

SUBMISSION NO. A0093/2024

November 06, 2024

OWNER(S): SANDRA VALADE, 3956 Orange Road Sudbury ON P3G 1H6  
JEAN MARC VALADE, 3956 Orange Road Sudbury ON P3G 1H6

AGENT(S): 3RDLINE STUDIO INC., 289 Centre St. Suite 300, Sudbury, On P3B 1M8

LOCATION: PIN 73473 0291, Surveys Plan 53R-9364 Part(s) 1 and 2 & Plan 53R-9433 Part(s) 1, 3 and 4 & Plan 53R-19707 Part(s) 1, Lot Part 9, Concession 3, Township of Broder, 3956 Orange Road, 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 an addition on the existing single detached dwelling and to permit two existing accessory buildings providing setbacks, eaves encroachment and height at variance to the By-law.

PREVIOUSLY SUBJECT TO APPLICATIONS B0018/2011 (MAY 3/11), B0151/1981 AND B0152/1981 (AUG 4/81) AND B0068/1981 (MAY 11/81)

Comments concerning this application were submitted as follows:

CGS: Strategic and Environmental Planning, October 31, 2024

Staff of the City's Strategic and Environmental Planning Section are not opposed to the approval of this application as the proposed addition is relatively small, is not substantially closer to the lake than the existing dwelling and lies outside of the Shoreline Buffer Area, much of which 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: Building Services Section, October 31, 2024

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

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 construction of the proposed addition on the single detached dwelling.
- 2) A review of the subject property and plot plan provided with this application indicates several accessory structures on the property that are not reflected in our records. Our research indicates that the pumphouse converted to a sauna, addition to detached "Garage 1", and detached "Garage 2" appear to have been built after 1994 without benefit of a building permit. Please contact Building Services if assistance is required for permit application.
- 3) Be advised that no habitable space is permitted within the accessory structures.
- 4) Retaining walls measuring 1.0m or higher require a building permit application.

CGS: Development Approvals Section, October 31, 2024

The purpose and effect of the application is to permit the construction of a 37.3 m<sup>2</sup> addition to a single detached dwelling with a highwater mark setback of 21.8 m, whereas 30 m setback is required.

Additionally, the applicant is seeking the following relief for existing accessory buildings:

1. A front yard setback of 2.4 m for Garage 2, where 6 m setback is required;
2. An eave encroachment of 0.59 m for Garage 2, where eaves may encroach 1.2 m into the required 6 m front yard; and
3. A height of 5.9 m for Garage 1, where 5 m is the maximum height permitted.

The subject lands are designated 'Living Area II' within the Greater City of Sudbury Official Plan', are zoned 'Low Density Residential (R1-2)' within the Greater City of Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).

The subject lands contain a single detached dwelling, two accessory buildings, and a sauna. The lands are serviced by a private septic system and lake water, and have an existing access from Orange Road.

Staff have no concerns with the variances related to the front yard setback and eave encroachment of Garage 2, as no sight line visibility, or pedestrian and vehicular safety concerns were identified by the roads department. Additionally, no drainage concerns were identified.

Staff have no concerns with the requested height variance for Garage 1 as it will remain subordinate in area and height in comparison to the single detached dwelling.

The proposed addition is considered to be small in size and is proposed to be located outside of the natural vegetation buffer. It is noted that the existing dwelling is setback 22.97 m from the high water mark and that the addition would encroach an additional 1.17 m into the 30 m high water mark setback.

Additionally, it is recognized that the existing single detached dwelling and proposed addition are located at the top of bedrock and that there is an elevation change between the building and the lake. Due to the unique characteristics of the subject lands, staff are of the opinion that the addition is appropriate and do not anticipate adverse impacts to the lake as a result of the proposed addition. 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.

CGS: Infrastructure Capital Planning Services, October 30, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Nickel District Conservation Authority, October 28, 2024

The proposed addition is located in what would typically be defined as the erosion hazard of Long Lake. Where consolidated bedrock is present along the full extent of the shoreline between the lake and the building envelope, as it appears to be in this case, the erosion hazard can be negated.

Conservation Sudbury does not object to the minor variance A0093/2024 based on the assumption that the full extent of the addition will be anchored directly to consolidated bedrock. Please note that confirmation of bedrock extent and bedrock anchoring will be required prior to approval of the building permit.

Notes

Subject property does contain areas regulated by Conservation Sudbury, including a proxy flood hazard and erosion hazard. Future development requires permission of Conservation Sudbury. '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.

CGS: Site Plan Control, October 25, 2024

No objection.

Greater Sudbury Hydro Inc., October 24, 2024

No objection.

CGS: Development Engineering, October 24, 2024

No objection.

Ministry of Transportation, October 23, 2024

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

The applicant's agent, Tim James of 3rdLine Studio, appeared before Committee and provided a summary of the Application.

Philip Zylberberg appeared before Committee on behalf of the Long Lake Stewardship Committee and summarized the Stewardship Committee's position on the Application. He also commended the applicants for the well vegetated shoreline buffer.

Committee Members Castanza, Goswell, Murray and Committee Chair Dumont expressed support for the Application. Committee Member Sawchuk asked the agent if any other location was explored for the addition and the agent provided the reasons why the current location was chosen. Committee Member Sawchuk expressed support for the Application.

The following decision was reached:

**DECISION:**

THAT the application by:

SANDRA VALADE AND JEAN MARC VALADE  
the owner(s) of PIN 73473 0291, Surveys Plan 53R-9364 Part(s) 1 and 2 & Plan 53R-9433 Part(s) 1, 3 and 4 & Plan 53R-19707 Part(s) 1, Lot Part 9, Concession 3, Township of Broder, 3956 Orange Road, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 a), Section 4.41, subsection 4.41.2 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, firstly, to facilitate the construction of an addition on the existing single detached dwelling providing a high water mark setback of 21.8m, where no person shall erect any residential building or other accessory building or structure closer than 30.0m to the high water mark of a lake or river; secondly, to permit an existing detached garage (identified as "Garage 1" on the site plan) to provide a maximum height to 5.1m, where the maximum height of any accessory building on a residential lot is 5.0m; and, thirdly, to permit an existing detached garage (identified as "Garage 2" on the site plan) to provide a front yard setback of 2.4m, where 6.0m 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 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.

<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. A0094/2024

November 06, 2024

OWNER(S): JOSEE CARMEN DECHEVIGNY-LECLAIR, 1539 Sherwood Avenue Sudbury ON P3A 4L1  
ALAIN ADRIEN LECLAIR, 1539 Sherwood Avenue Sudbury ON P3A 4L1

AGENT(S): C.R. DESIGN, Attn: Rohit Walia 2200 Lakeshore Blvd West, Suite 3609 Toronto ON M8V 1A4

LOCATION: PIN 73565 0554, Parcel 26042 SEC SES SRO, Lot(s) 148, Subdivision M-381, Lot Part 10, Concession 4, Township of Neelon, 1539 Sherwood Avenue, 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 an accessory building providing accessory lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, October 31, 2024

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

1) Our research indicates a rear yard deck and above ground pool built approximately between 2010-2011 without benefit of a building permit. Based on a review of the associated minor variance application, we acknowledge the applicant's response to question (4C) which indicates that the existing deck, pool, and sheds have been removed from the rear yard to facilitate the construction of the proposed detached garage.

With respect to the proposed 10.97m x 9.14m detached garage, we note that a building permit has not yet been submitted to Building Services. Owner/Applicant to be aware that a building permit and supplementary documents are to be provided to the satisfaction of the Chief Building Official. Owner/Applicant to ensure the plot plan provided with this minor variance application is provided with the associated building permit application.

CGS: Development Approvals Section, October 31, 2024

The purpose and effect of the application is to construct a 100.33 m<sup>2</sup> accessory building with a lot coverage of 14%, whereas the maximum lot coverage for accessory buildings is 10%. The subject lands contain a 97 m<sup>2</sup> single detached dwelling and is otherwise vacant of buildings or structures. The subject lands are serviced by a municipal water and municipal sanitary connection and have an existing access from Sherwood Avenue.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan, are zoned 'R1-5' Low Density Residential One 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 applicant has advised that the proposed size of the garage is being requested in order to accommodate personal vehicle parking as well as storage. Staff are of the opinion that the use of the building will be accessory to the single detached dwelling.

Although the proposed accessory building exceeds lot coverage, the proposed placement of the building meets required setbacks, allowing for adequate distance between the property lines for maintenance, while maintaining adequate rear yard amenity space. Additionally, it should be noted that the overall lot coverage is being maintained as a result of the accessory building.

Given that the accessory building is proposed to be located in the rear yard directly behind the dwelling and will be subordinate in height in comparison to the single detached dwelling, staff are of the opinion that the proposed building will appear to be accessory in nature in comparison to the dwelling.

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, October 31, 2024

No concerns.

CGS: Infrastructure Capital Planning Services, October 30, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Nickel District Conservation Authority, October 28, 2024

Conservation Sudbury does not object to Minor Variance A0094/2024. 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, October 25, 2024

No objection.

Greater Sudbury Hydro Inc., October 24, 2024

No objection.

CGS: Development Engineering, October 24, 2024

No objection.

Ministry of Transportation, October 23, 2024

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

The applicant's agent, Rohit Walia, appeared before Committee and provided a summary of the Application. Committee Members Castanza advised Committee that the comments refer to a pool and deck which she did not see when she attended the site and expressed support for the Application. Committee Members Goswell, Sawchuk, Murray and Committee Chair Dumont expressed support for the Application.

The following decision was reached:

**DECISION:**

THAT the application by:

JOSEE CARMEN DECHEVIGNY-LECLAIR AND ALAIN ADRIEN LECLAIR  
the owner(s) of PIN 73565 0554, Parcel 26042 SEC SES SRO, Lot(s) 148, Subdivision M-381, Lot Part 10, Concession 4, Township of Neelon, 1539 Sherwood Avenue, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing accessory lot coverage of 14%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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.

<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. A0095/2024

November 06, 2024

OWNER(S): FARZAD SEYEDROUGHANI, 227 Stewart Drive Sudbury ON 3E 2R7

AGENT(S):

LOCATION: PIN 73594 0326, Parcel 17578 SEC SES, Lot(s) 35, Subdivision M-205, Lot Part 5, Concession 1, Township of McKim, 227 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 an addition on the existing single detached dwelling providing setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, October 31, 2024

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

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 construction of the proposed addition on the single detached dwelling.

CGS: Development Approvals Section, October 31, 2024

The purpose and effect of the application is to permit the construction of an addition to a single detached dwelling with a rear yard setback of 1.8 m, whereas 7.5 m is required. The subject lands are designated 'Living Area I' within the Greater City of Sudbury Official Plan' and are zoned 'Low Density Residential One (R1-5)' within the Greater City of Sudbury Zoning By-law. The subject lands contain a single detached dwelling and two accessory buildings. The lands are serviced by a municipal water and sanitary connection and have an existing access from Windle Drive. The front lot line of the subject lands is located along Windle Drive, by definition of the zoning by-law; however, the residential dwelling is oriented facing Stewart Drive and, as such, the rear yard by definition, being opposite of the front lot line, functions as a side yard. The applicants have advised that due to the easement located on the subject lands, an alternative location for the addition was not possible. Staff note that the proposed location does still appear to slightly encroach on the easement and may require an encroachment agreement as part of the building permit process. The applicants are proposing to obtain an entrance permit off of Stewart Drive for access to the proposed attached garage. The roads department has advised that only one driveway is permitted per residential property. Staff are of the opinion that the proposed 1.8 m setback is considered to be appropriate given that it functions as an interior side yard. It is noted that 1.8 m is the required interior side yard setback for the R1-5 Zone for a two storey residence. Sufficient distance will remain between the addition and the property line for maintenance purposes. The interior yard by zoning by-law definition will continue to function as rear yard amenity space as a result of the addition and can continue to be accessed by Windle Drive. 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.

SUBMISSION NO. A0095/2024 Continued.

CGS: Strategic and Environmental Planning, October 31, 2024

No concerns.

CGS: Infrastructure Capital Planning Services, October 30, 2024

Roads  
No concerns.

Transportation and Innovation Support  
We have no concerns with this application; however, we wish to advise the owner that only one driveway is permitted per lot.

Active Transportation  
No concerns.

Nickel District Conservation Authority, October 28, 2024

Conservation Sudbury does not object to Minor Variance A0095/2024. 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, October 25, 2024

No objection.

Greater Sudbury Hydro Inc., October 24, 2024

No objection.

CGS: Development Engineering, October 24, 2024

No objection.

Ministry of Transportation, October 23, 2024

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

The applicant appeared before Committee and provided a summary of the Application. Committee Members Castanza, Goswell, Murray and Committee Chair Dumont expressed support for the Application. Committee Member Sawchuk asked staff what the current setback was and staff provided the distance. Committee Member Sawchuk expressed support for the Application.

The following decision was reached:

DECISION:

THAT the application by:

FARZAD SEYEDROUGHANI  
the owner(s) of PIN 73594 0326, Parcel 17578 SEC SES, Lot(s) 35, Subdivision M-205, Lot Part 5, Concession 1, Township of McKim, 227 Stewart Drive, Sudbury

for relief from Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an addition on the existing single detached dwelling providing a rear yard setback of 1.8m, where 7.5m is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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.

<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. A0096/2024

November 06, 2024

OWNER(S): ANDREW HIRVI, 3951 Chief Lake Road Sudbury ON P3G1K7

AGENT(S): C.R. DESIGN, Attn: Rohit Walia 2200 Lakeshore Blvd West, Suite 3609 Toronto ON M8V 1A4

LOCATION: PIN 73476 0365, Parcel 29340 SEC SES SRO, Lot(s) 5 and 6, Subdivision M-664, Lot Part 6, Concession 3, Township of Broder, 3951 Chief Lake Road, 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 accessory building providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, October 31, 2024

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

For the Owner's information Building Services has the following comments,

We acknowledge Building Permit BP-NEW-2024-01430 for the construction of the garage. 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, unless an approved Secondary Unit Building Permit is issued and occupancy granted.

CGS: Development Approvals Section, October 31, 2024

The purpose and effect of the application is to permit an accessory building with a height of 7 m, whereas the maximum permitted is 5 m.

The subject lands contain a single detached dwelling and three accessory buildings, one being identified by the applicant as being removed. The subject lands are serviced by a well and septic system and have access from Chief Lake Road.

The subject lands are designated 'Living Area II' within the City of Greater Sudbury Official Plan, are zoned 'R1-2' Low Density Residential One within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).

Surrounding uses are rural and residential in nature.

Accessory is defined within the Zoning By-law as "a use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot."

The subject lands have an area of 3,395 m<sup>2</sup> which is larger than the minimum lot area requirement of 1,300 m<sup>2</sup> in the R1-2 Zone. The maximum lot coverage for all buildings and structures is 25% and the maximum lot coverage for all accessory buildings and structures is 10%. Given the size of the residential lot, the applicant will remain under the maximum lot coverage as a result of the proposed 222 m<sup>2</sup> accessory building in addition to the existing accessory buildings.

The main use of the subject lands is the single detached dwelling, which has a ground floor area of 96m<sup>2</sup> and a height of 5.5m. Although the proposed accessory building will not be subordinate in size in comparison to the main use, staff are satisfied that the use will be accessory to the residential use as the applicants advised it would be used for personal storage purposes, with a potential to add an additional residential unit in the future.

The subject lands are located in the 'Living Area II' designation which is considered to be a non-urban settlement area that is rural in nature. The subject lands contain a natural vegetative buffer along the frontage of the property abutting Chief Lake Road. Additionally, the accessory building is proposed to be located 49 m from Chief Lake Road, whereas the single detached dwelling is located 19.26 m from the street. Staff are of the opinion that, given the proposed setback from the road and the natural vegetation, the building will appear to be accessory in nature.

Given the characteristics and location of the subject land, staff are of the opinion that the variance is considered to be minor in nature, is an appropriate use of the lands, 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, October 31, 2024

No concerns.

CGS: Infrastructure Capital Planning Services, October 30, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Nickel District Conservation Authority, October 28, 2024

Conservation Sudbury does not object to Minor Variance A0096/2024. Subject property does contain areas regulated by Conservation Sudbury, including a proxy flood hazard and erosion hazard. Future development in regulated areas requires permission of Conservation Sudbury.

Notes

'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.

CGS: Site Plan Control, October 25, 2024

No objection.

Greater Sudbury Hydro Inc., October 24, 2024

No objection.

CGS: Development Engineering, October 24, 2024

No objection.

Ministry of Transportation, October 23, 2024

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

The applicant's agent, Rohit Walia, appeared before Committee and provided a summary of the Application. He advised Committee that the applicants may turn a portion of the building into habitable space for their parent. Committee Member Castanza expressed support for the Application.

Committee Member Goswell asked staff what the implications were of converting the space to habitable and staff advised that a building permit would be required but there were no zoning implications. He asked staff if the motion should reflect that, and staff advised that as it was a future intention staff suggested that no change to the motion be made. Committee Chair Dumont interpreted staff's comments. Committee Member Goswell expressed concern that the approval of the Application was not approval of that use. Committee Chair Dumont advised the agent of the requirements for a change of use permit in the future and the agent confirmed he understood. Committee Members Sawchuk, Murray and Committee Chair Dumont expressed support for the Application.

The following decision was reached:

**DECISION:**

THAT the application by:

ANDREW HIRVI

the owner(s) of PIN 73476 0365, Parcel 29340 SEC SES SRO, Lot(s) 5 and 6, Subdivision M-664, Lot Part 6, Concession 3, Township of Broder, 3951 Chief Lake Road, Sudbury

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 detached garage providing a maximum height of 7.0m, 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 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.

<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. A0097/2024

November 06, 2024

OWNER(S): MADELEINE SUTTON, 8 Oliver Street Box 953 Copper Cliff ON P0M 1N0  
WILLIAM SUTTON, 8 Oliver Street Box 953 Copper Cliff ON P0M 1N0  
TIFFANY SUTTON, 8 Oliver Street Box 953 Copper Cliff ON P0M 1N0

AGENT(S):

LOCATION: PIN 73599 0375, Parcel 40716 SEC SES SRO, Lot(s) 63, Subdivision M-1023, Lot Part 12, Concession 2, Township of McKim, 34 Collins Drive, Copper Cliff

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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 the enclosure of a porch providing an increase in gross floor area within the front yard and providing setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, October 31, 2024

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

- 1) With respect to the relief requested of 0.3m for eaves encroaching into the proposed 1.8 front yard setback, as drawings have not been provided with this submission, Building Services is unable to verify the requested relief.
- 2) Building Services acknowledges a building permit application to replace the existing porch support beams and posts (BP-NEW-2024-01591). In relation to the relief requested by way of this minor variance application, it is the understanding of Building Services that a separate building permit application will be submitted at a later date by the Applicant/Owner to enclose the existing (1.82m x 3.657m) porch to create a sunroom. Building permit and supplementary documents to be provided for the proposed sunroom to the satisfaction of the Chief Building Official. Owner/Applicant to ensure the plot plan provided with this minor variance application is provided for the associated building permit application.

CGS: Development Approvals Section, October 31, 2024

The purpose and effect of the application is to permit the enclosure of the legal non-conforming porch with the following variances:

1. A front yard setback of 1.8 m, whereas 6 m setback is required; and
2. An eave encroachment of 0.3 m into the 1.8 m front yard setback, whereas a 1.2 m encroachment is permitted in a 6 m front yard setback no closer than 0.6 m.

The subject lands contain a single detached dwelling and three accessory buildings. The subject lands are serviced by a municipal water and sanitary connection and have existing access from Collins Drive. 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 in nature.

Staff have no concerns with the proposal to enclose the existing porch. The size and location of the porch will not be altered.

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

CGS: Strategic and Environmental Planning, October 31, 2024

No concerns.

CGS: Infrastructure Capital Planning Services, October 30, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Nickel District Conservation Authority, October 28, 2024

Conservation Sudbury does not object to Minor Variance A0097/2024. 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, October 25, 2024

No objection.

Greater Sudbury Hydro Inc., October 24, 2024

No objection.

CGS: Development Engineering, October 24, 2024

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 1.2 m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

Ministry of Transportation, October 23, 2024

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

The applicant, William 'Bill' Sutton, appeared before Committee and provided a summary of the Application. All of the Committee Members and the Committee Chair expressed support for the Application.

The following decision was reached:

**DECISION:**

THAT the application by:

MADELEINE SUTTON, WILLIAM SUTTON AND TIFFANY SUTTON  
the owner(s) of PIN 73599 0375, Parcel 40716 SEC SES SRO, Lot(s) 63, Subdivision M-1023, Lot Part 12, Concession 2, Township of McKim, 34 Collins Drive, Copper Cliff

for relief from Part 4, Section 4.25, subsection 4.25.1 b) and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the enclosure of the existing porch on the existing single detached dwelling providing, firstly, an increase in gross floor area of a legally existing building, where enlargement, reconstruction, repair and/or renovation shall not increase the gross floor area of a building or structure located within the minimum required front yard setback, and secondly, a minimum front yard setback of 1.8m with eaves encroaching 0.3m into the proposed 1.8 front yard setback, where 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.

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. A0098/2024

November 06, 2024

OWNER(S): CHANTAL ST PIERRE, 1779 Cote Blvd Hanmer ON P3P 0B2  
CLEMENT HUARD, 1779 Cote Blvd Hanmer ON P3P 0B2

AGENT(S):

LOCATION: PIN 73509 0304, Survey Plan 53R-13272 Part(s) 2, Lot Part 5, Concession 2, Township of Capreol, 1779 Cote Boulevard, Hanmer

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SUMMARY

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

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

PREVIOUSLY SUBJECT TO CONSENT APPLICATIONS B589/1990 (Jan 7/91) AND B77/05 (Aug 8/05)

Comments concerning this application were submitted as follows:

CGS: Building Services Section, October 31, 2024

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

However, Owner to be advised of the following comments:

1) We acknowledge an associated building permit (BP-NEW-2024-01303) for the proposed detached garage.

2) Be advised that no habitable space is permitted.

3) A search of our records indicates an incomplete permit for the subject property for the single family dwelling (B06-2004). Please contact Building Services to proceed in closing these projects.

4) A review of the subject property and plot plan provided with this application indicates several accessory structures on the property that are not reflected in our records. Our research indicates that the rear deck and above-ground pool enclosure appear to have been built after 2006 without benefit of a building permit. Owner/Applicant to be advised that structures 10 m<sup>2</sup> (108 ft<sup>2</sup>) in area or more, require a building permit. Please contact Building Services if assistance is required for permit application.

5) Shipping and storage containers shall not be placed or used on any lot in a Residential (R), Commercial (C), Mixed Light Industrial/Service Commercial (M1) or Business Industrial (M1-1) Zone and shall only be located on a lot:

a) As an accessory structure used in conjunction with a permitted agricultural, extractive, transport terminal or warehouse use;

b) For the purposes of rental, sale or distribution in a Light Industrial (M2) or Heavy Industrial (M3) Zone for use off site; or,

c) In accordance with Sections 4.40.5 and 4.40.7 of this By-law.

The shipping container appearing in our property history must be removed from the lot.

CGS: Development Approvals Section, October 31, 2024

The purpose and effect of the application is to permit an accessory building with a height of 7.62 m, whereas the maximum permitted is 6.5 m.

The subject lands contain a single detached dwelling and shipping containers. It is noted that shipping containers are not a permitted accessory structure to a residential use. As such, staff have included a condition to remove them. The subject lands are serviced by a well and septic system and have access from Cote Boulevard.

The subject lands are designated 'Agriculture Reserve' within the City of Greater Sudbury Official Plan, are zoned 'A' Agricultural within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).

Surrounding uses are agricultural in nature.

The main use of the subject lands is the single detached dwelling, which has a ground floor area of 260m<sup>2</sup> and a height of 7.5m. The proposed 184.5 m<sup>2</sup> accessory building will be subordinate in size in comparison to the dwelling and would exceed the height of the dwelling by 0.12 m. Although the proposed accessory building will not be subordinate in height in comparison to the main use, staff are satisfied that the use will be accessory to the residential use as the applicants advised it would be used for personal storage purposes and that the additional height was needed for RV parking.

The subject lands are located in the "Agriculture Reserve" designation, which is generally characterized by agricultural uses, including larger and taller buildings in comparison to what are permitted in the residential context. The proposed accessory building, therefore, would not be out of character with the buildings and structures found in the agricultural area.

The accessory building is proposed to be located 56 m from Cote Boulevard, whereas the single detached dwelling is located 21.05 m from the street. Staff are of the opinion that, given the proposed setback from the road, the building will appear to be accessory in nature.

Given the characteristics and location of the subject land, staff are of the opinion that the variance is considered to be minor in nature, is an appropriate use of the lands, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted subject to the following condition:

1. That any shipping containers be removed from the subject lands within one year from the date of decision, to the satisfaction of the Director of Planning Services.

CGS: Strategic and Environmental Planning, October 31, 2024

No concerns.

CGS: Infrastructure Capital Planning Services, October 30, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Nickel District Conservation Authority, October 28, 2024

Conservation Sudbury does not object to Minor Variance A0098/2024. Subject property does contain some areas regulated by Conservation Sudbury as there is an adjacent watercourse just south of the property. However, proposed garage is located outside of the regulated area and Conservation Sudbury has no objection to such.

CGS: Site Plan Control, October 25, 2024

No objection.

Greater Sudbury Hydro Inc., October 24, 2024

No objection - outside of our territory.

CGS: Development Engineering, October 24, 2024

No objection.

Ministry of Transportation, October 23, 2024

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

The applicant, Clement Huard, appeared before Committee and at the request of Committee Chair Dumont, provided a summary of the Application addressing the seacans located on the property and their removal. Committee Chair Dumont advised the applicant that a condition was being requested by staff that the seacans be removed from the property within one year and the applicant advised that one had been removed and the remaining seacan would be removed early next year. Committee Chair Dumont advised the applicant that he would need to advise the Director of Planning Services when done.

All of the Committee Members and the Committee Chair expressed support for the Application.

The Secretary-Treasurer advised Committee that she received a call of support from a neighbour, Louis Cote of 1771 Cote Boulevard, who was in support of his neighbours building the garage.

The following decision was reached:

**DECISION:**

THAT the application by:

CHANTAL ST PIERRE AND CLEMENT HUARD  
the owner(s) of PIN 73509 0304, Survey Plan 53R-13272 Part(s) 2, Lot Part 5, Concession 2, Township of Capreol, 1779 Cote Boulevard, Hanmer

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 7.62m, where any building or structure accessory to a residential dwelling shall be 6.5m, be granted, subject to the following condition:

1. That any shipping containers be removed from the subject lands within one year from the date of decision to the satisfaction of the Director of Planning Services.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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.

<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. A0099/2024

November 06, 2024

OWNER(S): DIONELLO DEVELOPMENTS INC., Attn: Anthony Davis 7024 Toya Court Hanmer ON P3P 0C1

AGENT(S):

LOCATION: PIN 02133 0231, Parcel 2600 SEC SES, Lot(s) 888, Subdivision M-100, Lot Part 6, Concession 4, Township of McKim, 458 Mabel Avenue, 460 Mabel Avenue, Sudbury

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SUMMARY

Zoning: The property is zoned R2-3 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a secondary dwelling unit within a semi-detached dwelling providing reduced landscaped area and landscaped open space, and location of parking at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, October 31, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Engineering, October 31, 2024

No objection.

CGS: Building Services Section, October 31, 2024

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

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

1) We acknowledge the receipt of associated building permit (BP-NEW-2024-01381) for the legalization of a basement secondary unit within 458 Mabel Avenue.

CGS: Development Approvals Section, October 31, 2024

The purpose and effect of the application is to permit the establishment of an additional dwelling unit with the following variances:

1. No landscaped area adjacent to the lot line abutting Mabel Avenue, where a 3 m wide landscaped area is required;
2. A minimum of 23% landscaped open space in the corner side yard, where a minimum of 50% is required; and
3. Two parking spaces in the corner side yard with a setback of 0.61m, whereas no parking is permitted in the corner side yard.

The subject lands contain a semi-detached dwelling and are otherwise vacant of buildings or structures. The subject lands are serviced by a municipal water and sanitary connection and have access from Mabel Avenue.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan, are zoned 'R2-3' Low Density Residential Two within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential and commercial in nature.

Staff recognize that the variances requested are to legalize the existing conditions. The applicant has advised that due to the narrow width of the corner lot, relief is required in order to legally establish a third parking space for a proposed additional residential unit. The Roads Department did not identify any sightline visibility or pedestrian and vehicular safety concerns as a result of the variances.

Staff are of the opinion that the variance is considered to be minor in nature, is an appropriate use of the lands, 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, October 31, 2024

No concerns.

Nickel District Conservation Authority, October 28, 2024

Conservation Sudbury does not object to Minor Variance A0099/2024. 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, October 25, 2024

No objection.

Greater Sudbury Hydro Inc., October 24, 2024

No objection.

Ministry of Transportation, October 23, 2024

The subject lands 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, Anthony Davis, appeared before Committee and provided a summary of the Application.

All of the Committee Members and the Committee Chair expressed support for the Application.

The following decision was reached:

DECISION:

THAT the application by:

DIONELLO DEVELOPMENTS INC.

the owner(s) of PIN 02133 0231, Parcel 2600 SEC SES, Lot(s) 888, Subdivision M-100, Lot Part 6, Concession 4, Township of McKim, 458 Mabel Avenue, 460 Mabel Avenue, Sudbury

for relief from Part 4, Section 4.15, subsection 4.15.1 e) and 4.15.2 and Part 5, Section 5.2, subsection 5.2.4.3 d) of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a secondary dwelling unit within a semi-detached dwelling providing, firstly, no landscaped area adjacent to the lot line abutting Mabel Avenue, where a 3.0m wide landscaped area adjacent to the full length of the lot line shall be required abutting all public roads having a width greater than 10.0m, secondly, a minimum of 23% landscaped open space, where a minimum of 50% of all required corner side yards shall be maintained as landscaped open space in low density residential two zones, and thirdly, two required parking spaces, identified as numbers "1" and "2" on the site plan submitted with the application, within the corner side yard providing a corner side yard setback of 0.61m, where outdoor parking areas shall not be located within any required corner side yard in a residential zone, 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.

***Member***

***Status***

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SUBMISSION NO. A0028/2024

November 06, 2024

OWNER(S): KIRA BRODHAGEN, 570 Church Crescent, Mount Forest, ON N0G 2L2  
RYAN BRODHAGEN, 570 Church Crescent, Mount Forest, ON N0G 2L2

AGENT(S): TULLOCH ENGINEERING - VANESSA SMITH, 1942 Regent Street Unit L, Sudbury, ON P3E 5V5

LOCATION: PIN 02134 0175, Parcel 14314 SEC SES, Lot(s) 51, Subdivision M-26, Lot Part 7, Concession 4, Township of McKim, 95 Beatty Street, Sudbury

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SUMMARY

Zoning: The property is zoned R2-3 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a multiple dwelling containing 4-units on the subject property providing a 100% reduction of parking requirements for units that are subject to an affordable housing agreement, and also, reduced lot area, lot frontage and corner side yard at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, October 31, 2024

REVISED

Building Services has reviewed your revised documents and sketches for the requested minor variances and can advise that we have the following comments:

We have no concerns with the requested variances as listed.

Applicant to be advised that a Demolition Permit and Building Permit will be required for the demolition of the existing house and the construction of a new 4-unit multiple dwelling respectively, to the satisfaction of the Chief Building Official.

The construction of the new stairs and landings leading directly from the street will require an encroachment agreement.

CGS: Development Approvals Section, October 31, 2024

REVISED

No changes from previous comments:

The purpose and effect of the application is to permit the establishment of a multiple dwelling with the following variances:

1. A minimum lot area of 110 m<sup>2</sup> per dwelling unit, whereas a minimum lot area of 140 m<sup>2</sup> is required;
2. A minimum lot frontage of 14.79 m, whereas a minimum lot frontage of 18 m is required;
3. A minimum corner side yard of 3 m, whereas a minimum of 4.5 m is required; and
4. A reduction of 100% of the parking requirements for units that are subject to an affordable housing agreement with the City, where a reduction of 25% may be applied to units that are subject to an affordable housing agreement.

The subject lands contain a single detached dwelling that has been identified by the applicant to be removed. The lands are serviced by a municipal water and sanitary connection and do not have vehicular access off of Beatty Street.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'Low Residential Density Two (R2-3) Zone' within the City of Greater Sudbury Zoning By-law.

The proposal has a density of approximately 88 units per ha, which falls within the medium density range of the Official Plan. Medium density residential is permitted within the 'Living Area I' designation

subject to criteria. Additionally, residential intensification is permitted subject to criteria, including but not limited to compatibility with surrounding uses and site suitability.

Staff have no concerns with the variance to recognize the existing frontage deficiency of the subject lands as the applicant has demonstrated that a dwelling can be constructed and maintain adequate space for access and maintenance purposes between abutting properties. Staff have no concern with the 3 m setback from the corner side yard of an unopened road allowance. Staff have no concerns in regard to the minimum unit area reduction. Staff have no concerns with the proposal in terms of compatibility with surrounding land uses and recognize that it is situated in an area close to transportation and employment amenities.

The lands are not subject to an affordable housing agreement at this point in time. Should Committee grant the variance for parking reduction tied to affordable housing, it does not guarantee that an affordable housing agreement will be entered into with the City. The applicant will need to go through a subsequent application and demonstrate eligibility in order to obtain an agreement. It is noted that affordable housing agreements generally expire after a time period of +/- 20 years. The applicant has not applied for a reduction in parking standards, but rather the percentage of parking reduction associated with an affordable housing agreement. If the applicant is unable to obtain an affordable housing agreement, parking standards will need to be adhered to. Staff have concerns in regard to the long-term planning implications of a 100% parking reduction tied to an affordable housing agreement that will have an expiry date. Upon the expiry of the affordable housing agreement, the subject lands would be contravening the parking standards of the zoning by-law. Staff anticipate it being challenging to retroactively establish adequate parking once a building is constructed rather than at the time of site design.

As part of the process for establishing an affordable housing project, the developer determines the feasibility of whether the cost of development would allow for affordable rental rates. The applicant has advised that it is not feasible to proceed with affordable housing at this location if a driveway is required to be established to access parking due to blasting costs, which is why a variance is being sought. The intent of the 25% reduction permitted within the zoning by-law for affordable housing projects is to assist with the reduction of costs in establishing an affordable housing development. Staff are of the opinion that a 100% reduction is not considered to be minor in nature and does not meet the intent of the zoning by-law. Affordable housing, while needed within the City, should not be created at the expense of adequate parking and site functionality. In order for staff to be in a position to support the application, at least one parking space per unit with a 25% reduction should be maintained, for a total of three spaces.

Staff recognize that the minimum amount of units required to enter into an affordable housing agreement is four; however, staff are concerned about the size of the lands and the ability for the site to physically accommodate the required parking spaces without compromising outdoor amenity space based on the concept plan. Affordable housing is encouraged within the City; however, the size of the subject lands is not considered to be suitable for the proposed four unit dwelling. Staff are unable to support the development as proposed without any parking. Consideration should be had for alternative proposals that could accommodate four units, required parking, and amenity space. If it is determined to be unfeasible, alternative locations could be explored.

Staff have concerns with pedestrian safety with the only access to the subject lands being a pedestrian staircase that ends on the travelled portion of Beatty Street. There is no sidewalk on the side that the subject lands are located on. The site would not have any vehicular access for visitors, ride pick ups/drop offs, emergency services, etc. While it is recognized that the site does not have vehicular access today, the impacts of this will be exacerbated with the additional proposed residential units.

Staff recommend that the following variances be granted as they are minor in nature, are an appropriate use of the land, and meet the intent of the Official Plan and Zoning By-law:

1. A minimum lot area of 110 m<sup>2</sup> per dwelling unit, whereas a minimum lot area of 140 m<sup>2</sup> is required;
2. A minimum lot frontage of 14.79 m, whereas a minimum lot frontage of 18 m is required;
3. A minimum corner side yard of 3 m, whereas a minimum of 4.5 m is required.

Staff recommend that the following variance be denied as it is not considered to be minor in nature, is not an appropriate use of the lands, and does not meet the intent of the Official Plan or Zoning By-law:

4. A reduction of 100% of the parking requirements for units that are subject to an affordable housing agreement with the City, where a reduction of 25% may be applied to units that are subject to an affordable housing agreement.

CGS: Strategic and Environmental Planning, October 31, 2024

REVISED  
No concerns.

CGS: Infrastructure Capital Planning Services, October 30, 2024

REVISED  
Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Nickel District Conservation Authority, October 28, 2024

REVISED  
Conservation Sudbury does not object to Minor Variance A0028/2024 REVISED. 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, October 25, 2024

REVISED  
No objection.

Greater Sudbury Hydro Inc., October 24, 2024

REVISED  
No objection.

Ministry of Transportation, October 23, 2024

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

CGS: Infrastructure Capital Planning Services, June 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 on-street parking is not permitted on Beatty Street. We note that in previous years, vehicles had been parking on the unopened road allowance adjacent to the property. We are concerned that going forward, tenants might still use this unopened road allowance for parking.

Active Transportation  
No concerns.

CGS: Development Approvals Section, June 14, 2024

The purpose and effect of the application is to permit the establishment of a multiple dwelling with the following variances:

1. A minimum lot area of 110 m<sup>2</sup> per dwelling unit, whereas a minimum lot area of 140 m<sup>2</sup> is required;
2. A minimum lot frontage of 14.79 m, whereas a minimum lot frontage of 18 m is required;
3. A minimum corner side yard of 3 m, whereas a minimum of 4.5 m is required; and

4. A reduction of 100% of the parking requirements for units that are subject to an affordable housing agreement with the City, where a reduction of 25% may be applied to units that are subject to an affordable housing agreement.

The subject lands contain a single detached dwelling that has been identified by the applicant to be removed. The lands are serviced by a municipal water and sanitary connection and do not have vehicular access off Beatty Street.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'Low Residential Density Two (R2-3) Zone' within the City of Greater Sudbury Zoning By-law.

The proposal has a density of approximately 88 units per ha, which falls within the medium density range of the Official Plan. Medium density residential is permitted within the 'Living Area I' designation, subject to criteria. Additionally, residential intensification is permitted subject to criteria, including, but not limited to, compatibility with surrounding uses and site suitability.

Staff have no concerns with the variance to recognize the existing frontage deficiency of the subject lands as the applicant has demonstrated that a dwelling can be constructed and maintain adequate space for access and maintenance purposes between abutting properties. Staff have no concerns with the 3 m setback from the corner side yard of an unopened road allowance. Staff have no concerns in regard to the minimum unit area reduction. Staff have no concerns with the proposal in terms of compatibility with surrounding land uses and recognize that it is situated in an area close to transportation and employment amenities.

The lands are not subject to an affordable housing agreement at this point in time. Should Committee grant the variance for parking reduction tied to affordable housing, it does not guarantee that an affordable housing agreement will be entered into with the City. The applicant will need to go through a subsequent application and demonstrate eligibility in order to obtain an agreement. It is noted that affordable housing agreements generally expire after a time period of +/- 20 years. The applicant has not applied for a reduction in parking standards, but rather the percentage of parking reduction associated with an affordable housing agreement. If the applicant is unable to obtain an affordable housing agreement, parking standards will need to be adhered to. Staff have concerns in regard to the long-term planning implications of a 100% parking reduction tied to an affordable housing agreement that will have an expiry date. Upon the expiry of the affordable housing agreement, the subject lands would be contravening the parking standards of the zoning by-law. Staff anticipate it being challenging to retroactively establish adequate parking once a building is constructed rather than at the time of site design.

As part of the process for establishing an affordable housing project, the developer determines the feasibility of whether the cost of development would allow for affordable rental rates. The applicant has advised that it is not feasible to proceed with affordable housing at this location if a driveway is required to be established to access parking due to blasting costs, which is why a variance is being sought. The intent of the 25% reduction permitted within the zoning by-law for affordable housing projects is to assist with the reduction of costs in establishing an affordable housing development. Staff are of the opinion that a 100% reduction is not considered to be minor in nature and does not meet the intent of the zoning by-law. Affordable housing, while needed within the City, should not be created at the expense of adequate parking and site functionality. In order for staff to be in a position to support the application, at least one parking space per unit with a 25% reduction should be maintained for a total of three spaces.

Staff recognize that the minimum amount of units required to enter into an affordable housing agreement is four; however, staff are concerned about the size of the lands and the ability for the site to physically accommodate the required parking spaces without compromising outdoor amenity space based on the concept plan. Affordable housing is encouraged within the City; however, the size of the subject lands is not considered to be suitable for the proposed four unit dwelling. Staff are unable to support the development, as proposed, without any parking. Consideration should be had for alternative proposals that could accommodate four units, required parking, and amenity space. If it is determined to be unfeasible, alternative locations could be explored.

Staff have concerns with pedestrian safety, with the only access to the subject lands being a pedestrian staircase that ends on the travelled portion of Beatty Street. There is no sidewalk on the side that the subject lands are located on. The site would not have any vehicular access for visitors, ride pick ups/drop offs, emergency services, etc. While it is recognized that the site does not have vehicular

access today, the impacts of this will be exacerbated with the additional proposed residential units. Building services has identified that an encroachment agreement would need to be obtained for the stairs.

Staff recommend that the following variances be granted as they are minor in nature, are an appropriate use of the land, and meet the intent of the Official Plan and Zoning By-law:

1. A minimum lot area of 110 m<sup>2</sup> per dwelling unit, whereas a minimum lot area of 140 m<sup>2</sup> is required;
2. A minimum lot frontage of 14.79 m, whereas a minimum lot frontage of 18 m is required;
3. A minimum corner side yard of 3 m, whereas a minimum of 4.5 m is required.

Staff recommend that the following variance be denied as it is not considered to be minor in nature, is not an appropriate use of the lands, and does not meet the intent of the Official Plan or Zoning By-law:

4. A reduction of 100% of the parking requirements for units that are subject to an affordable housing agreement with the City, where a reduction of 25% may be applied to units that are subject to an affordable housing agreement.

CGS: Strategic and Environmental Planning, June 14, 2024

No concerns.

Nickel District Conservation Authority, June 13, 2024

Conservation Sudbury does not object to Minor Variance A0028/2024. 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: Building Services Section, June 12, 2024

Building Services has reviewed your application documents and sketches for the requested minor variances and can advise that we have the following comments:

We have no concerns with the requested variances as listed.

Applicant to be advised that a Demolition Permit and Building Permit will be required for the demolition of the existing house and the construction of a new 4-unit multiple dwelling respectively, to the satisfaction of the Chief Building Official.

The construction of the new stairs and landings leading directly from the street will require an encroachment agreement.

Greater Sudbury Hydro Inc., June 12, 2024

No conflict.

CGS: Site Plan Control, June 06, 2024

No objection.

CGS: Development Engineering, June 06, 2024

No objection.

RESIVED: No objection.

The applicant's agents, Vanessa Smith and Kevin Jarus of Tulloch Engineering, appeared before Committee and provided a summary of the Application.

Moe Vitiello, an area resident, appeared before Committee and asked if there were any drawings or renderings of the proposed structure and where the parking was located now.

Vanessa Smith advised Committee that there were no renderings available and that no parking is provided currently on the property.

Committee Member Goswell asked staff if the property was within the downtown core and staff advised that it was outside of the downtown designation. He asked the agent to provide information on the available public transit in proximity to the property and Kevin Jarus provided the approximate distance to the transit terminal and downtown core. He asked staff what the parking situation on the property was and staff advised that the property contains a single detached dwelling with no parking and the agents confirmed that was correct. He asked Committee, in relation to the parking relief, what the reason would be to defer due to the topographic constraints of the property.

Committee Chair Dumont expressed appreciation for staff's recommendation but suggested that the application be dealt with as a whole and asked the agent if there were other options for developing the property. Kevin Jarus explained their preference to have the variances dealt with separately due to the other variances still being required and expressed support if there was a motion to approve all the variances. He explained to Committee that he could not provide other development options to them and advised that other development options wouldn't allow for affordable housing.

Committee Member Goswell expressed support for the application due to the property's proximity to the downtown.

Committee Chair Dumont reiterated to Committee that the property currently contains a single family dwelling and the application is proposing to increase the density.

Committee Member Sawchuk requested the agents to address staff's comments around pedestrian safety. Kevin Jarus explained that the zoning permits four dwelling units as of right and a pedestrian walkway to Beatty Street would still be required. Committee Member Sawchuk suggested that there were other solutions to developing the property and expressed support for staff's recommendation.

Committee Chair Dumont requested the agents to explain the process for obtaining an affordable housing agreement.

Vanessa Smith explained that four units are required in order to obtain an affordable housing agreement and advised that installing parking would prohibit affordable housing due to associated costs. She further explained the affordable housing agreement discussions that were had with staff. Committee Chair Dumont asked the agent which department was responsible for the agreement and Kevin Jarus explained that it would be Planning Services and Legal Services. He further explained that they were not able to share the terms of the agreement as they do not have a draft or a template. Kevin Jarus also explained to Committee that they require the variances in order to pursue the affordable housing.

Committee Chair Dumont suggested that the applicants obtain the agreement then pursue the parking variance.

Committee Member Sawchuk commented on the 25% reduction provision and noted that affordable housing still requires parking and asked staff if there were discussions about the unopened road allowance and staff advised that parking is not permitted on the unopened road allowance and suggested that the question be redirected to the agents. Vanessa Smith explained that the applicants had communication with Real Estate Services about purchasing the lands but the City denied the request.

Committee Chair Dumont expressed support for staff's recommendation and provided his reasons why.

Committee Member Goswell expressed support for staff's recommendation after reviewing images of the property in the summer and has concerns about the staircase at the road.

Committee Chair Dumont expressed concern that an affordable housing agreement was not in place and expressed support for staff's recommendation to allow the applicants the opportunity to obtain the agreement. He expressed concern about the parking and the issues that it could cause.

Vanessa Smith explained to Committee that four units are required in order to obtain an affordable housing agreement and that staff requires renderings for the agreement which they can't provide until they obtain the variances. Committee Chair Dumont noted her comments and asked her to clarify the affordable housing agreement process. Vanessa Smith advised Committee that more applications would be required by the applicants to the City before the City would consider entering into an agreement. She advised that the proposal requires an affordable housing agreement. Committee Chair Dumont asked the agents what the requirements were for an agreement. Vanessa Smith advised that she was not able to provide the requirements but explained that the list was long and that agreements are drafted on a case-by-case basis. Committee Chair Dumont redirected the question to staff. Staff advised that they could not speak to the requirements for an affordable housing agreement but clarified that the comments reflect the application and emphasized that the variance would be tied to an agreement.

Kevin Jarus requested Committee to amend the recommendation from a denial to a deferral and emphasized that the variance ties the development to it being affordable housing. He provided further information on what would be developed if an affordable housing agreement was not obtained.

Committee Chair Dumont explained his interpretation of the information provided and asked the agent what the requirement would be in order to obtain a building permit. Kevin Jarus explained that the building permit would have to reflect what is provided for in the affordable housing agreement or a building permit would not be issued. Vanessa Smith advised what the next steps would be if the variances were approved. Committee Chair Dumont clarified the information proposed would have to provide four parking spaces. Committee Chair Dumont expressed support for the application. Committee Member Goswell requested clarification on the recommendation and Committee Chair Dumont provided clarification.

Committee Member Sawchuk expressed to Committee that he believes the recommendation should be dealt with as one motion as the other variances may be affected by the parking requirements. He advised Committee that he was not clear on the parking relief and explained that affordable housing does not mean zero parking. He advised Committee that even if an affordable housing agreement was not involved, he would not support the variance.

Committee Chair Dumont asked the Secretary-Treasurer to clarify the recommendation which she provided. Committee Member Goswell put forward a motion to amend the recommendation to delete the denial of the parking variance and replace with a deferral and Committee Member Sawchuk seconded the motion. The motion was supported and carried.

November 6, 2024

The applicant's agent, Vanessa Smith of Tulloch Engineering, appeared before Committee and requested the Secretary-Treasurer to confirm the variance being requested. The Secretary-Treasurer corrected her remarks to Committee and advised that the Application before Committee was for the variance associated with the parking relief as the previous variances had been approved by Committee. The agent provided a summary of the Application to Committee.

Committee Member Goswell requested Melissa Riou, Sr. Planner and attending City staff, to speak to the impact of Committee's decision and the affordable housing agreement and Ms. Riou provided Committee with the process for an affordable housing agreement and how a Planning Act application could impact that process. She also provided an explanation on the requirements and monitoring that the City performs to ensure compliance with affordable housing. Committee Member Goswell asked staff, referring to the comments regarding pedestrian safety, if an encroachment agreement for the stairs had been entered into and staff had no comments to provide, the question was redirected to the agent. The agent advised Committee that the existing stairs encroach into the City's right-of-way and the redevelopment would require them to obtain an encroachment agreement. She suggested that for pedestrian safety, stairs or ramp would be constructed to access the dwelling and expressed hope that a sidewalk would be installed by the City as a bike lane is intended to be installed.

Committee Member Goswell asked staff if the encroachment agreement was addressed in the motion and staff advised that it was not. Committee Chair Dumont advised Committee that based on the information provided, an encroachment agreement had not been obtained. Committee Member Goswell advised Committee that he was concerned about pedestrian safety and the impact of the recommendation not containing anything about the encroachment. Committee Chair Dumont addressed his concerns and explained that the encroachment would be dealt with as part of the development and should not impact Committee's decision. Committee Member Goswell confirmed he understood and had no further concerns.

Committee Member Sawchuk expressed support for staff's recommendation to deny the Application.

Committee Member Goswell expressed frustration that the application had not changed and suggested that the applicant be given an opportunity to defer. Committee Chair Dumont explained the previous discussion and expressed his opinion on deferring the Application again.

Committee Member Goswell expressed concern that staff was recommending a partial approval and Committee Chair Dumont provided his opinion on a partial approval.

Committee Member Sawchuk advised Committee that they already approved the other requested variances. Committee Chair Dumont reiterated that three variances had been approved and the Application before Committee was seeking approval for the fourth. Committee Member Sawchuk suggested that the agent could be asked if they would like a deferral but supports staff's recommendation. The agent provided an explanation to Committee as to why they would like a decision.

Staff advised Committee that three variances were approved in June and that the Application before Committee was to approve the parking. Staff provided their opinion and rationale for the recommendation.

Committee Chair Dumont provided his opinion with regards to affordable housing and vehicle ownership.

The following decision was reached:

DECISION:

THAT the application by:

KIRA BRODHAGEN AND RYAN BRODHAGEN  
the owner(s) of PIN 02134 0175, Parcel 14314 SEC SES, Lot(s) 51, Subdivision M-26, Lot Part 7, Concession 4,  
Township of McKim, 95 Beatty Street, Sudbury

for relief from Part 6, Section 6.3, Table 6.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a multiple dwelling containing 4-units providing, firstly, a minimum lot area of 110.0 sq.m per unit, where 140.0 sq.m per unit is required, secondly, a minimum lot frontage of 14.79m, where 18.0m is required, and thirdly, a minimum corner side yard of 3.0m, where 4.5m is required, be granted, and that the relief from Part 5, Section 5.5, Table 5.5 for a reduction of 100% of the parking requirements for units that are subject to an affordable housing agreement with the City, where a reduction of 25% may be applied to units that are subject to an affordable housing agreement with the City, be denied.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is not minor in nature and not desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring