excessive in nature and there would be no negative land use planning impacts on abutting residential properties.

CGS: Building Services Section, June 21, 2022

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

The Nickel District Conservation Authority, June 21, 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 reconstruction of an existing single detached dwelling and new building additions where eaves encroach, and the lot coverage increases, and is within the shoreline setback and where a minimum front yard setback is less than the required setback.

Conservation Sudbury does not object to Minor Variance A0073/2022. Conservation Sudbury is currently reviewing the proposed development through the Section 28 permit process. It is the understanding that consistency between the proposed minor variance and the proposed building permit is being reviewed by the Building Department and therefore will not be commenting on same.

CGS: Site Plan Control, June 16, 2022

No objection.

The applicant's agents, Joel Tarvudd and Dan Cacciotti, appeared before Committee and provided a summary of the application. Philip Zylberberg appeared before Committee on behalf of the Long Lake Stewardship Committee and expressed concern over the development proposal. Dan Cacciotti submitted the following letters of support from surrounding residents, Kevin Honeyford of 4699 Long Lake Road; Melynda Grossi of 4647 Long Lake Road and 4658 Long Lake Road; Francesco Grossi on behalf of 1000130112 Ontario Limited of 4644 Long Lake Road; and Francesco Grossi of 4688 Long Lake Road and 4678 Long Lake Road. Committee Chair Chartrand asked the agent to clarify his comments in the summary and Dan Cacciotti explained that the extra square footage is off. Committee Chair Chartrand asked the agent to confirm that what is being approved by Committee is correct and Dan Cacciotti explained that the lot coverage is less than what was provided for in the application. Committee Chair Chartrand requested staff to provide clarification and staff explained that the figures in the application were provided to Planning staff and formed the description. Staff cautioned Committee and the agent that if the numbers are incorrect than there is a risk that a building permit may not be issued and a reapplication may be necessary. Committee Chair Chartrand asked the agent to confirm that what was submitted is what they are seeking approval for and the agent confirmed that they would leave it as submitted. Committee Member Dumont expressed support for the application.

The following decision was reached:

DECISION:

THAT the application by:

TRACEY DELWO

the owner(s) of PIN 73476 0217, Parcel 38821 SEC SES, Survey Plan 53R-5195 Part(s) 3, Lot Part 6, Concession 3, Township of Broder, 4669 Long Lake Road, Sudbury

SUBMISSION NO. A0073/2022 Continued.

for relief from Part 4, Section 4.2, Table 4.1, Section 4.25, subsection 4.25.2 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 the reconstruction of the existing single detached dwelling and new building additions at the front and the rear of the reconstructed dwelling as well as a second-storey addition to the reconstructed dwelling providing, firstly, eaves to encroach 2.07m into the required front yard, where eaves may encroach 1.2m into the required front yard but not closer than 0.6m to the lot line, secondly, an increase in lot coverage from 26.74% to 36.67% and an increase in gross floor area of 193.99m² within the required front yard, 30.0m shoreline setback and 20.0m shoreline buffer, where enlargement, reconstruction, repair and/or renovation is not permitted to reduce the front yard setback, lot coverage or increase the gross floor area of a building located within the required front yard setback, 30.0m setback from the high water mark and 20.0m shoreline buffer, and thirdly, a minimum front yard setback of 6.03m, where 7.5m is required, be granted.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0077/2022

June 29, 2022

OWNER(S): KELLY VAILLANCOURT, 4274 Frost Ave Hanmer ON P3P 1C8
DAN PROULX, 4274 Frost Ave Hanmer ON P3P 1C8

AGENT(S): DAN PROULX, 4274 Frost Ave Hanmer ON P3P 1C8

LOCATION: PIN 73504 2023, Parcel 24904 SEC SES SRO, Lot(s) 29, Subdivision M-396, Lot Pt 4, Concession 2, Township of Hanmer, 4274 Frost Avenue, Hanmer

SUMMARY

Zoning: The property is zoned R1-2 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct an attached garage onto the existing single detached dwelling on the subject property providing eaves and a minimum front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 27, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

Source Water Protection Plan, June 24, 2022

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, June 24, 2022

No objection.

Greater Sudbury Hydro Inc., June 22, 2022

Out of our service territory.

CGS: Development Approvals Section, June 22, 2022

The variances being sought would facilitate construction of an attached garage on the subject lands that have frontage on Frost Avenue in Hanmer. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Urban Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that the owner is requesting the reduced front yard setback to the proposed attached garage in order to maintain access to the southerly-most garage door on an existing detached garage in the rear yard. Staff notes that most residential dwellings along this portion of Frost Avenue appear to comply with the 6 m (19.69 ft) minimum front yard setback

SUBMISSION NO. A0077/2022 Continued.

requirement of the "R1-5" Zone. Staff notes however that the proposed attached garage would not protrude unreasonably from the existing single-detached toward Frost Avenue in a manner that would negatively impact the residential character that exists along this portion of Frost Avenue. Staff is further satisfied that the requested 5 m (16.40 ft) front yard setback to the proposed attached garage would not have any negative land use planning impacts on abutting residential properties. Staff has no concerns with the eaves variance. 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.

Source Water Protection Plan, June 22, 2022

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

CGS: Building Services Section, June 21, 2022

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

The Nickel District Conservation Authority, June 21, 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 an attached garage where eaves encroach and where the front yard setback is less than the required setback.

Conservation Sudbury does not object to Minor Variance A0077/2022. A portion of the project is located in a regulated area, see enclosed map. The proponent is advised that future 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. Any permit issued may include conditions of development and permits are not guaranteed.

CGS: Site Plan Control, June 16, 2022

No objection.

The applicants appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

KELLY VAILLANCOURT AND DAN PROULX
the owner(s) of PIN 73504 2023, Parcel 24904 SEC SES SRO, Lot(s) 29, Subdivision M-396, Lot Pt 4, Concession 2, Township of Hanmer, 4274 Frost Avenue, Hanmer

for relief from Part 4, Section 4.2, Table 4.1 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 the construction of an attached garage providing, firstly, eaves to encroach 1.6m into the required front yard, 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 front yard setback of 5.0m, where 6.0m is required, be granted.

SUBMISSION NO. A0077/2022 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land 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
Justin Sawchuk	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0078/2022

June 29, 2022

OWNER(S): CYNTHIA KENNEDY, 2416 San Francisco St Sudbury On P3A 2G9
JOHN KENNEDY, 2416 San Francisco St Sudbury On P3A 2G9

AGENT(S): ALEXANDRA KENNEDY, 2416 San Francisco St Sudbury On P3A 2G9

LOCATION: PIN 73564 0065, Parcel 27718 SEC SES, Lot(s) 98, Subdivision M-255, Lot Pt 9, Concession 6, Township of Neelon, 2416 San Francisco Street, Sudbury

SUMMARY

Zoning: The property is zoned R1-5 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a detached accessory building containing a garage and secondary dwelling unit providing an accessory lot coverage and height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 27, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Engineering, June 24, 2022

No objection.

Greater Sudbury Hydro Inc., June 22, 2022

No objections.

CGS: Development Approvals Section, June 22, 2022

The variances being sought would facilitate construction of an accessory building containing a secondary dwelling unit and detached garage in the rear yard of the subject lands that have frontage on San Francisco Street in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Urban Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the accessory building would provide for a front yard setback of approximately 12.65 m (41.50 ft) from the street line of San Francisco Street. Staff further notes that the height variance being sought is applicable only to the detached garage rear portion of the proposed accessory building while the front portion containing the secondary dwelling unit would be situated closer to the street line of San Francisco Street and would appear to comply with the maximum accessory building height of 5 m (16.40 ft). The portion of the accessory building exceeding the maximum accessory building 5 m (16.40 ft) would be situated approximately 26.36 m (86.48 ft) from the front lot line. The proposed accessory building would also immediately abut an existing detached garage situated in the rear yard of those lands known municipally as 2406 San Francisco Street. There is also a line of trees along the westerly interior side lot line and along the rear lot line providing some

SUBMISSION NO. A0078/2022 Continued.

buffering and screening toward abutting residential properties. Staff has no concerns with an increased maximum accessory building height in this particular urban residential context. Staff also has reviewed the resulting maximum accessory building lot coverage of 13.66% whereas 10% is permitted and are satisfied that the additional 3.66% does not amount to overdevelopment of this particular urban residential lot. Staff also does not anticipate any negative land use planning impacts on abutting residential properties should the additional height be approved. 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 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, June 21, 2022

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

The Nickel District Conservation Authority, June 21, 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 accessory building containing a garage and secondary unity providing, firstly, an accessory lot coverage of 13.66% where 10% is permitted, and secondly, a maximum height of 6.4m, where the maximum height of any accessory building or structure on a residential lot shall be 5m.

Conservation Sudbury does not object to Minor Variance A0078/2022. 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: Site Plan Control, June 16, 2022

No objection.

The applicant's agent, Alexandra Kennedy, appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

CYNTHIA KENNEDY AND JOHN KENNEDY
the owner(s) of PIN 73564 0065, Parcel 27718 SEC SES, Lot(s) 98, Subdivision M-255, Lot Pt 9, Concession 6,
Township of Neelon, 2416 San Francisco Street, Sudbury

for relief from Part 4, Section 4.2, subsections 4.2.3 and 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached accessory building containing a garage and secondary dwelling unit providing, firstly, an accessory lot coverage of 13.66 %, where 10% is permitted, and secondly, a maximum height of 6.4m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

SUBMISSION NO. A0078/2022 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 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
Justin Sawchuk	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0081/2022

June 29, 2022

OWNER(S): JACQUES M. LITALIEN, 333 Leslie Street Sudbury ON P3B 2T4

AGENT(S): STEPHANE PRONOVOST, 475 Vermillion Road Chelmsford ON P0M 1L0

LOCATION: PIN 02132 0369, Parcel 6203 SEC SES, Lot(s) Pt 1, Subdivision M-7S, Lot Pt 4, Concession 4, Township of McKim, 333 Leslie Street, 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 construct a detached garage on the subject property providing an accessory lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 27, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Engineering, June 24, 2022

No objection.

Greater Sudbury Hydro Inc., June 22, 2022

No objections.

CGS: Development Approvals Section, June 22, 2022

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Leslie Street in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-3", Low Density Urban Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has reviewed the resulting maximum accessory building lot coverage of 12.5% whereas 10% is permitted and are satisfied that the additional 2.5% does not amount to overdevelopment on this particular urban residential lot. The intended relationship between a main building and an accessory building would also not be disrupted or negatively impacted should the additional lot coverage be permitted. 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 "R2-3" Zone. The proposed detached garage would immediately abut an existing shed in the rear yard of those lands known municipally as 329 Leslie Street. Staff also notes the lands immediately abut a municipally-owned block of land and an existing mixed light industrial/service commercial lot is situated further to the west containing an existing building to the west that is zoned "M1", Mixed Light Industrial/Service Commercial. Staff would caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (ie.

SUBMISSION NO. A0081/2022 Continued.

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 permitted as a secondary dwelling unit or a 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, June 21, 2022

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

However, Owner to be advised of the following comments:

1) 333 Leslie has an issued permit (Building Permit #05-0501 for Insulation and Vapour Barrier) that has not been completed. Please contact Building Services to arrange an inspection(s) to close out the permit.

The Nickel District Conservation Authority, June 21, 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 an accessory lot coverage of 12.5% where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%.

Conservation Sudbury does not object to Minor Variance A0081/2022. 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: Site Plan Control, June 16, 2022

No objection.

The applicant's agent, Stephane Pronovost, appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

JACQUES M. LITALIEN
the owner(s) of PIN 02132 0369, Parcel 6203 SEC SES, Lot(s) Pt 1, Subdivision M-7S, Lot Pt 4, Concession 4, Township of McKim, 333 Leslie Street, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing an accessory lot coverage of 12.5%, where the total lot coverage of all accessory buildings and structures on a residential lot 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 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.

SUBMISSION NO. A0081/2022 Continued.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0082/2022

June 29, 2022

OWNER(S): IVAN HERBERT, 1699 Desloges Road Sudbury ON P3G 1C3
LINDA GERALDO, 1699 Desloges Road Sudbury ON P3G 1C3

AGENT(S): IVAN HEBERT, 1699 Desloges Road Sudbury ON P3G 1C3

LOCATION: PIN 73479 0369, Parcel 32808 SEC SES, Survey Plan SR-1474 Part(s) 2, Lot Pt 12, Concession 6, Township of Dill, 1699 Desloges Road, Sudbury

SUMMARY

Zoning: The property is zoned R1-2 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

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

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 27, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Engineering, June 24, 2022

No objection.

Greater Sudbury Hydro Inc., June 22, 2022

No objections.

CGS: Development Approvals Section, June 22, 2022

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Desloges Road in Sudbury. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-2", Low Density Urban Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff attended the lands and note that the proposed detached garage would be situated approximately 66.4 m (217.85 ft) from the street line of Desloges Road. The lands also provide for a lot depth of approximately 113.08 m (371.00 ft) whereas a minimum lot depth of 30 m (98.43 ft) is required in the "R1-2" Zone. Staff is satisfied that the additional height of 1.56 m (5.12 ft) would not appear excessive or out of character from the street line of Desloges Road given the proposed front yard setback that is proposed. Staff also does not anticipate any negative land use planning impacts on abutting residential properties should the additional height be approved. It is also noted that the lands are located along a portion of Desloges Road containing smaller residential lots that are otherwise surrounded by larger rural lots and a cluster of mixed light industrial/service commercial lots to the east and to the south of the lands. Staff also notes that the proposed detached garage would otherwise appear to comply with all other applicable development

SUBMISSION NO. A0082/2022 Continued.

standards for an accessory building situated within the "R1-2" Zone. Staff would caution the owner that the proposed detached garage 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 permitted as a secondary dwelling unit or a 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, June 21, 2022

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

However, Owner to be advised of the following comments:

1) Based on our records there was a new deck/patio/platform installed at the rear of the house between 2017 and 2019. A building permit is required for any deck with a height greater than 600mm (23.62"). Please contact building services if a permit is required.

The Nickel District Conservation Authority, June 21, 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 maximum height of 6.553m where the maximum height of an accessory building or structure on a residential lot shall be 5m.

Conservation Sudbury does not object to Minor Variance A0082/2022. 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: Site Plan Control, June 16, 2022

No objection.

The applicants appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

IVAN HERBERT AND LINDA GERALDO
the owner(s) of PIN 73479 0369, Parcel 32808 SEC SES, Survey Plan SR-1474 Part(s) 2, Lot Pt 12, Concession 6,
Township of Dill, 1699 Desloges Road, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 6.553m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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

SUBMISSION NO. A0082/2022 Continued.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0084/2022

June 29, 2022

OWNER(S): ESTELLE BRUNET, 551 Ontario Street, Sudbury, ON P3E 4K5

AGENT(S):

LOCATION: PIN 73586 1120, Parcel 108531, Lot(s) 473, Subdivision 20S, Lot Pt 7 , Concession 3, Township of McKim, 551 Ontario Street, Sudbury

SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit a detached garage on the subject property providing eaves and an interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 27, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Engineering, June 24, 2022

No objection.

Greater Sudbury Hydro Inc., June 22, 2022

No objections.

CGS: Development Approvals Section, June 22, 2022

The variances being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Ontario Street in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Urban Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The proposed detached garage would be accessed via an existing driveway to the north-east of the existing residential dwelling providing access to Ontario Street. The reduced interior side yard that is proposed would allow for the owner to align the proposed detached garage with the existing driveway access to Ontario Street. Staff notes that many of residential dwellings along this portion of Ontario Street were constructed between 1930 and 1950 and maintain legal non-complying lot frontages. It is also noted that there are a number of residential dwellings and accessory buildings along this portion of Ontario Street that appear to maintain legal non-complying yard setbacks including reduced interior side yard setbacks that are similar to the variance being requested. It is on this basis that staff acknowledges that some degree of relief from the development standards associated with accessory buildings (ie. detached garage) would be appropriate in this particular urban residential context. Staff has no concerns with the proposed interior side yard setback and associated eaves encroachment. Staff is also of the opinion that no negative land use

SUBMISSION NO. A0084/2022 Continued.

planning impacts would be generated on abutting residential properties should the variances be approved. Staff notes that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building situated within the "R2-2" Zone. Staff would caution the owner that the proposed detached garage 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 permitted as a secondary dwelling unit or a garden suite as per Section 4.2.1 of the Zoning By-law. 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, June 21, 2022

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

The Nickel District Conservation Authority, June 21, 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 interior yard setback, and where eaves encroach.

Conservation Sudbury does not object to Minor Variance A0084/2022. 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: Site Plan Control, June 16, 2022

No objection.

The applicant appeared before Committee and provided a summary of the application. Committee Member Sawchuk asked the applicant if the garage was reconstructed already, and the applicant confirmed that it was. Committee Chair Chartrand asked the applicant if the application was to legalize the detached garage and the applicant confirmed that it was.

The following decision was reached:

DECISION:

THAT the application by:

ESTELLE BRUNET

the owner(s) of PIN 73586 1120, Parcel 108531, Lot(s) 473, Subdivision 20S, Lot Pt 7 , Concession 3, Township of McKim, 551 Ontario 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 facilitate the construction of a detached garage providing, firstly, an interior side yard setback of 0.518m, where an accessory building greater than 2.5m in height shall be setback 1.2m from the interior side lot line, and secondly, eaves to encroach 0.832m into the required interior side yard, 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 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.

SUBMISSION NO. A0084/2022 Continued.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0085/2022

June 29, 2022

OWNER(S): BAIKINSON LAND CORP., 1107 Auger Avenue, Sudbury, ON P3A 4B1

AGENT(S):

LOCATION: PINs 73348 0610 & 73348 0608, Lots 2 (Part), 1 (Part), Concession 2, Township of Balfour, 0 Edna Street, Chelmsford

SUMMARY

Zoning: The property is zoned R1-5 (Low Density Residential One), R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit the construction of an increased number of model homes within the draft approved Marquis Park Subdivision on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 27, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Engineering, June 24, 2022

No objection.

Greater Sudbury Hydro Inc., June 22, 2022

Out of our service territory.

CGS: Development Approvals Section, June 22, 2022

The variance being sought would facilitate construction of nine model homes within a draft approved plan of subdivision (ie. Marquis Park Subdivision) to the south of Highway #144 in Chelmsford. The lots are within an intended future phase of the Marquis Park Subdivision and would be accessed from both Laura Drive and from Edna Street. The lands are designated Living Area 1 in the City's Official Plan and zoned both "R1-5", Low Density Residential One and "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff advises that the intent of allowing for the construction of a limited number of model homes within a draft approved plan of subdivision is to provide the developer with the opportunity to build "sample homes" that demonstrate their product to potential homebuyers. The variance being sought would allow for nine model homes to be constructed whereas Section 4.20 of the City's Zoning By-law would permit four model homes in this circumstance. Staff notes that at present there are a total of 41 urban residential lots remaining within the draft approved plan of subdivision with 112 urban residential lots having already been registered. The variance being sought would amount to allowing model homes to be constructed on approximately 21.9% of the remaining lots within the unregistered portion of the Marquis Park Subdivision. Staff is of the opinion that allowing nine model homes to be constructed on the remaining unregistered lots goes

SUBMISSION NO. A0085/2022 Continued.

significantly beyond the intent of providing a homebuilder with the opportunity to build "sample homes" for the purposes of displaying their product to potential homebuyers. Staff is concerned that the owner has indicated on the application form that they are not able to indicate which lots within the draft approved plan of subdivision will be built on nor can any specific model of residential dwelling be confirmed. The application forms also reference the length of time that registering a plan of subdivision takes at the Land Registry Office however it should be noted that registration of a final plan of subdivision is not required in order to construct model homes. Staff is concerned that the intent of the proposed variance is to accelerate the timelines associated with the construction and eventual sale and transfer of land containing a newly constructed residential dwelling to a homebuyer as opposed to constructing a small range of "sample homes" for potential homebuyers to consider. Staff would advise in this respect that the model homes permission in the City's Zoning By-law is not intended to facilitate the circumvention of the subdivision planning process. Furthermore, it should be noted that if there are unanticipated delays in the subdivision registration process there may then be pressure to grant occupancy for the completed model homes. Staff recommends that the variance be denied as it is not minor, not appropriate development for the area and the intent of Zoning By-law is not maintained.

CGS: Building Services Section, June 22, 2022

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

1) In accordance with the Zoning By-law 2010-100Z, a Model Home is defined as "A dwelling unit that is used on a temporary basis to sell and/or display dwelling units that are for sale". The purpose of a Model Home is to allow the Developer to build different styles of homes to display for sale to potential buyers and typically showcase different interior finishes to be selected.

Owner/Applicant to be aware of the following limitations associated with issued model homes:

- a) Occupancy is not permitted until the subdivision is registered.
- b) There is no garbage pickup, bus service, school bus service, or Canada post services available.
- c) Mortgages and insurance cannot be obtained by Owners looking to purchase.

2) With respect to this minor variance application, Building Services does not object to an increase to nine dwelling units (model homes) under the following conditions;

- i) Developer must demonstrate 9 different models for the dwelling units being requested. All 9 models shall meet the definition of a model home in accordance with the Zoning By-law 2010-100Z.
- ii) The developer provides information on which lots the model homes will be built on.

The Nickel District Conservation Authority, June 21, 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 9 model homes representing 20% of the total number of draft approved residential units within the Marquis Park Subdivision.

Conservation Sudbury does not object to Minor Variance A0085/2022. A portion of the property is located within a regulated of the Conservation Authority since it is adjacent to a municipal drain. The proponent is advised that future 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. Any permit issued may include conditions of development and permits are not guaranteed.

CGS: Site Plan Control, June 16, 2022

No objection.

The applicant's representative, Barry Kindrat, President, appeared before Committee and provided a summary of the application. Committee Member Dumont provided a brief explanation on the subdivision process and expressed support for staff's recommendation. Committee Member Sawchuk reiterated the mandate of Committee, made suggestions to the applicant, and expressed support for staff's recommendation. Committee Chair Chartrand asked the applicant to provide an explanation on the application. The applicant provided an explanation to Committee addressing staff's comments, his opinion on the City's Zoning By-law, the current state of the housing market, Sudbury's short building season and the location of the Land Registry Office. Committee Member Castanza expressed support for the application due to the short building period and the housing shortage. Committee Chair Chartrand, referencing Building Services' comments, asked the agent if he would be planning on having the subdivision registration by the spring and the applicant confirmed that was correct. Committee Chair Chartrand, referencing Building Services' comments, asked the applicant if he had any comments on the conditions if the variance was approved and the applicant provided an explanation on what they plan on doing if this application was approved. Committee Chair Chartrand asked staff to provide an explanation on Development Approval's comments and staff provided an explanation reiterating the intent of model homes and Building Services' comments. Committee Chair Chartrand asked staff if Building Services could grant occupancy before registration and staff advised that they could not. Committee Chair Chartrand, referring to Building Services' comments, asked if the conditions would alleviate any of Development Approval's concerns and staff explained that they are unsure if it would. Committee Chair Chartrand asked the applicant when they started the registration process and the applicant explained that they started it around 2006 and provided further explanations on the subdivision process. The applicant explained to Committee that they would not seek an occupancy permit before registration. Committee Chair Chartrand expressed concerns over the application. Committee Member Dumont expressed concern that the application was trying to circumvent the subdivision process and the purpose of a sample home and expressed support for staff's recommendation. Committee Member Coupal expressed support for staff's recommendation. Committee Member Castanza explained that the subdivision was phased, that the registration process through Barrie is difficult and supports the application. Committee Member Dumont expressed concern over the suggested sequencing. Committee Member Castanza explained that the City has not experienced the same housing crises that it is today. Committee Member Dumont explained that the difficulty is affordable housing, not the homes that would be sold in this subdivision and that this application seemed to be a circumvention of the process. Committee Member Castanza provided an explanation on the chain of real estate. Committee Member Sawchuk reiterated that he did not feel the application was minor. Committee Chair Chartrand expressed understanding for the applicant's position but explained that the Committee may not be the proper form to help speed up the process. Staff provided the Committee with the history of the subdivision referring to the City's Active Subdivision Plans' map on the City's website and addressed the comments around the Barrie Land Registry Office. Committee Chair Chartrand asked staff what the fix would be in relation to the registration process and staff clarified that the fix was not to increase the model homes and that there are most likely a number of aspects that cause the delay in the registration process.

The following decision was reached:

DECISION:

THAT the application by:

BAIKINSON LAND CORP.

the owner(s) of PINs 73348 0610 & 73348 0608, Lots 2 (Part), 1 (Part), Concession 2, Township of Balfour, 0 Edna Street, Chelmsford

for relief from Part 4, Section 4.20 a) 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 9 model homes representing 20% of the total number of draft approved residential units within the Marquis Park Subdivision (File # 780-5/94003), where not more than the lesser of 4 model homes or 10% of the total number of residential units in any draft approved plan of subdivision is permitted, be denied.

SUBMISSION NO. A0085/2022 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is NOT minor in nature and is NOT desirable for the appropriate development and use of the land 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	Non-Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0086/2022

June 29, 2022

OWNER(S): TAMMY PIGEAU, 4390 St. Mary Boulevard, Unit B Hanmer, ON P3P 1Y5
MARGARET PIGEAU, 4390 St. Mary Boulevard, Unit B Hanmer, ON P3P 1Y5

AGENT(S): SERGE REMILLARD, 472 Dryden Road, Wahnapiatae, ON P0M 3C0

LOCATION: PIN 73504 1187, Parcel M1113-32 SEC SES SRO, Lot(s) 32, Subdivision M-1113, Lot Pt 5, Concession 2, Township of Hanmer, 4390 St Mary Boulevard, 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 to construct a detached garage on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 27, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Engineering, June 24, 2022

No objection.

Greater Sudbury Hydro Inc., June 22, 2022

Out of our service territory.

CGS: Development Approvals Section, June 22, 2022

The variance being sought would facilitate the construction of a detached garage in the rear yard of the subject lands that have frontage on St. Mary Boulevard in Hanmer. 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 notes that the submitted sketch depicts an existing driveway entrance from St. Mary Boulevard having a width of 9.5 m (31.17 ft) whereas Section 5.4.3.1 of the City's Zoning By-law permits a maximum driveway width of 6.3 m (20.67 ft). Staff notes that an increased driveway width appears to be necessary in order to reasonably access the rear yard where the proposed detached garage would be situated. Staff is unable though to confirm at this time if the existing driveway width is legal non-complying given that the existing residential dwelling was constructed in 1991 according to available MPAC data. Staff is unable to support the variance at this time as the status of the existing driveway width is of importance given that an increased driveway width would be necessary in order to properly access the proposed detached garage. Staff recommends that the application be deferred in order to afford the owner the opportunity to address the above noted comments and determine if an additional minor variance related to an increased maximum driveway width

CGS: Building Services Section, June 22, 2022

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

1) With respect to lot coverage, our research indicates there may be additional accessory structures on the property not reflected on the plot plan provided. Owner to be informed that within a Low Density Residential Two Zone (R2-2), you are permitted a maximum total lot coverage of 40% in accordance with Part 6, Section 6.3, Table 6.3 and a maximum accessory lot coverage of 10% in accordance with Part 4, Section 4.2.3 of the Zoning By-law. Based on our calculations, should there be additional accessory structures on the property not shown on the plot plan and therefore not included in our calculations, you may be in exceedance of the aforementioned thresholds. Further minor variances may be required.

2) Owner to be advised that the building permit application should be updated accordingly to reflect the same plot plan and information as provided for this minor variance application. Also, Owner to also ensure that an updated elevation drawing is provided for the building permit verifying the maximum height of the building measured between the finished grade of the wall of such building or structure (facing the front lot line) and the highest point of the building or structure.

The Nickel District Conservation Authority, June 21, 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 maximum height of 6.4m where the maximum height of an accessory building on a residential lot shall be 5m.

Conservation Sudbury does not object to Minor Variance A0086/2022. 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: Site Plan Control, June 16, 2022

No objection.

The applicant's agent, Serge Remillard, appeared before Committee and provided a summary of the application. Committee Member Dumont asked the agent if he reviewed the comments and the agent advised that he did not. Committee Member Dumont explained to the agent that staff's recommendation was to defer the application due to the driveway entrance width. The agent explained that he was not aware that it was over the permitted width, but it could be made smaller. Committee Chair Chartrand provided the agent with an explanation on staff's comments and what is permitted. Committee Chair Chartrand asked the agent if had an issue with the application being deferred and the agent explained that a deferral would push his timelines. The agent further explained that the driveway closest to the road was existing. Committee Chair Chartrand suggested that the agent work with staff to determine if the driveway was legal non-complying. Committee Member Dumont explained that the comments came to light through the circulation process. Committee Member Castanza explained that until Committee knows the status of the driveway, she supports staff's recommendation. Staff provided a brief history of driveway permits in Valley East and for the subject property and suggested conditions that could be imposed in order move the application forward. Committee Member Dumont asked staff if they had concerns with the lot coverage and staff explained that the owner stated that the additional structures, being the sheds, would be removed which would bring the property into compliance but there was a risk to the owner if the application was incorrect. Committee Chair Chartrand asked the agent if he would be comfortable moving forward with conditions and the agent confirmed that he was. The agent reiterated that the sheds would be removed. Committee Member Dumont stated that he would feel comfortable making a motion. Staff suggested that a time of 60 days be the maximum time given to the applicant to clear the conditions. Committee Member Dumont suggested 90 days. Committee Chair Chartrand asked the agent to confirm when his closing was occurring, and the agent advised that it closes on August 2. The resolution was amended to impose a condition that the applicants provide either proof that the existing driveway is legal non-complying or an updated sketch depicting a maximum driveway width of 6.3m within 90 days of the variance decision by way of a motion put forward by Committee Member Dumont and seconded by Committee Member Coupal. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

TAMMY PIGEAU AND MARGARET PIGEAU

the owner(s) of PIN 73504 1187, Parcel M1113-32 SEC SES SRO, Lot(s) 32, Subdivision M-1113, Lot Pt 5, Concession

2, Township of Hanmer, 4390 St Mary Boulevard, Hanmer

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 6.4m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be approved, subject to the following condition:

1. That the owners provide either proof that the existing driveway is legal non-complying or an updated sketch depicting a maximum driveway width of 6.3m within ninety (90) days of the variance decision and to the satisfaction of the Director of Planning Services.

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
Justin Sawchuk	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0087/2022

June 29, 2022

OWNER(S): STEPHANIE GRECO, 1110 Lynwood Drive, Sudbury, ON P3A 3N7

AGENT(S): STEPHANE PRONOVOST, 475 Vermilion Road Chelmsford ON P0M 1L0

LOCATION: PIN 02125 0063, Parcel 23458 SEC SES, Lot(s) Part Lot 411, Subdivision M-275, Lot Pt 1, Concession 5, Township of McKim, 1110 Lynwood 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 construct a detached garage on the subject property providing a reduced railroad right-of-way setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 27, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Engineering, June 24, 2022

No objection.

Greater Sudbury Hydro Inc., June 22, 2022

All structures, equipment and personnel must maintain proper clearance from energized electrical conductors and apparatus as per the latest edition of the Ontario Electrical Safety Code. No structures shall encroach upon GHSI easements. For clarification, please contact GHSI Engineering Department.

CGS: Development Approvals Section, June 22, 2022

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Lynwood Drive in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and "R1-5", Low Density Residential under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The lands immediately abut a railroad right-of-way to the north of the existing residential dwelling. The existing residential dwelling is situated within an older urban residential neighbourhood where most residential dwellings were constructed in the 1950s and 1960s according to available MPAC data. Staff notes the lands maintain a lot depth of approximately 38 m (124.67 ft) whereas Section 4.37.2 of the City's Zoning By-law requires a 30 m (98.43 ft) setback to a railroad right-of-way. Staff notes that as a result almost every residential dwelling along Lynwood Drive maintains a legal non-complying setback to the railroad right-of-way. The placement of accessory buildings and structures in compliance with setback requirements to the railroad right-of-way is therefore challenging. Staff is therefore of the opinion and would acknowledge that the above noted site constraints establish a demonstrated need for some degree of relief from the applicable railroad right-of-way setback requirements under Section 4.37.2 of the City's Zoning By-law. Staff has reviewed the proposed setback of 9.45 m (31.00 ft) and is satisfied that the variance being requested is reasonable and not excessive in nature. Staff also does not anticipate any negative impacts on abutting residential properties should the variance be approved. Staff notes that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building

situated within the "R1-5" 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.

CGS: Building Services Section, June 22, 2022

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

The Nickel District Conservation Authority, June 21, 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 minimum railroad setback of 9.45m where all structures shall have a setback of 30m.

Conservation Sudbury does not object to Minor Variance A0087/2022. 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: Site Plan Control, June 16, 2022

No objections.

The applicant's agent, Stephane Pronovost, appeared before Committee and provided a summary of the application. Committee Member Dumont asked staff if comments were received from CP or CN railway company and staff advised that comments were not received.

The following decision was reached:

DECISION:

THAT the application by:

STEPHANIE GRECO

the owner(s) of PIN 02125 0063, Parcel 23458 SEC SES, Lot(s) Part Lot 411, Subdivision M-275, Lot Pt 1, Concession 5, Township of McKim, 1110 Lynwood Drive, Sudbury

for relief from Part 4, Section 4.37, subsection 4.37.2 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 garage providing a minimum railroad setback of 9.45m, where all buildings and structures shall be setback 30.0m 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 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. A0088/2022

June 29, 2022

OWNER(S): CATARINA GONCALVES, 90 Cassander Crescent, Brampton, ON L6Z 1Z2
ANDREW MILLS, 90 Cassander Crescent, Brampton, ON L6Z 1Z2

AGENT(S): JOSHUA DUVAL, 31 Rio Road, Sudbury, ON P3C 3A4

LOCATION: PIN 02128 0467, Lot(s) 233, Subdivision M-100, Lot Pt 6, Concession 4, Township of McKim, 339 Bessie 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 permit a deck on the subject property to encroach into the required front yard at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 27, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Engineering, June 24, 2022

No objection.

Greater Sudbury Hydro Inc., June 22, 2022

No objections.

CGS: Development Approvals Section, June 22, 2022

The variance being sought would recognize and permit an existing deck that encroaches in the front yard of the subject lands that have frontage on Bessie Avenue in Sudbury. The lands are designated Living Area 1 in the City’s Official Plan and zoned “R2-3”, Low Density Urban Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the requested encroachment variance would permit the existing deck to remain in its present location maintaining a setback of 3.01 m (9.88 ft) to the front lot line. Staff notes in particular that the existing deck abuts a porch maintaining a similar front yard setback situated on the lands to the west known municipally as 337 Bessie Avenue. The existing deck also abuts a building wall to the east associated with those lands known municipally as 343 Bessie Avenue. Staff attended the lands are of the opinion that in this urban residential context there would be no anticipated negative impacts on abutting residential properties should the variance be approved. Staff also notes that the lands are situated within an older urban residential neighbourhood that contains a number of different residential built-forms with a variety of accessory structures being situated in the front yard (eg. decks, landings, porches, etc.). The variance being requested is therefore not expected negatively impact the existing residential character that exists along this portion of Bessie Avenue. 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, June 22, 2022

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

- 1) With respect to the setback from the front lot line and encroachment into the required front yard, as to ensure accuracy of information, Owner to be advised that the plot plan submitted for the building permit application (#22-0271) should be updated accordingly to reflect the same information as the plot plan provided for this minor variance application.
- 2) Our records indicate an incomplete permit for the property (Duplex – B14-1721). Please contact Building Services to proceed in closing this project.

The Nickel District Conservation Authority, June 21, 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 uncovered deck to encroach into the minimum required front yard.

Conservation Sudbury does not object to Minor Variance A0088/2022. 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: Site Plan Control, June 16, 2022

No objection.

The applicant's agent, Josh Duval, appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

CATARINA GONCALVES AND ANDREW MILLS
the owner(s) of PIN 02128 0467, Lot(s) 233, Subdivision M-100, Lot Pt 6, Concession 4, Township of McKim, 339 Bessie Avenue, 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 uncovered deck to encroach 2.99m into the required front yard, where uncovered decks greater than 1.2m in height are not permitted to encroach into the required front yard, 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. A0089/2022

June 29, 2022

OWNER(S): MATTHEW LATENDRE, 24 Walter Avenue, Lively, ON P3Y 1C8

AGENT(S): LAWRENCE LATENDRE, 1310 Nesbitt Drive East, Suite 704, Sudbury, ON P3E 0H3

LOCATION: PIN 73378 0547, Parcel 13278 SEC SWS, Lot(s) 14, Subdivision M-345, Lot Pt 7, Concession 4, Township of Waters, 24 Walter Avenue, Lively

SUMMARY

Zoning: The property is zoned R1-5 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a detached garage on the subject property providing eaves and a corner side yard at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 27, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Engineering, June 24, 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.

Greater Sudbury Hydro Inc., June 22, 2022

Out of our service territory.

CGS: Development Approvals Section, June 22, 2022

The variances being sought would facilitate the construction of a detached garage in the corner side yard of the subject lands that abut an unopened road allowance at the end of Walter Avenue in Lively. The unopened road allowance (ie. "Walter Street") is depicted on Plan M-345 which was registered in August 1954 however this road was never constructed. The lands are designated Living Area 1 in the City's Official Plan and "R1-5", Low Density Residential under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The requested variance would also allow for the proposed detached garage to be aligned with the existing driveway entrance from Walter Avenue that is situated to the south of the existing residential dwelling on the lands. Staff notes that the unopened road allowance is now being utilized as a pedestrian walkway connecting Walter Avenue to Herman Mayer Drive. Staff further notes that there is a line of mature trees along the walkway abutting the corner side lot line. Staff attended the lands and are of the opinion that there would be no anticipated negative

SUBMISSION NO. A0089/2022 Continued.

impacts on abutting residential properties or the unopened road allowance should the variance be approved. Staff would also advise that the lands to the east have already now been developed and there is unlikely to be a road connection provided in this location in the future. Staff notes that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building situated within the "R1-5" 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.

CGS: Building Services Section, June 22, 2022

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

However, Owner to be advised of the following:

1) A search of our records indicates the rear deck and several accessory structures may have been built without benefit of building permit. Owner to contact Building Services to discuss the dimensions of all accessory structures on the property so that we may determine compliance with the Zoning By-law and building permit requirements.

The Nickel District Conservation Authority, June 21, 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 encroaching eaves and a smaller than required corner side yard setback.

Conservation Sudbury does not object to Minor Variance A0089/2022. Property is located in a regulated area of the Conservation Authority, since it is adjacent to a watercourse. The proponent is advised that future 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. Any permit issued may include conditions of development and permits are not guaranteed.

CGS: Site Plan Control, June 16, 2022

No objection.

The applicant's agent, Lawrence Latendre, appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

MATTHEW LATENDRE

the owner(s) of PIN 73378 0547, Parcel 13278 SEC SWS, Lot(s) 14, Subdivision M-345, Lot Pt 7, Concession 4, Township of Waters, 24 Walter Avenue, Lively

for relief from Part 4, Section 4.2, Table 4.1 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 the construction of a detached garage providing, firstly, eaves to encroach 3.8m into the corner side yard, where eaves may encroach 1.2m into the corner side yard but not closer than 0.6m to the lot line, and secondly, a minimum corner side yard setback of 1.3m, where 4.5m is required, be granted.

SUBMISSION NO. A0089/2022 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land 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. A0056/2022

June 29, 2022

OWNER(S): STEPHAN VILLENEUVE, 25 Winfield Lane Sudbury ON P3A 6E2
CHRIS ROUSSELLE, 25 Winfield Lane Sudbury ON P3A 6E2

AGENT(S): CHRIS ROUSSELLE, 965 Martindale Sudbury ON P3E 4J3

LOCATION: PIN 73503 0558, Parcel 3793 SEC SES, Lot(s) 6, Subdivision M-107, Lot Pt 1, Concession 2, Township of Hanmer, 4533 Notre Dame Avenue, Hanmer

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 permit a residential dwelling containing a secondary dwelling unit without a non-residential use and detached tertiary dwelling unit providing a rear yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 27, 2022

REVISED
Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

Greater Sudbury Hydro Inc., June 22, 2022

REVISED
Out of our service territory.

CGS: Development Approvals Section, June 22, 2022

REVISED
This application was previously deferred in order to afford the owner the opportunity to review and respond to those comments received from circulated agencies and departments. The application has since been amended to request an additional rear yard setback variance to the proposed tertiary dwelling unit. Staff notes that the lands are designated Mixed Use Commercial in the City's Official Plan and zoned "C2", General Commercial under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has no concerns with the variances being requested that would allow for a residential dwelling containing a secondary dwelling unit without a non-residential use on the lands along with a tertiary dwelling unit within a detached accessory building in the rear yard. Staff notes that there are a number of established urban residential land uses to both the north and to the south of the lands that do not include any non-residential land uses. There is an existing mixed-use building to the immediate south of the lands at the corner of Notre Dame Avenue and Maurice Street. Staff is satisfied within this particular urban context that the absence of a non-residential land use on the lands would not negatively impact the surrounding character that exists along this portion of Notre Dame Avenue in Hanmer. Staff also does not anticipate any negative land use planning impacts would be generated on

SUBMISSION NO. A0056/2022 Continued.

abutting residential properties should the variances be approved. 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, June 22, 2022

REVISED

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

1) With respect to the municipal address identified in the Public Notice as 4533 Notre Dame Avenue, Hanmer (PIN 73503-0558), our research indicates the correct municipal address associated with PIN 73503-0558 is 4537 Notre Dame Avenue, Hanmer.

2) With respect to the associated building permit related to the development of the main dwelling with secondary unit (Permit No. 22-0526), a review of the drawings reflects a sliding door (above grade) without deck or required guards. Owner/Applicant to contact Building Services to clarify and update building permit accordingly. Should the intention be to add a rear deck, we note that this would impact the required building separation of 3m for the future proposed tertiary dwelling unit in accordance with Part 7, Section 7.3, Table 7.3, Provision 6. Further minor variances may be required.

With respect to the detached tertiary dwelling unit, a search of our records indicates that a building permit has not yet been submitted. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.

The Nickel District Conservation Authority, June 21, 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 a residential use on the ground floor of a proposed single dwelling containing a secondary unit.

Conservation Sudbury does not object to Minor Variance A0056/2022. 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: Site Plan Control, June 16, 2022

REVISED

No objection.

CGS: Infrastructure Capital Planning Services, May 16, 2022

Roads

No concerns.

Transportation and Innovation Support / Active Transportation

No concerns.

CGS: Development Approvals Section, May 12, 2022

Staff notes that the proposed tertiary dwelling unit requires a rear yard setback of 7.5 m (24.61 ft) in the "C2", General Commercial Zone whereas a rear yard setback of 1.2 m (3.94 ft) is depicted on the submitted sketch. In particular, staff notes that the lands do not constitute or form a "Residential Lot" as defined in the City's Zoning By-law and therefore the yard setbacks applicable in the standard "C2" Zone are applied to accessory buildings. Staff would advise that an additional minor variance requesting a reduced rear yard setback for the proposed tertiary dwelling unit is therefore required. Staff will provide additional comments as it relates to the balance of the application once the above noted matter has been addressed. Staff recommends that the application be deferred in order to afford the owner the opportunity to address those comments received from agencies and departments.

SUBMISSION NO. A0056/2022 Continued.

CGS: Building Services Section, May 11, 2022

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

1) The proposed accessory structure with a secondary dwelling unit is required to be 7.5m from the rear property line as per table 7.3 of Zoning Bylaw 2010-100z. The encroachments allowed in Table 4.1 do not apply for this lot as it is zoned C2. An additional minor variance is required for relief of the required setback of 7.5m to 1.2m.

Source Water Protection Plan, May 11, 2022

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.

The Nickel District Conservation Authority, May 10, 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 a residential use on the ground floor of a proposed single family dwelling containing a secondary dwelling unit and a detached tertiary dwelling unit, where any dwelling containing not more than two dwelling units must have a permitted non-residential use as a main use on the ground floor providing that the lot is a fully serviced lot.

Conservation Sudbury does not object to Minor Variance A0056/2022. 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: Site Plan Control, May 10, 2022

There is currently an address assigned to the existing building on Lot 7 to the south with the address of 4533 Notre Dame Avenue. The address for the subject site will be readdressed as 4537 Notre Dame Avenue.

Greater Sudbury Hydro Inc., May 09, 2022

Outside of our territory.

CGS: Development Engineering, May 05, 2022

No objection.

The applicants appeared before Committee and provided a summary of the application. They explained that they reviewed the comments relating to the municipal address and Building Services' comments. Committee Chair Chartrand, referring to Building Services' comments regarding the deck, asked the applicants if they were aware of those comments and the applicants explained that they would not be installing a deck.

The following decision was reached:

DECISION:

THAT the application by:

STEPHAN VILLENEUVE AND CHRIS ROUSSELLE
the owner(s) of PIN 73503 0558, Parcel 3793 SEC SES, Lot(s) 6, Subdivision M-107, Lot Pt 1, Concession 2, Township of Hanmer, 4533 Notre Dame Avenue, Hanmer

SUBMISSION NO. A0056/2022 Continued.

for relief from Part 4, Section 4.2, Table 4.1 and Part 7, Section 7.2, Table 7.1 and Section 7.3, Table 7.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit firstly, a residential use on the ground floor of a proposed single detached dwelling containing a secondary dwelling unit, where any dwelling containing not more than two dwelling units must have a permitted non-residential use as a main use on the ground floor provided that the lot is a fully serviced lot, and secondly, a detached tertiary dwelling unit providing a minimum rear yard setback of 1.2m with eaves encroaching 0.6m into the proposed 1.2m rear yard setback, where a minimum rear yard setback of 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, 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