

SUBMISSION NO. A0149/2022

November 30, 2022

OWNER(S): JOHNSON SATHASEEVAN, 731 Regent St Sudbury ON P3E 3Y7

AGENT(S): CENTRELINE ARCHITECTURE, Attn: Dan Guillemette, 158 Elgin Street, Sudbury, ON P3E 3N5

LOCATION: PIN 73589 0561, Parcel 12768 SEC SES, Lot(s) 71, Subdivision M-99, Lot Pt 7, Concession 2, Township of McKim, 731 Regent Street, Sudbury

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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 an accessory building in the form of a detached garage with a secondary dwelling unit on the upper floor providing an accessory lot coverage and a maximum accessory building height at variance to the by-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, November 24, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

Ministry of Transportation, November 22, 2022

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

Greater Sudbury Hydro Inc., November 22, 2022

No conflict.

CGS: Development Approvals Section, November 22, 2022

The variances being sought would facilitate construction of an accessory building in the form of a detached garage with a secondary dwelling unit in the rear yard of the subject lands that have frontage on Regent Street in Sudbury. The proposed detached garage with secondary dwelling unit would be accessed from a lane that is maintained by the municipality (ie. Unnamed Lane #34). Staff notes that the lands are situated within an older urban residential neighbourhood with access to GOVA transit including a bus stop immediately to the east on Regent Street. Staff attended the lands and noted that there are a number of similar accessory buildings in the area including an existing two-storey accessory building to the immediate west on lands known municipally as 730 Griffith Street. There are also a number of other lanes in the area that are maintained by the municipality which could offer similar opportunities for providing additional housing options in this particular older urban residential neighbourhood. Staff is satisfied that the proposed accessory building would not have any negative land use planning impacts on abutting residential properties should the additional 2.16 m (7.09 ft) in maximum building height for an accessory building in an urban residential setting be approved. Staff would further note that the maximum accessory building height that is being proposed is not out of character along this portion of Unnamed Lane #34. Staff notes from floor plans provided by the owner that the required parking spaces for the existing residential dwelling and proposed secondary dwelling unit would be situated within the proposed accessory building. Staff also has no concerns with the increased accessory building lot coverage as sufficient outdoor amenity space appears to be provided

given the older urban residential context that exists on the lands and in the general area. 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 subject to the following condition:

1. That the owner removes the existing detached garage in the rear yard within one year of the variance decision and to the satisfaction of the Chief Building Official and Director of Planning Services.

The Nickel District Conservation Authority, November 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, in order to facilitate the construction of an accessory building in the form of a detached garage with a secondary dwelling unit on the upper floor, with an accessory lot over larger than 10%, and with a maximum height of an accessory structure higher than 5m.

Conservation Sudbury does not object to Minor Variance A0149/2022. 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, November 21, 2022

No objection.

CGS: Building Services Section, November 21, 2022

No concerns.

CGS: Strategic and Environmental Planning, November 21, 2022

No concerns.

CGS: Development Engineering, November 17, 2022

No objection.

The applicant appeared before Committee and provided a summary of the application. The applicant's agent, Dan Guillemette of Centreline Architecture, appeared before Committee to provide support for the application. Committee Member Dumont asked staff if the condition requested was necessary and expressed concerns over the timeline that was being proposed. Staff explained that the condition was being requested as the shed impacts the required parking and it has been staff's practice that there be a condition imposed ensuring that the development meets what was approved by Committee. Staff suggested that Committee could increase the timeline if they felt the recommendation was insufficient. Committee Member Dumont asked the applicant if one year would be sufficient and the applicant confirmed that one year would be fine. Committee Member Castanza advised that she did a site visit and suggested that a demolition permit may not be required due to the size of the shed and that one year would be sufficient. Committee Chair Chartrand, referring to Development Approvals' comments, asked staff to confirm which similar accessory buildings were referred to. Staff provided an explanation as to similar accessory buildings in the area and confirmed that one of the sites was directly across from the subject property. Committee Chair Chartrand asked staff if the accessory structure should still be seen as ancillary to the main dwelling as the height was more than double and the gross floor area was almost double. Staff explained that due to the age of the area there was a mix of built forms, square footage, and construction dates and within that general mix the development was ancillary to and accessory to, especially with the presence of the lanes within the area. Staff also explained that the lot is deeper than what is required, and, in this context, staff felt that it fit the test for what is ancillary to the main dwelling. Committee Chair Chartrand provided comments in relation to outdoor amenity space proposed on the site and how it seems overdeveloped. Committee Member Dumont expressed support for Committee Chair Chartrand's comments and noted that the area is older with single-storey homes fronting on Regent Street but understands the context. Committee Member Castanza explained that due to the topography of the land the garage wouldn't stand out and didn't feel that it would be an issue. Staff explained that there are larger buildings in the area and due to the age of the area there are two-storey dwellings throughout the area. Staff also explained the context and setting of the area being that two-storey dwellings are permitted, that there are mature trees providing buffering and that the subject property has an increased lot depth.

The following decision was reached:

DECISION:

THAT the application by:

JOHNSON SATHASEEVAN

the owner(s) of PIN 73589 0561, Parcel 12768 SEC SES, Lot(s) 71, Subdivision M-99, Lot Pt 7, Concession 2, Township of McKim, 731 Regent Street, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.3 and subsection 4.2.4 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 an accessory building in the form of a detached garage with a secondary dwelling unit on the upper floor providing, firstly, an accessory lot coverage of 16.2%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and secondly, a maximum accessory building height of 7.16 m (23.49 ft) on a residential lot, whereas a maximum accessory building height of 5.0 m (16.40 ft) on a residential lot is permitted, be granted, subject to the following condition:

1. That the owner removes the existing detached shed in the rear yard within one year of the variance decision and to the satisfaction of the Chief Building Official and 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 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.

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0152/2022

November 30, 2022

OWNER(S): LORELLA HAYES, 128 Wuorinen Road Lively ON P3Y 1H8  
JOEY HAYES, 128 Wuorinen Road Lively ON P3Y 1H8

AGENT(S): RICK YALLOWEGA, 157 Silpaa Street Sudbury ON P3B 3E5

LOCATION: PIN 73374 0255, Survey Plan 53R-18686 Part(s) 2, 5, and 6, Lot(s) 8 and Pt 7, Subdivision M-591, Lot Pt 6, Concession 1, Township of Waters, 128 Wuorinen Road, Lively

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### SUMMARY

Zoning: The property is zoned R1-1 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit 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, November 24, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

Ministry of Transportation, November 22, 2022

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

CGS: Strategic and Environmental Planning, November 22, 2022

The Strategic and Environmental Planning Section does not support the application as presented for the following reasons:

1. A large deck between the existing structure and the shoreline is not noted on the provided drawings but takes up a considerable amount of the Shoreline Buffer Area.
2. Given the proximity of the existing dwelling and the deck to the shoreline, there would be very limited Shoreline Buffer Area left for renaturalization if the application is recommended for approval.
3. There is considerable lot area to allow for several alternative configurations/layouts that would allow for the same amount of gross floor area to be added but would have less of an impact on the shoreline and future renaturalization of a vegetative buffer.

Staff strongly encourage the proponent to consider alternative layouts for the proposed addition.

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 has confirmed the presence of cyanobacterial blooms in Makada Lake in 2012 and 2015.

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 riverbank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m<sup>2</sup>.
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., November 22, 2022

Not in our territory.

CGS: Development Approvals Section, November 22, 2022

A0152/2022

The variances being sought would facilitate construction of an addition to existing single-detached dwelling having frontage on Wuorinen Road in Lively. The lands also have water frontage on Makada Lake. The lands are designated Rural in the City's Official Plan and zoned "R1-1", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed addition would align with and not project further into the shoreline buffer area

SUBMISSION NO. A0152/2022 Continued.

than the existing residential dwelling. Staff further notes that the location of the existing residential dwelling is legal non-complying in terms of being situated within the required shoreline buffer area as well as the existing setback from the high-water mark of Makada Lake. Staff also reviewed aerial photography and several of the lots in the immediate area appear to have been cleared dating back to the 1980s. Staff would note that the variances being sought are not excessive or unreasonable in nature given that the proposed addition would not further reduce the legal non-complying setback to Makada Lake. The bulk of the proposed addition would be constructed toward Wuorinen Road as opposed to Makada Lake. The proposed addition is also askew to the shoreline of Makada Lake resulting in an increasingly larger setback than 13.1 m (42.98 ft) where the addition is at its closest point to the high-water mark. 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.

The Nickel District Conservation Authority, November 21, 2022

Conservation Sudbury does not object to Minor Variance application A0152/2022. The proposed addition fits the requirements of Ontario Regulation 156/06. Any future development between the house and Makada Lake requires permission from Conservation Sudbury.

Development includes the construction of new structures, the addition to existing structures, placement or removal of fill, site grading or alteration to a watercourse. 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: Site Plan Control, November 21, 2022

No objection.

CGS: Building Services Section, November 21, 2022

No concerns.

CGS: Development Engineering, November 17, 2022

No objection.

The applicants appeared before Committee and provided a summary of the application addressing staff's comments. The applicant's agent, Rick Yallowega, was also in attendance and provided Committee with a summary of the development. Committee Member Dumont expressed frustration with the conflicting recommendations from Strategic and Environmental Planning and Development Approvals. Committee Chair Chartrand requested staff to provide clarity on the conflicting recommendations and staff provided clarification. Committee Chair Chartrand expressed support for Development Approval's recommendation. Committee Member Castanza advised that she attended the site and understands why the development was being proposed as it is. Committee had no further comments or questions.

The following decision was reached:

**DECISION:**

THAT the application by:

LORELLA HAYES AND JOEY HAYES  
the owner(s) of PIN 73374 0255, Survey Plan 53R-18686 Part(s) 2, 5, and 6, Lot(s) 8 and Pt 7, Subdivision M-591, Lot Pt 6, Concession 1, Township of Waters, 128 Wuorinen Road, Lively

SUBMISSION NO. A0152/2022 Continued.

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 an addition on the existing single detached dwelling, firstly, providing a high water mark setback of 13.1m, 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 secondly, to permit the proposed addition to be 13.1m setback from the high water mark of a lake, 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 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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0153/2022

November 30, 2022

OWNER(S): ERIKA EILEEN CHURCHILL, Attn: Dan Kirby 2-82 Mississauga St E PO BOX 2285 Orillia ON L3V 6S2  
RYAN MICHAEL FONTYN, Attn: Dan Kirby 2-82 Mississauga St E PO BOX 2285 Orillia ON L3V 6S2

AGENT(S): TULLOCH ENGINEERING - AARON ARIGANELLO, Attention: Aaron Ariganello, 1942 Regent Street, Unit L, Sudbury, ON, P3E 5V5

LOCATION: PIN 02127 0030, Parcel 28269 SEC SES SRO, Lot(s) 208, Subdivision M-597, Lot Pt 6, Concession 5, Township of McKim, 41 Nicolet Street, 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 existing single detached dwelling providing a front yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, November 24, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

Ministry of Transportation, November 22, 2022

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

Greater Sudbury Hydro Inc., November 22, 2022

No conflict.

CGS: Development Approvals Section, November 22, 2022

The variances being sought would recognize the location of an existing single-detached dwelling having frontage on Nicolet Street in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that many residential dwellings having frontage on the west side of Nicolet Street maintain similar front yard setbacks. Staff is satisfied that no negative land use planning impacts would be generated on abutting residential properties should the variances be approved. Staff is also not aware of any historical land use planning issues along Nicolet Street resulting from the reduced front yard setbacks found in the immediate area. Staff also have 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.

SUBMISSION NO. A0153/2022 Continued.

The Nickel District Conservation Authority, November 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 existing single detached dwelling providing a smaller than allowable minimum front yard setback, with encroaching eaves.

Conservation Sudbury does not object to Minor Variance A0153/2022. 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, November 21, 2022

No objection.

CGS: Building Services Section, November 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) Only (1) driveway is permitted in an R1-5 zone per lot.

CGS: Strategic and Environmental Planning, November 21, 2022

No concerns.

CGS: Development Engineering, November 17, 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.

The applicant's agent, Aaron Ariganello of Tulloch Engineering, appeared before Committee and provided a summary of the application. Committee Chair Chartrand asked the agent how many driveways were on the property and agent advised that there were two. Committee Chair Chartrand asked staff how that would need to be addressed and staff advised that under the current zoning by-law only one driveway was permitted but that staff couldn't confirm whether the second driveway was legal or illegal and that it would be up to the applicants to pursue. Staff advised that they were comfortable proceeding. Committee Member Castanza explained that several houses in the area have two driveways. Committee Chair Chartrand explained that he noticed the curb was cut for both driveways. Committee had no further comments or questions.

The following decision was reached:

DECISION:

THAT the application by:

ERIKA EILEEN CHURCHILL AND RYAN MICHAEL FONTYN  
the owner(s) of PIN 02127 0030, Parcel 28269 SEC SES SRO, Lot(s) 208, Subdivision M-597, Lot Pt 6, Concession 5, Township of McKim, 41 Nicolet Street, Sudbury

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 permit an existing single detached dwelling providing a minimum front yard setback of 2.7m with eaves encroaching 0.7m into the proposed 2.7m front yard setback, where a minimum front yard setback of 6.0m is required and where eaves may encroach 1.2m into the required front yard but not closer than 0.6m to the lot line, be granted.

SUBMISSION NO. A0153/2022 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.

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0156/2022

November 30, 2022

OWNER(S): 13705901 CANADA INC., 2934 Baseline Road Ottawa ON K2H 1B2

AGENT(S): TULLOCH ENGINEERING - AARON ARIGANELLO, Attention: Aaron Ariganello, 1942 Regent Street, Unit L, Sudbury, ON, P3E 5V5

LOCATION: PIN 73504 3141, Lot(s) 185, Subdivision M-1115, Lot Pt 5, Concession 2, Township of Hanmer, 4124 Bonaventure Drive, 4128 Bonaventure Drive, Hanmer

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### 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 of a lot to be severed containing a semi-detached dwelling, subject of a future Consent Application, providing a maximum lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, November 24, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

Ministry of Transportation, November 22, 2022

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

Greater Sudbury Hydro Inc., November 22, 2022

Not in our territory.

CGS: Development Approvals Section, November 22, 2022

The variance being sought would facilitate the severance of an existing semi-detached dwelling having frontage on Bonaventure Drive 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 has no concerns with respect to the proposed maximum lot coverage of 45% whereas a maximum lot coverage for all buildings and structures of 40% is permitted in the "R2-2" Zone. Staff is satisfied that no negative land use planning impacts would be generated on abutting residential properties should the variance be approved. Staff would further note that the additional 5% maximum lot coverage that is being proposed is not anticipated to negatively impact the existing urban residential character that exists along Bonaventure Drive. Staff recommends that the variance be approved as they it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, November 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 approve the lands to be severed containing a semi-detached dwelling, subject to future Consent Application, providing a maximum lot coverage of 45% where 40% is permitted.

Conservation Sudbury does not object to Minor Variance A0156/2022. 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, November 21, 2022

No objection.

CGS: Building Services Section, November 21, 2022

No concerns.

CGS: Strategic and Environmental Planning, November 21, 2022

No concerns.

CGS: Development Engineering, November 17, 2022

No objection.

The applicant's agent, Aaron Ariganello of Tulloch Engineering, appeared before Committee and provided a summary of the application. Committee had no comments or questions.

The following decision was reached:

**DECISION:**

THAT the application by:

13705901 CANADA INC.

the owner(s) of PIN 73504 3141, Lot(s) 185, Subdivision M-1115, Lot Pt 5, Concession 2, Township of Hanmer, 4124 Bonaventure Drive, 4128 Bonaventure Drive, Hanmer

for relief from Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the lands to be severed containing a semi-detached dwelling, subject of future Consent Application, providing a maximum lot coverage of 45%, where 40% is permitted, 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.

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0157/2022

November 30, 2022

OWNER(S): RACHEL MORRIS, 362 Duke St W North Bay ON P1B 6G1  
JOE MORRIS, 362 Duke St W North Bay ON P1B 6G1

AGENT(S):

LOCATION: PIN 73347 1255, Parcel 53M1154-4 SEC SWS SRO, Lot(s) 4, Subdivision 53M-1154, Lot Pt 7, Concession 6, Township of Snider, 0 Fire Route P, Azilda

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### 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 to construct an accessory building in the form of a detached garage providing a maximum accessory building height at variance to the by-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, November 24, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

Ministry of Transportation, November 22, 2022

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

Greater Sudbury Hydro Inc., November 22, 2022

Not in our territory.

CGS: Development Approvals Section, November 22, 2022

The variance being sought would facilitate construction of a detached garage to the south of an existing seasonal dwelling on the subject lands that have frontage on a private road (ie. Fire Route P) in Azilda. The lands also have water frontage on Whitewater Lake. The lands are designated Rural in the City's Official Plan and zoned "SLS", Seasonal Limited Service under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would be situated approximately 38 m (124.67 ft) from the street line of Fire Route P and approximately 12.9 m (42.32 ft) from the southerly interior side lot line. Staff is of the opinion that the proposed setback from the street line of Fire Route P will act to mitigate the visual impact that the scale of the detached garage will have on the surrounding rural residential area. Staff therefore does not anticipate any negative land use planning impacts on abutting rural residential properties or any negative impacts on the existing rural residential character that exists along this portion of Errington Road should the additional height be approved. The lands are also buffered in part by mature vegetation that exists on abutting lots. Staff also notes that the proposed detached garage would otherwise appear to comply with all other

SUBMISSION NO. A0157/2022 Continued.

applicable development standards for an accessory building situated within the "SLS" Zone. Staff understands that the additional maximum building height for an accessory building is required in order to provide storage for a recreational vehicle. 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 further 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 variance be approved as they it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, November 21, 2022

A permit from Conservation Sudbury was obtained by proponent on September 23, 2022 (see attached Conservation Sudbury permit #2022-63). As part of the permit review process the proponent was required to move the location of the garage further from the floodplain and re-submit the site plan (site plan by Adrian Bortolussi OLS, dated September 6, 2022, see attached). The site plan circulated with the Minor Variance application is the original site plan and shows the garage located closer to the floodplain elevation than what was permitted by Conservation Sudbury

Conservation Sudbury does not oppose Minor Variance A0157/2022 as it relates to the height of the garage. However, Conservation Sudbury requires that the permission be granted based on the site plan attached to this comment letter, and the site plan approved in the Conservation Sudbury permit.

CGS: Site Plan Control, November 21, 2022

No objection.

CGS: Strategic and Environmental Planning, November 21, 2022

No concerns.

CGS: Building Services Section, November 21, 2022

No concerns.

CGS: Development Engineering, November 17, 2022

No objection.

The applicants appeared before Committee and provided a summary of the application. Committee had no comments or questions.

The following decision was reached:

DECISION:

THAT the application by:

RACHEL MORRIS AND JOE MORRIS  
the owner(s) of PIN 73347 1255, Parcel 53M1154-4 SEC SWS SRO, Lot(s) 4, Subdivision 53M-1154, Lot Pt 7, Concession 6, Township of Snider, 0 Fire Route P, Azilda

for relief from Part 4, Section 4.2, subsection 4.2.4 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 an accessory building in the form of a detached garage providing a maximum accessory building height of 7.3 m on a residential lot, whereas a maximum accessory building height of 5.0 m on a residential lot is permitted, be granted.

SUBMISSION NO. A0157/2022 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.

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