

SUBMISSION NO. A0090/2024

October 23, 2024

OWNER(S): STEPHANIE DESFOSES, 1570 Norma Street Sudbury ON P3G 1H7
MARC DESFOSES, 1570 Norma Street Sudbury ON P3G 1H7

AGENT(S):

LOCATION: PIN 73473 0092, Parcel 39423 SEC SES, Survey Plan SR-35 Part(s) 3, Lot Part 10, Concession 3,
Township of Broder, 1570 Norma Street, Sudbury

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 permit an accessory building on the subject property providing a height a variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, October 17, 2024

The purpose and effect of the application is to permit an accessory building with a height of 8 m, whereas the maximum permitted is 5 m.

The subject lands contain a single detached dwelling and six accessory buildings, one being a shipping container. The subject lands are serviced by a well and septic system and have access from Norma Street. It is noted that shipping containers are not permitted in the 'R1-2' Zone, as such it is recommended a condition be added requiring it to be removed.

The subject lands are designated 'Living Area II' within the City of Greater Sudbury Official Plan and are zoned 'R1-2' Low Density Residential One within the City of Greater Sudbury Zoning By-law. 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 6,273 m² which is considered to be a large "R1-2" zoned property. The "R1-2" minimum lot area required is 1,300 m². 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 well under the maximum lot coverage as a result of the proposed 148.8 m² accessory building in addition to the existing accessory buildings. The main use of the subject lands is the single detached dwelling which as a ground floor area of 131.76 m² and a height of 3.5 m. 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 storage purposes. No commercial business uses are permitted.

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 Norma Street. Additionally, the accessory building is proposed to be located 40 m from Norma Street, whereas the single detached dwelling is located 7.6 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 subject to the following condition:

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

CGS: Roads, October 16, 2024

No concerns.

CGS: Transportation & Innovation, October 16, 2024

No concerns.

CGS: Active Transportation, October 16, 2024

No concerns.

CGS: Building Services Section, October 16, 2024

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

1) We acknowledge the receipt of associated building permit (BP-NEW-202401561) for the proposed detached garage.

2) Be advised that no habitable space is permitted.

3) 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. The shipping container noted on the provided plot plan must be removed from the lot.

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 sauna #1 (2.4mx3.7m), sauna #2 (3.2mx4.9m), woodshed (2.4mx8.5m), and storage building (6mx8m) appear to have been built after 1980 without benefit of a building permit. Owner/Applicant to be advised that structures 10 m² (108 ft²) in area or more, require a building permit. With respect to sheds specifically, in accordance with the Ontario Building Code, Division C, Article 1.3.1.1. (6), a shed is exempt from the requirement to obtain a permit under Section 8 of the Act and is exempt from compliance with the Code, provided that the shed: (a) is not more than 15m² in gross area, (b) is not more than one storey in building height, (c) is not attached to a building or any other structure, (d) is used only for storage purposes ancillary to a principal building on the lot, and (e) does not have plumbing.

Nickel District Conservation Authority, October 15, 2024

Conservation Sudbury does not object to Minor Variance A0090/2024. Subject property does contain areas regulated by Conservation Sudbury, including a proxy flood hazard and erosion hazard. Future development 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.

Greater Sudbury Hydro Inc., October 15, 2024

No concerns.

CGS: Site Plan Control, October 11, 2024

No objections.

CGS: Development Engineering, October 10, 2024

No objection.

CGS: Strategic and Environmental Planning, October 10, 2024

No concerns.

Ministry of Transportation, October 09, 2024

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

The applicants appeared before Committee and provided a summary of the Application. Committee Members Castanza and Sawchuk had no concerns with the Application. Committee Member Goswell expressed support for the Application. Committee Chair Dumont asked the applicants if they were aware of the condition for the removal of the shipping containers and the applicants confirmed that they were.

The following decision was reached:

DECISION:

THAT the application by:

STEPHANIE DESFOSSÉS AND MARC DESFOSSÉS
the owner(s) of PIN 73473 0092, Parcel 39423 SEC SES, Survey Plan SR-35 Part(s) 3, Lot Part 10, Concession 3, Township of Broder, 1570 Norma Street, 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 on the subject property providing a maximum height of 8.0m, where 5.0m is permitted on a residential lot, be granted, subject to the following condition:

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

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.

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

SUBMISSION NO. A0092/2024

October 23, 2024

OWNER(S): HOLLIE LAPLANTE, 230 Middle Lake Road Sudbury ON P3E 4M9
IVAN LAPLANTE, 230 Middle Lake Road Sudbury ON P3E 4M9

AGENT(S):

LOCATION: PIN 73504 1826, Parcel 27475 SEC SES, Lot(s) 132, Subdivision M-396, Lot Part 4, Concession 2, Township of Hanmer, 4478 Gerard Court, Hanmer

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 of reduced lot frontage for a lot to be created subject of a future consent application at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, October 17, 2024

The purpose and effect of the application is to permit a lot frontage of 14.6 m of a future lot to be severed from 4478 Gerard Court, whereas a minimum lot frontage of 15 m is required in the R1-5 Zone.

The subject lands contain a single detached dwelling, pool, and three accessory buildings that have been identified by the applicant as being removed. The lands are serviced by a municipal water and sanitary connection and have existing accesses off of Gerard Court.

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

Surrounding uses are residential in nature.

Staff have no concerns with the 0.4 m lot frontage deficiency. The application 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: Roads, October 16, 2024

No concerns.

CGS: Transportation & Innovation, October 16, 2024

We have no concerns with this application; however, the owner understands that the parcel separating both proposed driveways shall be sodded or landscaped at the City's right of way.

CGS: Active Transportation, October 16, 2024

No concerns.

CGS: Building Services Section, October 16, 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 Demolition Permit and documents will be required to be completed to the satisfaction of the Chief Building Official to remove the existing shed, 2-car garage & mudroom.

Nickel District Conservation Authority, October 15, 2024

Conservation Sudbury does not object to Minor Variance A0092/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Greater Sudbury Hydro Inc., October 15, 2024

No concerns. Outside of our territory.

CGS: Site Plan Control, October 11, 2024

No objections.

CGS: Development Engineering, October 10, 2024

No objection.

CGS: Strategic and Environmental Planning, October 10, 2024

No concerns.

Ministry of Transportation, October 09, 2024

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

The applicants appeared before Committee and provided a summary of the Application. Committee Members Castanza advised Committee that she attended the site and had no concerns with the Application. Committee Member Goswell and Sawchuk expressed support for the Application. Committee Chair Dumont had no concerns with the Application and referred the applicants to Building Services comments regarding the demolition permit requirement.

The following decision was reached:

DECISION:

THAT the application by:

HOLLIE LAPLANTE AND IVAN LAPLANTE
the owner(s) of PIN 73504 1826, Parcel 27475 SEC SES, Lot(s) 132, Subdivision M-396, Lot Part 4, Concession 2, Township of Hanmer, 4478 Gerard Court, Hanmer

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 severed subject to a future consent application, providing a minimum lot frontage of 14.6m, where 15.0m is required, be granted.

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

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