

SUBMISSION NO. A0083/2024

November 20, 2024

OWNER(S): INTEGRITY FIRST HOLDINGS INC., c/o Michael Chow

AGENT(S): CENTRELINE ARCHITECTURE, c/o Kate Bowman 158 Elgin St- Suite 201, Sudbury ON P3E 3N5

LOCATION: PIN 73585 0863, Lot(s) 28, Subdivision 31-SA, Lot Part 6, Concession 3, Township of McKim, 20 Cypress Street, Sudbury

SUMMARY

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

Application: Approval to increase the number of dwelling units within the existing multiple dwelling on the subject property providing the number of parking spaces and accessible parking spaces at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, November 14, 2024

Roads
No concerns.

Transportation and Innovation Support
We have some concerns regarding the reduction in the required number of parking spaces, it is important to note that only short term on-street parking (maximum of 4 hours) is available on Cypress Street, therefore any overflow parking that may occur from this site will affect the neighbouring property owners and the municipal parking lot for Queens athletic park.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., November 13, 2024

No objections.

CGS: Building Services Section, November 13, 2024

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

Applicant/Owner to be advised of the following comments:

1) A Building Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for construction of the two proposed dwelling units in the legal non-conforming 11-unit multiple dwelling.

CGS: Development Approvals Section, November 12, 2024

The purpose and effect of the application is to permit the addition of two units in an existing multiple dwelling unit containing 11 units for a total of 13 units with the following variances:

1. Minimum of 2 parking spaces, whereas 20 are required; and
2. No accessible parking spaces, where 1 accessible space is required.

The subject lands contain an existing multiple dwelling with eleven dwelling units and two parking

spaces. The lands are serviced by a municipal water and sanitary connection and have existing access from Cypress Street and an unnamed Lane.

The subject lands are designated 'Downtown' within the City of Greater Sudbury Official Plan and are zoned "C4(1)" Office Commercial Special Zone' within the City of Greater Sudbury Zoning By-law.

Surrounding uses are commercial, institutional, and park in nature.

All forms of residential development and residential intensification are encouraged in the Downtown, provided adequate infrastructure and services are available. Residential development is a key priority for the Downtown as a means of stimulating increased investment and business activity, reinforcing the City's urban structure and achieving more efficient pattern of development. Compact, walkable, and transit-supportive, the Downtown possesses a distinct built form that sets it apart from other urban areas.

The subject lands are in close proximity to Queen's Athletic Field for amenity space, to commercial uses for employment, to institutional uses in the form of churches, and the nearest transit stop is located approximately 50 m on Elm Street. It is recognized that the existing building has a lot coverage of 62% and abuts roads along three of the property lines, limiting the amount of space to accommodate on-site parking that adheres to zoning standards. It is noted that the applicant has identified 6 parking spaces on the concept plan; however, only 2 of the spaces are wholly contained on the subject lands. There will be no external changes to the building as a result of the requested variances. Given the context of the subject lands, staff are of the opinion that the application is minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted

CGS: Strategic and Environmental Planning, November 08, 2024

No concerns.

Nickel District Conservation Authority, November 08, 2024

Conservation Sudbury does not object to Minor Variance A0083/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, November 06, 2024

No objection.

CGS: Development Engineering, November 06, 2024

No objection.

Ministry of Transportation, November 06, 2024

The subject lots are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

The applicant's authorized agent, Michael Chow, appeared before Committee and provided a summary of the Application.

The Secretary-Treasurer advised Committee that she received a call from a Don Carlyle on behalf of Sudbury Gospel Hall located at 215 Alder Street expressing concerns over the parking. Committee Chair Goswell asked the Secretary-Treasurer if there were specific objections and she advised that he had concerns about the parking spaces on 215 Alder Street being used and large vehicles being parked on the side of the building.

Michael Chow requested clarification as to what side of which building, and the Secretary-Treasurer advised that it was the lane on the north side of 20 Cypress. Mr. Chow responded to the concerns and suggested to Committee that they would put up 'no parking' signs and demarcate the parking spaces with paint.

Committee Members Castanza and Murray had no concerns with the Application. Committee Member Sawchuk advised Committee that parking can be a challenge in the area when events are on at the field, but that the parking was no different than other buildings in the area. Committee Member Sawchuk expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

INTEGRITY FIRST HOLDINGS INC.

the owner(s) of PIN 73585 0863, Lot(s) 28, Subdivision 31-SA, Lot Part 6, Concession 3, Township of McKim, 20 Cypress Street, Sudbury

for relief from Part 5, Section 5.2, subsection 5.2.3.5, Table 5.2 and Section 5.5, Table 5.5 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the conversion of the existing legal non-conforming 11-unit multiple dwelling to 13 providing, firstly, 2 required parking spaces, where 20 are required, and secondly, no accessible parking spaces, where 1 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 Buildings. 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>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0100/2024

November 20, 2024

OWNER(S): EMILIE TRUDEL, 605 Kontola Rd Wahnapiatae ON P0M 3C0

AGENT(S):

LOCATION: PIN 73480 0217, Parcel 10482 SEC SES, Lot Part 2, Concession 5, Township of Cleland, 605 Kontola Road, Wahnapiatae

SUMMARY

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

Application: Approval for a dwelling and accessory structures providing setbacks and location to the high water mark, and approval to construct a detached garage providing a height, all at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, November 14, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., November 13, 2024

No concerns - outside of our territory.

CGS: Building Services Section, November 13, 2024

Based on the information provided, Building Services has no concerns with the variances requested.

However, Applicant/Owner to be advised of the following comments:

1) A Building Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for reconstruction of the existing seasonal dwelling, construction of the detached garage, gazebo and sheds measuring above 10m². The submitted plot plan does not appear to reflect all structures on the property. Building Services may request further zoning relief at time of review.

2) Our research also indicates several accessory structures that appear to have been built after 1951 without benefit of a building permit. Please contact Building Services if assistance is required for permit application.

3) Maximum number of dwelling units permitted on a SLS lot – 1.

4) Maximum number of private cabins permitted on a SLS lot – 1, with maximum gross floor area of 30m².

5) Please be advised that this property is water access only.

CGS: Strategic and Environmental Planning, November 12, 2024

Staff of the City's Strategic and Environmental Planning Section are not opposed to the approval of this application as the reconstruction of the seasonal dwelling will be on the existing foundation and much of the property, including the Shoreline Buffer Area, continues to be maintained under natural vegetation cover.

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, November 12, 2024

The purpose and effect of the application is to permit the reconstruction of an existing seasonal dwelling and existing shed within the highwater mark with and the construction of an accessory building with the following variances:

1. Seasonal dwelling with a highwater mark setback of 16 m, whereas 30 m is required;
2. Existing shed with a highwater mark setback of 23 m, whereas 30 m is required;
3. Permit a seasonal dwelling and existing shed within the highwater mark, whereas no person shall erect any residential building or other accessory building or structure closer than 30.0 metres to the high water mark of a lake;
4. Detached garage with a height of 8 m, whereas maximum height permitted is 5 m.

The subject lands are designated 'Rural' within the Greater City of Sudbury Official Plan', and are zoned 'SLS' Seasonal Limited Services within the Greater City of Sudbury Zoning By-law. The subject lands contain a seasonal dwelling and three accessory buildings, one of which has been identified by the applicant as to be removed. The lands are serviced by a private septic system and lake water. The lands appear to be accessed by driveway over three private parcels of land to Kontola Road. As an advisory comment, the applicant is encouraged to establish legal access to Kontola Road by way of easement, if not already in existence.

Staff have no concerns with the variances related to the reconstruction of the seasonal dwelling on the same footings or existing shed, as they are intended to formally recognize what is on the ground today and will not further impact the shoreline area or highwater mark setback. The applicant advised that the additional height for the proposed detached garage is being requested in order to accommodate a storage loft. Although the garage will exceed the height of the seasonal dwelling, it will remain subordinate in ground floor area in comparison to the seasonal dwelling. The proposed garage will be screened from surrounding properties by natural vegetation. Staff are satisfied that the use of the proposed garage will be accessory in nature. Strategic and Environmental Planning has no objection to the requested variances, however, has provided advisory comments for information purposes.

Based on this information, staff are of the opinion that the requested variances are minor in nature, are an appropriate use of the land, and meet the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

Nickel District Conservation Authority, November 08, 2024

Conservation Sudbury has not comment with regards Minor Variance A0100/2024. Subject property is located outside of the jurisdictional boundaries of Conservation Sudbury.

CGS: Site Plan Control, November 06, 2024

No objection.

CGS: Development Engineering, November 06, 2024

No objection.

Ministry of Transportation, November 06, 2024

The subject lots are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

The applicant, nor an authorized agent, appeared before Committee. Committee agreed to move the Application to the end of the Agenda to provide the applicant a further opportunity to attend. When the Application came back up on the Agenda, the applicant was still not in attendance. Committee unanimously agreed to proceed with the hearing for the Application.

Committee Member Castanza had no concerns with the Application.

Committee Member Sawchuk requested clarification on the procedure when an applicant is absent, and the Committee Chair clarified the procedure. Committee Member Sawchuk had no objections.

Committee Member Murray asked staff if they had any discussions with the applicant about a more suitable location on the property for the structures located close to the water. Staff advised that the reconstruction would be on the existing footprint and therefore very little to no change and that the variances were suggested to recognize the existing situation. Committee Member Murray expressed support for the recommendation.

The following decision was reached:

DECISION:

THAT the application by:

EMILIE TRUDEL

the owner(s) of PIN 73480 0217, Parcel 10482 SEC SES, Lot Part 2, Concession 5, Township of Cleland, 605 Kontola Road, Wahnapiatae

for relief from relief from Part 4, Section 4.2, subsection 4.2.4 a) and 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, for the following, firstly, the reconstruction of an existing seasonal dwelling providing a setback of 16.0m to the high water mark, where a residential building shall be no closer than 30.0m to the high water mark and where the only permitted structures within 20.0m of the high water mark are the permitted accessory structures set out in 4.41.2 of the Zoning By-law, boat launches, marine railways, waterlines and heat pump loops; secondly, the existing shed providing a setback of 23.0m to the high water mark, where an accessory building or structure shall be no closer than 30.0m to the high water mark and where the only permitted structures within 20.0m of the high water mark are the permitted accessory structures set out in 4.41.2 of the Zoning By-law, boat launches, marine railways, waterlines and heat pump loops; and thirdly, the construction of detached garage providing a maximum height of 8.0m, where the maximum height of any accessory building on a residential lot is 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 Buildings. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

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

SUBMISSION NO. A0102/2024

November 20, 2024

OWNER(S): MICHELLE ASHLEY, PO Box 241 147 Simon Lake Drive Naughton ON P0M 2M0

AGENT(S):

LOCATION: PIN 73461 0269, Survey Plan 53R-21769 Part(s) 1 and 3, Lot Part 10, Concession 1, Township of Cleland, 0 Sabourin Road, Wanup

SUMMARY

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

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

PREVIOUSLY SUBJECT TO CONSENT APPLICATION B89/22 (OCT 3/22)

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, November 14, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., November 13, 2024

No concerns - outside of our territory.

CGS: Building Services Section, November 13, 2024

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

Applicant/Owner to be advised of the following comments:

1) A Building Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for construction of the proposed single-family dwelling and detached garage.

2) Be advised that no habitable space is permitted within the detached garage.

CGS: Development Approvals Section, November 12, 2024

The purpose and effect of the application is to construct a 187.6 m² accessory building with a height of 7.5 m, whereas the maximum height permitted for accessory buildings is 6.5 m.

The subject lands are currently vacant of buildings and structures. The applicant is proposing to construct a 458 m² dwelling with a height of 10.97 m in addition to the proposed accessory building subject to the requested variance. The subject lands will be serviced by a private septic system and well, and will have access from Sabourin Road.

The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan and are zoned 'RU' Rural within the City of Greater Sudbury Zoning By-law. Surrounding uses are rural in nature.

The applicant has advised that the 7.5 m height is being requested in order to construct a loft for storage purposes. The accessory building will be subordinate in ground floor area and height in comparison to the proposed dwelling. Staff are of the opinion that the building will be accessory in nature. The proposed garage will be screened from the road and surrounding properties by natural vegetation.

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

CGS: Strategic and Environmental Planning, November 08, 2024

No concerns.

Nickel District Conservation Authority, November 08, 2024

Conservation Sudbury has not comment with regards Minor Variance A0102/2024. Subject property is located outside of the jurisdictional boundaries of Conservation Sudbury.

CGS: Site Plan Control, November 06, 2024

No objection.

CGS: Development Engineering, November 06, 2024

No objection.

Ministry of Transportation, November 06, 2024

The subject lots are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

The applicant and her partner, Fern Folser, appeared before Committee and provided a summary of the Application. Committee Members Castanza advised that she attended the site and had no concerns. Committee Members Murray and Sawchuk expressed support for the recommendation.

The following decision was reached:

DECISION:

THAT the application by:

MICHELLE ASHLEY
the owner(s) of PIN 73461 0269, Survey Plan 53R-21769 Part(s) 1 and 3, Lot Part 10, Concession 1, Township of Cleland, 0 Sabourin Road, Wanup

for relief from Part 4, Section 4.2, subsection 4.2.4 b) 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 7.5m, where the height of any building or structure accessory to a residential dwelling shall be 6.5 metres, 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.

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

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