

SUBMISSION NO. A0013/2024

March 27, 2024

OWNER(S): AMBER SALACH, 202 Stewart Drive Sudbury ON P3E 2R5  
MATTHEW SCHULTZE, 202 Stewart Drive Sudbury ON P3E 2R5

AGENT(S):

LOCATION: PIN 73594 0376, Parcel 14361, Lot(s) 102, Subdivision M-205, Lot Part 5, Concession 1, Township of McKim, 202 Stewart Drive, Sudbury

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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 and an addition on the existing single detached dwelling on the subject property providing a high water mark setback and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, March 21, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Strategic and Environmental Planning, March 21, 2024

Staff of the City's Strategic and Environmental Planning Section are not opposed to this application as the lot configuration and easements do not permit the proposed addition and proposed garage to be moved closer to the southern lot boundary without the removal of two additional mature trees. As is, the proposed addition and proposed garage will require removing two mature but declining birch trees, a conical eastern white cedar, two declining crab apple trees, and a few shrubs. Moving the proposed addition and proposed garage closer to the street may require the removal or, at best, would significantly affect a mature white spruce and a mature white pine in addition to those trees listed above.

The shed is an existing feature located within the portion of the shoreline buffer area that is permitted to be cleared.

Protecting the existing trees and shrubs to remain will be paramount during the construction of the proposed structures. As such, I recommend that the owner or contractor place snow fencing as protection along the drip line of the nearby trees to ensure that construction material or equipment is not placed on the root zone within the drip line of the trees. It is understood that the white pine on the west side of the driveway may need to be pruned of some lower branches to allow access and egress of machinery to the construction site.

The following advice is provided for informational purposes only:

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.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff nutrients 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 to a site.

Shoreline and riverbank 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 20 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 riverbank or up to 23 metres, whichever is less, is allowable. Cleared areas are allowed up to 276 square meters.
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 or river 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 or river. 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 or river 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 riverbank (retaining walls, etc).

CGS: Development Approvals Section, March 21, 2024

The purpose and effect of the application is to permit the construction of an 87 m<sup>2</sup> addition to the single detached dwelling and a 65 m<sup>2</sup> detached garage with the following variances:

1. a setback of 15.6 m from the high water mark for the addition to the single detached dwelling, whereas a 30 m setback is required for residential dwellings;
2. a setback of 14.7 m from the high water mark for the detached garage, whereas a 30 m setback is required for accessory buildings;
3. a residential dwelling within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area; and
4. a detached garage within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area.

The subject lands are designated 'Living Area I' within the Greater City of Sudbury Official Plan', are zoned 'Low Density Residential One (R1-5)' within the Greater City of Sudbury Zoning By-law and are

regulated by the Nickel District Conservation Authority (NDCA). The subject lands are an existing lot of record and have an area of 2,166 m<sup>2</sup>, a depth of 60 m, and a frontage of 41 m. The subject lands contain a 113 m<sup>2</sup> single detached dwelling, and a 19 m<sup>2</sup> accessory building. A portion of the existing dwelling is located within the shoreline buffer, setback 17.9 m from the high water mark. The applicant is proposing the addition to be located to the east and rear of the existing dwelling, closer to the road than the lake, however, given the configuration of the lot, would still partially be located within both the shoreline buffer area and the high water mark setback. The subject lands abut a City of Greater Sudbury stormwater outlet and contain an easement along the east lot line. Buildings and structures cannot be constructed over lands subject to an easement. The applicant advised that due to the location of the existing dwelling, location of mature trees, and topography of the lands, there were limited alternative locations for the house addition and detached garage. As an advisory note, only 25% of the shoreline buffer not exceeding 276 m<sup>2</sup> is permitted to be cleared of natural vegetation. Shoreline buffer area is defined as "an area of open land, abutting a shoreline, maintained in a naturally vegetated self-sustaining state including natural rock formations and for purposes of clarity does not include an area which is maintained as a lawn". Staff are of the opinion that the variances are minor in nature, are an appropriate use of the land, and meets the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

The Nickel District Conservation Authority, March 20, 2024

Subject property contains a flood hazard regulated by Conservation Sudbury (shown on plans). The occurrence of an erosion hazard is negated by the presence of bedrock on the subject property. Conservation Sudbury has no objection to Minor Variance application A0013/2023.

Any future development along the shoreline requires permission of Conservation Sudbury.

**Notes**

Please note that any additional development or lot grading within areas regulated by the Conservation Authority, requires permission prior to development. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at [ndca@conservationsudbury.ca](mailto:ndca@conservationsudbury.ca) to determine the need for a permit.

CGS: Building Services Section, March 20, 2024

Based on the information provided, we can advise that Building Services has no concerns with this application.

However, Owner to be informed of the following information:

1. The proposed detached garage is situated in very close proximity to an underground service easement. Structures are not permitted to be constructed on or over easements without an approved encroachment

agreement. At time of building permit a survey confirming location of the underground service easement will be required.

2. Owners to be informed that retaining walls 1m in height or greater require a building permit and setbacks shall comply with CGS Zoning By-law 2010-100Z regulations. An approved Professional Engineers design,

licensed in the Province of Ontario would be required.

3. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the for the proposed structures, addition, and detached garage.

4. Building Services acknowledges the submission of building permit documents and building permit BP-NEW-2024-00215.

5. With respect to additional considerations related to this development, Building Services reserves further comment until the time of Building Permit Application and Plans Examination.

Greater Sudbury Hydro Inc., March 18, 2024

No conflict.

Ministry of Transportation, March 18, 2024

We have determined that the subject land is not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Development Engineering, March 14, 2024

No objection.

CGS: Site Plan Control, March 13, 2024

No objection.

One of the Applicants, Amber Salach, appeared before the Committee and provided a summary of the Application. Committee Member Castanza expressed support for the application.

The following decision was reached:

**DECISION:**

THAT the application by:

AMBER SALACH AND MATTHEW SCHULTZE

the owner(s) of PIN 73594 0376, Parcel 14361, Lot(s) 102, Subdivision M-205, Lot Part 5, Concession 1, Township of McKim, 202 Stewart Drive, Sudbury

for relief from Part 4, Section 4.41, subsections 4.41.2 and 4.41.4 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 and an addition to the existing single detached dwelling providing a high water mark setback of 15.6m for the proposed addition and 14.7m for the proposed detached garage, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, and where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3., be granted.

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

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



SUBMISSION NO. A0015/2024

March 27, 2024

OWNER(S): ALYSON LAKING, 585 Moonrock Avenue Sudbury ON P3E 5Z5  
MATT PETERS, 585 Moonrock Avenue Sudbury ON P3E 5Z5

AGENT(S): REBECCA MUISE, 4-1405 Cornwall Road Oakville ON L6J 7T5  
PETER GIORDANO, 4-1405 Cornwall Road Oakville ON L6J 7T5

LOCATION: PIN 73475 1622, Survey Plan 53R-20287 Part(s) except 1, Lot(s) 6, Subdivision M-340, Lot Part 6, Concession 6, Township of Broder, 294 Brenda Drive, Sudbury

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### SUMMARY

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

Application: Approval to permit an opaque fence in the required front yard and construct a detached storage building 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, March 21, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Strategic and Environmental Planning, March 21, 2024

No concerns.

CGS: Development Approvals Section, March 21, 2024

The purpose and effect of the application is to permit a 202.48 m<sup>2</sup> accessory building with a height of 6.58 m, whereas the maximum of 5 m is permitted. Additionally, the application seeks permission for the establishment of a 1.83 m tall opaque fence located 2.32 m from the front lot line, whereas fences taller than 1 m in height are not permitted in the front yard. The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan, are zoned 'Low Density Residential One (R1-5)' within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential and commercial in nature. The subject lands contain a single detached dwelling that is to be demolished and replaced with a 368.66 m<sup>2</sup> single detached dwelling with a height of 10.38m. The subject lands have an area of 5,693.16 m<sup>2</sup> and are irregular in shape, with a narrow frontage along Brenda Drive and a width that increases in size as you move towards the rear of the lands. The subject lands contain mature trees along all lot lines and the rear yard, and the applicant is proposing to add additional trees to the lands as shown on the concept plan provided. Staff are of the opinion that the proposed height of the accessory building is appropriate given that it will remain subordinate in height in comparison to the main use of the lands being the single detached dwelling. The accessory building is proposed to be located 58 m from the front lot line and is not anticipated to be visible from Brenda Drive given the distance, existence of mature trees, and proposed privacy fence. Additionally, the applicant is proposing a privacy fence between the accessory building and the interior side lot line providing a visual buffer between the building and the rear yard area of the abutting lands to the east. It should be noted that the accessory building should be used for residential accessory use only. Commercial uses are not

THAT the application by:

ALYSON LAKING AND MATT PETERS

the owner(s) of PIN 73475 1622, Survey Plan 53R-20287 Part(s) except 1, Lot(s) 6, Subdivision M-340, Lot Part 6, Concession 6, Township of Broder, 294 Brenda Drive, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 a) and 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 storage building and fence on the subject property, firstly, for the detached storage building providing a maximum height of 6.58m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, and secondly, for the 1.83m high fence to be located in the required front yard providing a 2.32m setback from the front lot line, where fences more than 1.0m in height are not permitted in 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 variances are minor in nature and are desirable for the appropriate development and use of the land and Buildings. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0017/2024

March 27, 2024

OWNER(S): STEPHANIE CAMPAGNA, 3723 Swanson Court Val Caron ON P3N 1J5

AGENT(S):

LOCATION: PIN 73505 0178, Parcel 43858, Survey Plan 53R-7387 Part(s) 1, Lot(s) Part 36, Subdivision M-565, Lot Part 7, Concession 1, Township of Hanmer, 3723 Swanson Court, Val Caron

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SUMMARY

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

Application: Approval to permit an existing uncovered deck on the subject property providing an interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, March 21, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Strategic and Environmental Planning, March 21, 2024

No concerns.

CGS: Development Approvals Section, March 21, 2024

The purpose and effect of the application is to formally recognize an existing deck with a deficient interior side yard setback of 0.76 m, whereas a 1.5 m interior side yard setback is required. The subject lands contain a single detached dwelling and a deck. The applicants are proposing to install a new pool abutting the existing deck and as a result have applied for a variance to recognize the setback deficiency between the deck and interior side lot line. The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan, are zoned 'Low Density Residential One (R1-5)' within the City of Greater Sudbury Zoning By-law and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are residential in nature. The existing deck is setback 0.76 m, which appears to maintain adequate space for lawn maintenance and access purposes. Although not a requirement, consideration should be had for a privacy buffer between the 1.30 m tall deck and abutting lands to the west if one does not already exist. Staff are of the opinion that the variance is minor in nature, is an appropriate use of the land, and meet the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

The Nickel District Conservation Authority, March 20, 2024

Conservation Sudbury has no objection to Minor Variance application A0017/2024. Subject property contains a flood hazard regulated by Conservation Sudbury. Any future development requires permission of Conservation Sudbury.

Please note that Conservation Sudbury is currently completing a new floodplain study for the Whitson River watershed and results are expected within the next year. The floodplain elevation at this location

may change.

Notes

Please note that any additional development or lot grading within areas regulated by the Conservation Authority, requires permission prior to development. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at [ndca@conservationsudbury.ca](mailto:ndca@conservationsudbury.ca) to determine the need for a permit.

CGS: Building Services Section, March 20, 2024

Based on the information provided, we can advise that Building Services has no concerns with this application.

However, Building Services has provided the following comments for the Owners information.

1. A search of our records indicated there is a building permit which is not completed. Owner shall contact Building Services to discuss outstanding items. Building permit #BP16-1054 for the construction of an above ground pool and attached deck.

Greater Sudbury Hydro Inc., March 18, 2024

We have no concerns as the application A0017/2024 is outside of our territory.

Ministry of Transportation, March 18, 2024

We have determined that the subject land is not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Development Engineering, March 14, 2024

No objection.

CGS: Site Plan Control, March 13, 2024

No objection.

The Applicant appeared before Committee and provided a summary of the Application. Committee had no comments or questions in relation to the Application.

The following decision was reached:

**DECISION:**

THAT the application by:

STEPHANIE CAMPAGNA

the owner(s) of PIN 73505 0178, Parcel 43858, Survey Plan 53R-7387 Part(s) 1, Lot(s) Part 36, Subdivision M-565, Lot Part 7, Concession 1, Township of Hanmer, 3723 Swanson Court, Val Caron

for relief from Part 4, Section 4.2, subsection 4.2.5, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing uncovered deck providing an interior side yard setback of 0.76m, where uncovered decks greater than 1.2m in height may encroach 1.2 m into the required yard but no closer than 1.2 m to the interior side lot line, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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><b>Member</b></i>	<i><b>Status</b></i>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0019/2024

March 27, 2024

OWNER(S): 2694565 ONTARIO INC., 254 Larch Street, Sudbury, ON, P3B 1M1

AGENT(S): SINCLAIR &amp; SINCLAIR BARRISTERS AND SOLICITORS, Atte: M.D. Sinclair, 214 Alder Street, Sudbury ON P3C 4J2

LOCATION: PIN 73584 0180, Survey Plan 53R-15926 Part(s) 1, 2 & 3, Lot(s) Part 42, Subdivision 2-SB, Lot Part 5, Concession 3 as in S115835, Township of McKim, 254 Larch Street, Sudbury

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**SUMMARY****Zoning:**

The property is zoned C4(1) (Office Commercial), C4.D90(18) (Office Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:**

Approval of the lot to be severed, subject of Consent Application B0008/2024, providing a minimum lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, March 21, 2024

**Roads**

No concerns.

**Transportation and Innovation Support**

No concerns.

**Active Transportation**

No concerns.

CGS: Strategic and Environmental Planning, March 21, 2024

No concerns.

CGS: Development Approvals Section, March 21, 2024

The purpose and effect of the application is to request a minimum lot frontage of 15 m for the proposed severed lot of Consent Application B0008/2024, whereas the Office Commercial (C4) zone requires a minimum lot frontage of 18 m. The proposed severance application is to correct an inadvertent merger of lands due to common ownership. The applicant is seeking to recreate the two former parcels of land. The proposed severed lands are currently used as a commercial parking lot and are intended to continue to be used for parking purposes. The severed lands contain angled parking spaces and appears to function as one way traffic, entering from Larch Street and exiting out on to Unnamed Lane 81. The applicant had demonstrated through the Consent Application process that the parking lot is not required for the lands to be retained, as there is sufficient parking on site for the office use on the retained lands. Staff are satisfied that the applicant has demonstrated that the two parcels are able to function independently of one another. The subject lands are designated 'Downtown' within the Greater City of Sudbury Official Plan and are zoned 'Office Commercial Special C4(1) and Office Commercial Special C4 D90 (18)' within the Greater City of Sudbury Zoning By-law. The proposed 15 m lot frontage

is considered to be appropriate given the angled parking spaces and one way traffic. Staff are of the opinion that the variance is minor in nature, is an appropriate use of the land, and meet the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

CGS: Building Services Section, March 20, 2024

Based on the information provided, we can advise that Building Services has no concerns with this application.

The Nickel District Conservation Authority, March 20, 2024

Conservation Sudbury does not object to Minor Variance A0019/2024. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Greater Sudbury Hydro Inc., March 18, 2024

No conflict.

Ministry of Transportation, March 18, 2024

We have determined that the subject land is not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Development Engineering, March 14, 2024

No objection.

CGS: Site Plan Control, March 13, 2024

No objection. We do not have a record of a Site Plan Control Agreement Registered for this property.

The Applicant's agent, Mac Sinclair of Sinclair & Sinclair, appeared before Committee and provided a summary of the Application.

Committee had no comments or questions in relation to the Application.

The following decision was reached:

**DECISION:**

THAT the application by:

2694565 ONTARIO INC.

the owner(s) of PIN 73584 0180, Survey Plan 53R-15926 Part(s) 1, 2 & 3, Lot(s) Part 42, Subdivision 2-SB, Lot Part 5, Concession 3 as in S115835, Township of McKim, 254 Larch Street, Sudbury

for relief from Part 7, 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 approve a lot to be severed subject of Consent Application B0008/2024, providing a minimum lot frontage of 15.0m, where 18.0m is required, be granted.

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0020/2024

March 27, 2024

OWNER(S): JOSHUA NEGUSANTI, 966 Leedale Avenue, Sudbury, ON, P3G 1B8

AGENT(S):

LOCATION: PIN 73477 0082, Parcel 32032 SEC SES, Survey Plan SR-1412 Part(s) except 1, Lot(s) 2 Part, Subdivision M-556, Lot Part 2, Concession 4, Township of Broder, 966 Leedale Avenue, Sudbury

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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 with attached canopy on the subject property providing a height and encroachment into the required front yard at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, March 21, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Strategic and Environmental Planning, March 21, 2024

No concerns.

CGS: Development Approvals Section, March 21, 2024

The purpose and effect of the application is to permit the construction of a 53.3 m<sup>2</sup> accessory building with a canopy with the following variances:

1. a height of 6.1 m, whereas the maximum of 5 m is permitted; and
2. a canopy encroachment of 2.64 m (3.36 m setback) into the required front yard setback of 6 m, whereas as an encroachment of 1.2 m is permitted.

The accessory building is proposed to be located 6.36 m from the front lot line, with a canopy setback 3.36 m from the front lot line. The applicant has advised that the placement of the proposed structure is due to the topography and mature vegetation of the subject lands. The subject lands are designated 'Living Area II' and 'Parks and Open Space' within the City of Greater Sudbury Official Plan, are zoned 'Low Density Residential One (R1-2)' within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential and park in nature. The subject lands are 5,450 m<sup>2</sup> in size and are located at the end of a dead-end residential road. The lands predominantly consist of naturalized vegetation in the form of rock and mature trees. The proposed accessory building would not be out of character with the area and is not anticipated to impact surrounding land uses. Staff are of the opinion that the variance is minor in nature, is an appropriate use of the land, and meets the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

CGS: Building Services Section, March 20, 2024

Based on the information provided, we can advise that Building Services has no concerns with this application.



However, Owner to be informed of the following information:

1. The proposed detached garage shall not be used as "Habitable Living Space," as per CGS Zoning By-law 2010-100Z, 4.2 Accessory Buildings, Structures and Uses.
2. Building Services acknowledges the submission of building permit documents and building permit BP-NEW-2024-00125, to construct a detached garage with loft storage and a canopy.

The Nickel District Conservation Authority, March 20, 2024

Conservation Sudbury does not object to Minor Variance A0020/2024. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Greater Sudbury Hydro Inc., March 18, 2024

No conflict.

Ministry of Transportation, March 18, 2024

We have determined that the subject land is not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Development Engineering, March 14, 2024

No objection.

CGS: Site Plan Control, March 13, 2024

No objection.

The Applicant appeared before Committee and provided a summary of the Application.

Committee Member Sawchuk expressed appreciation that there was an attempt to minimize the impact on the existing vegetation.

The following decision was reached:

**DECISION:**

THAT the application by:

JOSHUA NEGUSANTI

the owner(s) of PIN 73477 0082, Parcel 32032 SEC SES, Survey Plan SR-1412 Part(s) except 1, Lot(s) 2 Part, Subdivision M-556, Lot Part 2, Concession 4, Township of Broder, 966 Leedale Avenue, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 a) and 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 with attached canopy providing, firstly, a maximum height of 6.1m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, and secondly, the attached canopy to encroach 2.64m (3.36m setback) into the required front yard, where canopies may only encroach 1.2m 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 variances are minor in nature and are desirable for the appropriate development and use of the land and Buildings. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0010/2024

March 27, 2024

OWNER(S): ANITA DEMATTIA, 250 Billiard's Way Unit 13 Sudbury ON P3E 0E9  
BRIAN DEMATTIA, 250 Billiard's Way Unit 13 Sudbury ON P3E 0E9

AGENT(S): CENTRELINE ARCHITECTURE, 158 Elgin St- Suite 201, Sudbury ON P3E 3N5

LOCATION: PIN 73346 1622, Survey Plan 53R-19750 Part(s) 1, 2, 3, and 4, Lot(s) Part Block 'A', Subdivision M-1063,  
Lot Part 3, Concession 1, Township of Rayside, 415 Notre Dame Street East, Azilda

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### 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 accessory lot coverage and height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, March 21, 2024

REVISED:

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Strategic and Environmental Planning, March 21, 2024

REVISED: No concerns.

CGS: Development Approvals Section, March 21, 2024

REVISED:

The purpose and effect of the application is to permit the construction of a 260.12 m<sup>2</sup> accessory building with the following variances:

1. a maximum height of 6.08 m, whereas the maximum height permitted for an accessory building is 5 m; and
  2. a maximum lot coverage for accessory buildings of 11%, whereas 10% is the maximum permitted.
- The subject lands are currently vacant of buildings and structures. The applicant has advised that a single detached dwelling and accessory building are being proposed to be constructed on the lands. It is noted that in order to construct an accessory building, the main use will need to be established first. The lands will be accessed from Notre Dame Street East and will be serviced by a municipal water and sanitary connection. The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'Low Density Residential One (R1-5)' within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential and commercial in nature. The proposed accessory building is larger in comparison to other accessory buildings in the area, however, remains subordinate in ground floor area in comparison to the residential dwelling. The applicants should be advised that the accessory building is to be utilized for residential accessory purposes only. Contractor's yard and other commercial uses are not permitted as of right. While not a proposed condition, staff recommend that consideration should be had for increasing the height of the proposed dwelling so that the accessory

building is not visible from Notre Dame Street East. Given the depth of the lot and the proposed location of the accessory building, staff do not anticipate impacts to surrounding uses. Staff are of the opinion that the variance is minor in nature, is an appropriate use of the land, and meets the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

CGS: Building Services Section, March 20, 2024

REVISED

Based on the information provided, we can advise that Building Services has no concerns with this application.

However, Building Services has provided the following comments for the Owners information.

1. The proposed detached garage is situated in close proximity to an easement. Structures are not permitted to be constructed on or over easements without an approved encroachment agreement.

At time of building permit a survey confirming location of the underground service easement will be required.

2. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the for the proposed dwelling and detached garage.

3. With respect to additional considerations related to this development, Building Services reserves further comment until the time of Building Permit Application and Plans Examination.

The Nickel District Conservation Authority, March 20, 2024

REVISED: Conservation Sudbury does not object to Minor Variance A0010/2024 revised. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Greater Sudbury Hydro Inc., March 18, 2024

REVISED: We have no concerns as the application A0010/2024 is outside of our territory.

Ministry of Transportation, March 18, 2024

REVISED: We have determined that the subject land is not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, March 13, 2024

REVISED: No objection.

CGS: Development Approvals Section, February 23, 2024

The purpose and effect of the application is to permit the construction of a 260.12 m<sup>2</sup> accessory building with a height of 6.08 m, whereas the maximum height permitted for an accessory building is 5 m. The subject lands are currently vacant of buildings and structures. The applicant has advised that a single detached dwelling and accessory building are being proposed to be constructed on the lands. The lands will be accessed from Notre Dame Street East and will be serviced by a municipal water and sanitary connection. The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'Low Density Residential One (R1-5)' within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential and commercial in nature. It is noted that the proposed accessory building appears to have a lot coverage of 11%, which exceeds the maximum lot coverage permitted for accessory buildings. It is recommended that the application be deferred to allow the applicant an opportunity to address lot coverage. Additionally, it would be staff's preference for the height of the accessory building not to exceed the height of the proposed dwelling in order to appear subordinate to the main use of the lands being the single detached dwelling.

Greater Sudbury Hydro Inc., February 22, 2024

No concerns as it's outside of our territory.

CGS: Site Plan Control, February 22, 2024

No objection.

CGS: Development Engineering, February 21, 2024

No objection.  
REVISED: No objection.

CGS: Infrastructure Capital Planning Services, February 21, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, February 20, 2024

Based on the information provided, Building Services has no concerns with the request for variance for building height.

However, for the Owner's information Building Services has the following comments,

1) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the proposed accessory structure (detached garage) and proposed single family dwelling.

2) Based on our calculations and rounding of measurements set out in 1.16 of By-Law 2023-61Z it appears there is an accessory lot coverage of 11% where 10% is permitted. Revised plans to accommodate a maximum accessory lot coverage of 10% or a minor variance is required.

The Nickel District Conservation Authority, February 20, 2024

Conservation Sudbury does not object to Minor Variance A0010/2024. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Strategic and Environmental Planning, February 16, 2024

No concerns.

Ministry of Transportation, February 14, 2024

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

The Applicant's agent, Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the application.

Committee had no comments or questions in relation to the Application.

The following decision was reached:

**DECISION:**

THAT the application by:

ANITA DEMATTIA AND BRIAN DEMATTIA  
the owner(s) of PIN 73346 1622, Survey Plan 53R-19750 Part(s) 1, 2, 3, and 4, Lot(s) Part Block 'A', Subdivision M-1063, Lot Part 3, Concession 1, Township of Rayside, 415 Notre Dame Street East, Azilda



for relief from Part 4, Section 4.2, subsection 4.2.3 and 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing, firstly, accessory lot coverage of 11%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and secondly, a maximum height of 6.08m, 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 variance is minor in nature and is desirable for the appropriate development and use of the land and Buildings. The general intent and purpose of the By-Law and the Official Plan are maintained.

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<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
David Murray	Concurring
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