

SUBMISSION NO. A0122/2023

November 22, 2023

OWNER(S): DORA RAYMOND, 1809 Huntington Dr, Sudbury, ON P3A 4W8
JOE RAYMOND, 1809 Huntington Dr, Sudbury, ON P3A 4W8

AGENT(S): MATT BELL, 484 Maple Street, Sudbury ON P3C 2B4

LOCATION: PIN 73570 0439, Parcel 39805 SEC SES SRO, Lot(s) 27, Subdivision M-1012, Lot Part 11, Concession 5, Township of Neelon, 1809 Huntington Drive, Sudbury

SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2021-111, as amended.

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

Comments concerning this application were submitted as follows:

Ministry of Transportation, November 16, 2023

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

CGS: Development Approvals Section, November 16, 2023

The variance being sought would facilitate the construction of a detached garage with a height of 6.4 metres. The lands are designated Living Area 1 in the City's Official Plan and are zoned R2-2, Low Density Residential 2 per the City's Zoning By-law 2010-100Z. The proposed minor variance is analyzed below.

Minor Variance – (1) a maximum height of 6.4m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m.

Intent of the Official Plan – The Official Plan permits residential development of all type and tenure in Living Area 1 areas. Associated accessory structures that support and/or enhance the parcel are also permitted, subject to the zoning by-law. The intent of the Official Plan is maintained.

Intent of Zoning By-law 2010-100Z – The intent of Zoning By-law 2010-100Z is to permit accessory structures that are accessory to, and not the dominant built form and/or use on the subject lands. The intent of accessory structures is not to inhibit the enjoyment of surrounding parcels. The proposed detached garage would not be greater in height than the principal structure on-site. The intent of the Zoning By-law is met.

Is the variance minor? – The request would not limit the enjoyment of adjacent parcels and would not dominate the streetscape. Staff is of the opinion that the variance is minor.

Is the variance desirable? – The additional height would permit the garage to be constructed and allow the continued enjoyment of the parcel for the owners without impacting the adjacent parcels. Staff is of the opinion that the variance is desirable for the proposed development.

Staff is of the opinion that the proposal meets the four tests of minor variance. Staff recommends approval of A0122/2023.

CGS: Building Services Section, November 15, 2023

Building Services has reviewed your application and sketch for the requested minor variance and can advise that we have no concerns.

Owner to be advised that the Pre-engineered Truss Design Package is required to complete the Inspection Notice for Building Permit BP-ACC-2023-00085.

CGS: Infrastructure Capital Planning Services, November 14, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., November 13, 2023

No conflict.

The Nickel District Conservation Authority, November 10, 2023

Conservation Sudbury does not object to Minor Variance A0122/2023. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, November 09, 2023

No objection.

CGS: Development Engineering, November 08, 2023

No objection.

The Agent of the Applicant, Matt Bell, appeared before the Committee and provided a summary of the Application. The Agent advised that pitch of the roof had been increased and framed at this point. During the inspection it was noted that it did not meet the requirements of the zoning by-law and they are now seeking a variance to accommodate the roof that has already been framed.

Committee had no comments or questions in relation to this application.

The following decision was reached:

DECISION:

THAT the application by:

DORA RAYMOND AND JOE RAYMOND

the owner(s) of PIN 73570 0439, Parcel 39805 SEC SES SRO, Lot(s) 27, Subdivision M-1012, Lot Part 11, Concession 5, Township of Neelon, 1809 Huntington Drive, 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, to facilitate the construction of a detached garage providing a maximum height of 6.4m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be 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.

SUBMISSION NO. A0123/2023

November 22, 2023

OWNER(S): KRYSTAL VANCLIEAF, 1437 Dearbourne Drive, Sudbury ON P3A 5E6

AGENT(S):

LOCATION: PIN 02115 0163, Parcel 42565 SEC SES SRO, Lot(s) 115, Subdivision M-1014, Lot Part 2, Concession 6, Township of McKim, 1437 Dearbourne Drive, Sudbury

SUMMARY

Zoning: The property is zoned R1-5 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2021-111, as amended.

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

Comments concerning this application were submitted as follows:

Ministry of Transportation, November 16, 2023

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

CGS: Development Approvals Section, November 16, 2023

The variance being sought would permit the continued placement of a storage shed 0.43 metres from an interior side yard. The lands are designated Living Area 1 in the City's Official Plan and are zoned R1-5, Low Density Residential 1 per the City's Zoning By-law 2010-100Z. The proposed minor variance is analyzed below.

Minor Variance – (1) permit the existing storage shed providing an interior side yard setback of 0.43m, where an accessory building greater than 2.5m in height shall be no closer than 1.2m from the side lot line.

Intent of the Official Plan – The Official Plan permits residential development of all type and tenure in Living Area 1 areas. Associated accessory structures that support and/or enhance the parcel are also permitted, subject to the zoning by-law. The intent of the Official Plan is maintained.

Intent of Zoning By-law 2010-100Z – The intent of Zoning By-law 2010-100Z is to permit accessory structures that are accessory to, and not the dominant built form and/or use on the subject lands. The intent of accessory structures is not to inhibit the enjoyment of surrounding parcels. The existing shed is not greater in height than the principal structure on-site, nor is it much taller than the surrounding fence. The intent of the Zoning By-law is met.

Is the variance minor? – The request would not limit the enjoyment of adjacent parcels and would not dominate the streetscape. Staff is of the opinion that the variance is minor.

Is the variance desirable? – The shed exists and is buffered by an existing fence from the adjacent parcel. Staff is of the opinion that the variance is desirable for the continued enjoyment of the subject parcel.

Staff is of the opinion that the proposal meets the four tests of minor variance. Staff recommends approval of A0123/2023.

CGS: Building Services Section, November 15, 2023

Building Services has reviewed your application and sketch for the requested minor variance and can advise that we have no concerns.

CGS: Infrastructure Capital Planning Services, November 14, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., November 13, 2023

No conflict.

The Nickel District Conservation Authority, November 10, 2023

Conservation Sudbury does not object to Minor Variance A0123/2023. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, November 09, 2023

No objection.

CGS: Development Engineering, November 08, 2023

No objection.

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

The Secretary-Treasurer advised that an email of concern was received from Jacqueline Smits of 1431 Dearbourne Drive on November 17, 2023, with concerns that the sketch provided in the application not accurately depicting the location of the shed in relation to the northerly lot line. The email of concern was provided to the Applicant, Agent and the Committee of Adjustment members prior to the meeting this evening.

The Applicant advised that there were personal issues between the concerned neighbour and herself unrelated to this application and that the neighbour did not know where the actual lot line was. The Applicant had taken pictures close up to the roof section depicting the separation distance between the shed and the fence if the Committee wished to see them.

Vice Chair Goswell asked the Applicant whether the measurements in the application had been taken by herself with some sort of measurement device. The Applicant advised that she and her boyfriend used a measuring tape to take the measurements themselves.

The following decision was reached:

DECISION:

THAT the application by:

KRYSTAL VANCLEAF

the owner(s) of PIN 02115 0163, Parcel 42565 SEC SES SRO, Lot(s) 115, Subdivision M-1014, Lot Part 2, Concession 6, Township of McKim, 1437 Dearbourne Drive, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing storage shed providing an interior side yard setback of 0.43m, where an accessory building greater than 2.5m in height shall be no closer than 1.2m from the side lot line, be granted.

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

Member	Status
Cathy Castanza	Concurring
Justin Sawchuk	Concurring
David Murray	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0124/2023

November 22, 2023

OWNER(S): CARY WILLIAM CLEMENT, 2009 Randolph St, Sudbury ON P3B 1X7

AGENT(S): D.S. DORLAND LIMITED, ATTE: DAVID DORLAND, 298 Larch Street, Sudbury ON P3B 1M1

LOCATION: PINs 73578 0278 & 73578 0232, Parcels 14168 & 17714 SEC SES, Lot(s) Part 68 and 69, Subdivision M-201, Lot Part 12, Concession 3, Township of Neelon, 2009 Randolph Street, 2013 Randolph Street, Sudbury

SUMMARY

Zoning: The property is zoned R1-5 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2021-111, as amended.

Application: Approval of a lot to be retained subject to Consent Application B0080/2023, providing a minimum lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

Ministry of Transportation, November 16, 2023

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

CGS: Development Approvals Section, November 16, 2023

The variance being sought would permit the creation of a lot with a reduced frontage of 14.48 metres. The subject lands had previously been separate parcels but were merged when the owner of 2009 Randolph Street purchased the adjoining 2013 Randolph Street. The lands are designated Living Area 1 in the City's Official Plan and are zoned R1-5, Low Density Residential 1 per the City's Zoning By-law 2010-100Z. The proposed minor variance is analyzed below.

Minor Variance – (1) approved a lot to be retained (subject to Consent Application B0080 /2023) providing a minimum lot frontage of 14.48m, where 15.0m is required.

Intent of the Official Plan – The Official Plan permits residential development of all type and tenure in Living Area 1 areas. The intent of the Official Plan is maintained.

Intent of Zoning By-law 2010-100Z – The intent of Zoning By-law 2010-100Z is to ensure sufficient width of lots to permit a principal use with appropriate setbacks from the front and side yards. The proposed severed and retained parcels are fully developed and were previously individual parcels. The intent of the Zoning By-law is met.

Is the variance minor? – The request reflects the previous lot pattern that has existed for many years. Staff is of the opinion that the variance is minor.

Is the variance desirable? – The parcels are both fully developed with the reduced frontage is consistent with the previous lot frontage. Staff is of the opinion that the variance is desirable for the continued enjoyment of the subject parcel.

Staff is of the opinion that the proposal meets the four tests of minor variance. Staff recommends approval of A0124/2023.

CGS: Building Services Section, November 15, 2023

Building Services has reviewed your application and sketch for the requested minor variance and can advise that we have no concerns.

CGS: Infrastructure Capital Planning Services, November 14, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., November 13, 2023

No conflict.

Source Water Protection Plan, November 10, 2023

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

The Nickel District Conservation Authority, November 10, 2023

Conservation Sudbury does not object to Minor Variance A0124/2023. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, November 09, 2023

No objection.

CGS: Development Engineering, November 08, 2023

No objection.

The Agent of the Applicant, Dave Dorland, appeared before the Committee and provided a summary of the Application. The Agent advised that the properties merged due to an error by a conveyancer at the time of purchase. They are now attempting to separate the properties to correct the merging of properties and is now seeking a variance for the lot frontage in compliance with the current zoning by-law.

Committee had no comments or questions in relation to this application.

The following decision was reached:

DECISION:

THAT the application by:

CARY WILLIAM CLEMENT

the owner(s) of PINs 73578 0278 & 73578 0232, Parcels 14168 & 17714 SEC SES, Lot(s) Part 68 and 69, Subdivision M-201, Lot Part 12, Concession 3, Township of Neelon, 2009 Randolph Street, 2013 Randolph Street, 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 approve a lot to be retained subject to Consent Application B0080 /2023, providing a minimum lot frontage of 14.48m, where 15.0m is require, be granted.

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

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

Member	Status
Cathy Castanza	Concurring
Justin Sawchuk	Concurring
David Murray	Concurring
Ron Goswell	Concurring

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

Member	Status
Cathy Castanza	Concurring
Justin Sawchuk	Concurring
David Murray	Concurring
Ron Goswell	Concurring