

SUBMISSION NO. A0134/2022

September 21, 2022

OWNER(S): DANIEL MADDEN, 6706 Tilton Lake Road, Sudbury, ON P3G 1L5
JOANNE MADDEN, 6706 Tilton Lake Road, Sudbury, ON P3G 1L5

AGENT(S): ADRIAN BORTOLUSSI, 144 ELM STREET, SUDBURY ON P3C 1T7

LOCATION: PIN 73472 0066, Parcel 46802 SEC SES, Surveys Plan 53R-10780 Part(s) 1 to 5 & Plan 53R-11710
Part(s) except 1 to 3, Lot 10 (Part), Concession 1, Township of Broder, 6706 Tilton Lake Road, Sudbury

SUMMARY

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

Application: Approval to permit an addition on the existing single detached dwelling on the subject property providing a high water mark setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, September 16, 2022

The variance being sought would facilitate the construction of an addition to the existing single-detached dwelling providing a high-water mark setback of 28.3 m (92.85 ft) whereas 30 m (98.43 ft) is required. Staff have reviewed the application and have no land use planning-related concerns with respect to the variance being sought. Staff also notes that Strategic and Environmental Planning has reviewed the application and are supportive of the variance. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Infrastructure Capital Planning Services, September 15, 2022

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., September 14, 2022

Contact Greater Sudbury Hydro Inc. Energy Supply department if disconnect / reconnect is required.

The Nickel District Conservation Authority, September 14, 2022

Conservation Sudbury does not object to Minor Variance A0134/2022. The subject property contains regulated area, however Conservation Sudbury has no objections to the location of the addition. Please see attached map. Any future development within regulated areas, including the placement of fill as a result of this current construction, requires permission from Conservation Sudbury.

CGS: Strategic and Environmental Planning, September 13, 2022

The Strategic and Environmental Planning Section does not oppose the approval of this application given that the proposed development will not increase the disturbed area within the Shoreline Buffer Area or decrease the setback from the high water mark beyond the situation that currently exists.

Additional points are offered below for the benefit of the property owners and the Committee of Adjustment.

Shoreline property owners are encouraged to continue adopting lake-friendly practices.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts confirmed the presence of cyanobacterial blooms in Clearwater Lake in 2017 and 2018.

Shoreline residents can help reduce phosphorus levels or maintain them at low levels by following a few guidelines:

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or river bank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.
6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

Property owners are encouraged to contact the City's Lake Water Quality Program at (705) 674-4455 ext. 4604 to book a free, confidential and non-regulatory shoreline home visit. During the visit, qualified staff will provide ideas and advice on shoreline management techniques to maintain and improve lake water quality.

The owner must contact Conservation Sudbury at (705) 674-5249 before starting any work in water or on the shoreline or stream bank (retaining walls, etc).

CGS: Building Services Section, September 09, 2022

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

CGS: Site Plan Control, September 08, 2022

No objections.

CGS: Development Engineering, September 07, 2022

No objection.

The applicant's agent, Adrian Bortolussi, appeared before Committee and provided a summary of the application. Committee Member Dumont expressed the importance of the comments provided by Strategic and Environmental Planning to the agent and emphasized that the applicants should be made aware of them.

The following decision was reached:

DECISION:

THAT the application by:

DANIEL MADDEN AND JOANNE MADDEN

the owner(s) of PIN 73472 0066, Parcel 46802 SEC SES, Surveys Plan 53R-10780 Part(s) 1 to 5 & Plan 53R-11710 Part(s) except 1 to 3, Lot 10 (Part), Concession 1, Township of Broder, 6706 Tilton Lake Road, Sudbury

for relief from Part 4, Section 4.41, subsection 4.41.2 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 high water mark setback of 28.3m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, 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.

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

SUBMISSION NO. A0133/2022

September 21, 2022

OWNER(S): GAETAN DUBOIS, 2824 Henri Street, Sudbury, ON P3G 1C1
JOELLE DUBOIS, 2824 Henri Street, Sudbury, ON P3G 1C1

AGENT(S):

LOCATION: PIN 73478 0270, Parcel 44758 SEC SES, Lot(s) 5, Subdivision M-373, Lot Part 1, Concession 5, Township of Broder, 2824 Henri 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 the existing detached garage on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, September 15, 2022

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., September 14, 2022

No conflict.

The Nickel District Conservation Authority, September 14, 2022

Conservation Sudbury does not object to Minor Variance A0133/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Approvals Section, September 13, 2022

The variance being sought would recognize the location of an existing detached garage in the rear yard of the subject lands that have frontage on Henri Street in Sudbury. The lands are designated Living Area 1 in the Official Plan for the City of Greater Sudbury and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the existing detached garage is situated behind the existing residential dwelling and setback approximately 66.15 m (217.03 ft) from the street line of Henri Street. The proposed detached garage would also otherwise appear to comply with all applicable development standards for an urban residential accessory building. It is on this basis that staff have no concerns with the additional building height of 0.59 m (1.94 ft) in this particular urban residential context. Staff would also caution the owner that the proposed accessory building may only be used for the purposes of human habitation if legally permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Strategic and Environmental Planning, September 13, 2022

No concerns.

CGS: Building Services Section, September 09, 2022

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

CGS: Site Plan Control, September 08, 2022

No objections.

CGS: Development Engineering, September 07, 2022

No objection.

The applicant, Joelle Dubois, appeared before Committee and provided a summary of the application. Committee had no questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

GAETAN DUBOIS AND JOELLE DUBOIS
the owner(s) of PIN 73478 0270, Parcel 44758 SEC SES, Lot(s) 5, Subdivision M-373, Lot Part 1, Concession 5,
Township of Broder, 2824 Henri 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 permit the existing detached garage providing a maximum height of 5.59m, 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 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.

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

SUBMISSION NO. A0131/2022

September 21, 2022

OWNER(S): DAXIN LI, 1498 Gennings Street, Sudbury ON P3E 6J2

AGENT(S): DAVE RICARD, 2217 South Lane Road, Sudbury, ON P3G 1C8

LOCATION: PIN 73581 0105, Parcel 810 SES, Lot(s) Part 12 except ..., Subdivision M-14, Lot Part 12, Concession 3, Township of McKim, 1500 Gennings Street, Sudbury

SUMMARY

Zoning: The property is zoned R1-3 Low Density Residential One according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

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

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, September 15, 2022

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., September 14, 2022

No conflict.

The Nickel District Conservation Authority, September 14, 2022

Conservation Sudbury does not object to Minor Variance A0131/2022. The subject property contains regulated area including floodplain, however Conservation Sudbury has no objections to the location of the detached garage. Please see attached map. Any future development within regulated areas requires permission from Conservation Sudbury.

CGS: Development Approvals Section, September 13, 2022

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Gennings Street in Sudbury. The lands are designated Living Area 1 in the Official Plan for the City of Greater Sudbury and zoned "R1-3", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes the existing detached garage is well buffered and screened by mature vegetation and the existing side yard setbacks to abutting residential properties well exceeds the minimum required setback of 1.2 m (3.94 ft) for an urban residential accessory building. It is on this basis that staff have no concerns with the additional building height of 2.5 m (8.20 ft) in this particular urban residential context. Staff would caution the owner that the proposed detached garage portion may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also caution the owner that the proposed accessory building may only be used for the purposes of human habitation if legally permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Strategic and Environmental Planning, September 13, 2022

This correspondence is 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. Public Health Sudbury & Districts have confirmed the presence of cyanobacterial blooms in Ramsey Lake in 2008 and 2010 to 2020 inclusive.

Shoreline residents can help reduce phosphorus levels or maintain them at low levels by following a few guidelines:

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or river bank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.
6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

Property owners are encouraged to contact the City's Lake Water Quality Program at (705) 674-4455 ext. 4604 to book a free, confidential, and non-regulatory shoreline home visit. During the visit, qualified staff will provide ideas and advice on shoreline management techniques to maintain and improve lake water quality.

The owner must contact Conservation Sudbury at (705) 674-5249 before starting any work in water or on the shoreline or stream bank (retaining walls, etc).

CGS: Building Services Section, September 09, 2022

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

However, Owner to be advised of the following:

- 1) No building permit application has been received to date. A building permit is required for the construction of this accessory building to the satisfaction of the Chief Building Official.
- 2) Accessory buildings are not for human habitation unless registered as a Secondary Dwelling Unit with the City of Greater Sudbury.

Source Water Protection Plan, September 09, 2022

The Greater Sudbury Source Protection Plan designates that certain activities are considered significant drinking water threats and are prohibited from being established or are regulated and require a Risk Management Plan.

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.

CGS: Site Plan Control, September 08, 2022

No objections.

CGS: Development Engineering, September 07, 2022

No objection.

The applicant's agent, Dave Ricard, appeared before Committee and provided a summary of the application. Committee Chair Chartrand asked the agent if he received the comments provided by Development Approvals advising that the detached garage could not be used for commercial or industrial purposes and may only be used for human habitation if approved as a secondary unit and the agent confirmed that he saw the comments. Committee had no further questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

DAXIN LI

the owner(s) of PIN 73581 0105, Parcel 810 SES, Lot(s) Part 12 except ..., Subdivision M-14, Lot Part 12, Concession 3, Township of McKim, 1500 Gennings 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 providing a maximum height of 7.5m, 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 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.

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

SUBMISSION NO. A0130/2022

September 21, 2022

OWNER(S): DAVID MYC, 204 Laurette Street, Chelmsford, ON P0M 1L0

AGENT(S):

LOCATION: PIN 73348 0134, Parcel 18395 SEC SWS SRO, Lot(s) 2, Subdivision M-415, Lot Part 3, Concession 2, Township of Balfour, 204 Laurette Street, Chelmsford

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

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, September 15, 2022

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., September 14, 2022

No concerns as property is outside our territory.

The Nickel District Conservation Authority, September 14, 2022

Conservation Sudbury does not object to Minor Variance A0130/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Approvals Section, September 13, 2022

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Laurette Street in Chelmsford. The lands are designated Living Area 1 in the Official Plan for the City of Greater Sudbury and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would be situated behind the existing residential dwelling and setback approximately 48.7 m (159.78 ft) from the street line of Laurette Street. The proposed detached garage would also otherwise appear to comply with all applicable development standards for an urban residential accessory building. It is on this basis that staff have no concerns with the additional building height of 0.77 m (2.53 ft) in this particular urban residential context. Staff would also caution the owner that the proposed accessory building may only be used for the purposes of human habitation if legally permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Strategic and Environmental Planning, September 13, 2022

No concerns.

CGS: Building Services Section, September 09, 2022

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

CGS: Site Plan Control, September 08, 2022

No objections.

CGS: Development Engineering, September 07, 2022

No objection.

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

The following decision was reached:

DECISION:

THAT the application by:

DAVID MYC
the owner(s) of PIN 73348 0134, Parcel 18395 SEC SWS SRO, Lot(s) 2, Subdivision M-415, Lot Part 3, Concession 2, Township of Balfour, 204 Laurette Street, Chelmsford

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 5.77m, 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 variances 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.

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

SUBMISSION NO. A0104/2022

September 21, 2022

OWNER(S): DEAN CAMERON, 1001 HWY 17 E Wahnapiatae ON P0M 3C0

AGENT(S):

LOCATION: PIN 73482 0104, Parcel Parcel 31028 SEC SES, Survey Plan SR-458 Part(s) 6 and 7, Lot Pt 6, Concession 4, Township of Dryden, 1001 Highway 17 East, Wahnapiatae

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 garage having a maximum accessory building height at variance to the by-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, September 15, 2022

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., September 14, 2022

No concerns as property is outside our territory.

The Nickel District Conservation Authority, September 14, 2022

REVISED
Conservation Sudbury does not object to Minor Variance A0104/2022. There does not appear to be any regulated features on the subject parcel. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, and valley slopes.

CGS: Development Approvals Section, September 13, 2022

REVISED
This application was previously deferred by the Committee of Adjustment in order to afford the owner the opportunity to address those comments received by circulated agencies and departments. Staff have reviewed the amended development proposal and are now supportive of the variance being sought. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Strategic and Environmental Planning, September 13, 2022

No concerns.

CGS: Building Services Section, September 09, 2022

REVISED

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

CGS: Site Plan Control, September 08, 2022

REVISED

No objections.

CGS: Infrastructure Capital Planning Services, July 21, 2022

Roads

No concerns.

Transportation and Innovation Support / Active Transportation

No concerns.

CGS: Development Approvals Section, July 21, 2022

The variance being sought would facilitate construction of a detached garage in the front yard of the subject lands that have frontage on Highway #17 East in Wahnapiatae. The lands are designated Rural in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would maintain a front yard setback of 15 m (49.21 ft) which is the minimum required front yard setback for an accessory building in the "R1-2" Zone. The proposed detached garage would also be situated closer to the street line of Highway #17 East than the existing single-detached dwelling and little screening or buffering would be provided to Highway #17 East and/or abutting residential properties. The owner has also indicated on their application form that they wish to have a detached garage height matching the height of the main residential dwelling. Staff would note however that a main building (ie. single-detached dwelling) in the "R1-2" Zone are permitted a maximum height of 11 m (36.09 ft) whereas accessory buildings on residential lots are permitted a maximum height of 5 m (16.40 ft). The maximum height differences establish a relationship between an accessory building and a main building whereby an accessory building is intended to be incidental and subordinate to the main building on a lot. Staff notes for information purposes that no other variances along this portion of Highway #17 East have been granted since the City's Zoning By-law was enacted in September 2010. It is on the above basis that staff is unable to support the variance which would result in a 2.93 m (9.61 ft) increase beyond the maximum accessory building height of 5 m (16.40 ft) that is permitted on this particular residential lot. Staff recommends that the variance be denied as it is not minor, not appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, July 20, 2022

No concerns.

Source Water Protection Plan, July 20, 2022

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, July 20, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage having a maximum accessory building height of 7.93m whereas a maximum accessory building height of 5m is permitted.

Conservation Sudbury does not object to Minor Variance A0104/2022. There does not appear to be any regulated features on the subject parcel. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, and valley slopes.

CGS: Site Plan Control, July 13, 2022

No concerns.

CGS: Development Engineering, July 13, 2022

No objection.

July 27, 2022

The applicant appeared before Committee and provided a summary of the application. The applicant addressed the concerns expressed by adjacent landowner's, Lawrence and Connie Fannon. A letter of concern was received from Lawrence and Connie Fannon of 0 Highway 17 East expressing concern over the height, location of the eastern property boundary depicted on the plot plan and the multiple entrances depicted on the plot plan. Committee Member Dumont asked the applicant to confirm that he received staff's comments and he confirmed that he had. Committee Member Dumont explained staff's comments to the applicant. The applicant explained that the neighbour abutting where the garage was proposed expressed no issue with the application. The applicant suggested changes to the location and height of the proposed garage and if that would allow him the minor variance and Committee Member Dumont advised the applicant that a revised application would need to be submitted. The applicant advised Committee that he would be open to a deferral and asked for next steps. Committee Chair Chartrand explained the process of a deferral to the applicant. The applicant asked what the process would be if he abided by the Zoning By-law. The Secretary-Treasurer explained that a minor variance would not be required if the applicant abided by the Zoning By-law and a request would be made to the applicant that they withdraw their application. Committee Member Dumont suggest that the applicant contact staff regarding a new proposal. Committee Chair Chartrand explained, for the benefit of the public and the neighbours who expressed concern, Committee's role in relation to minor variances. Staff explained the different options available to the applicant. The resolution was amended to defer the application by way of a motion put forward by Committee Member Dumont and seconded by Committee Member Sawchuk. The motion was supported and carried.

September 21, 2022

The applicant appeared before Committee and provided a summary of the application. An email of concern was received from Lawrence and Connie Fannon of 0 Highway 17 East expressing concern over the height and the location of the eastern property boundary depicted on the plot plan. Committee Member Dumont explained that he did a site visit and noticed that the land had been prepared for the development and asked the applicant if he was going to change the site location. The applicant explained that the site was prepared for the original location but would arrange to have it moved back to meet the variance.

The following decision was reached:

DECISION:

THAT the application by:

DEAN CAMERON

the owner(s) of PIN 73482 0104, Parcel Parcel 31028 SEC SES, Survey Plan SR-458 Part(s) 6 and 7, Lot Pt 6, Concession 4, Township of Dryden, 1001 Highway 17 East, Wahnapiatae

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 a detached garage having a maximum accessory building height of 6.7m on a residential lot, 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 Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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

SUBMISSION NO. A0076/2022

September 21, 2022

OWNER(S): AADAM KHAN, 776 Ledbury Crescent Mississauga ON L5V 2R1
NOELL TRAN, 1347 Duval Drive Mississauga ON L5V 2W5

AGENT(S): CENTRELINE ARCHITECTURE, 158 Elgin Street Suite 201 Sudbury ON P3E 3N5

LOCATION: PIN 02134 0067, Parcel 18472, Lot(s) 84, Subdivision M-309, Lot Pt 7, Concession 4, Township of McKim,
403 White Avenue, Sudbury

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 allow for a reduced number of parking spaces for a single detached dwelling with secondary unit on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, September 15, 2022

Roads
No concerns.

Transportation and Innovation Support
As a condition of approval, we require the owner to enter into an encroachment agreement with the City which for the existing stairs and retaining wall which were constructed within the City's road allowance. While parking is permitted on White Avenue, it is limited to a maximum of 4 hours. It is unclear where any overflow visitors to this site will park.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., September 14, 2022

REVISED
No conflict.

The Nickel District Conservation Authority, September 14, 2022

REVISED
Conservation Sudbury does not object to Minor Variance A0076/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Approvals Section, September 13, 2022

REVISED
This application was previously deferred by the Committee of Adjustment in order to afford the owner the opportunity to address those comments received by circulated agencies and departments. Staff remain unable to support the development proposal that would result in the addition of a secondary dwelling unit without a required parking space within the existing residential dwelling. Staff recommends that the variance be denied as it is not minor, not appropriate development for the area and the intent of both the Official Plan and Zoning By-law are not maintained.

CGS: Strategic and Environmental Planning, September 13, 2022

REVISED
No concerns.

CGS: Building Services Section, September 09, 2022

REVISED
Based on the information provided, Building Services does not support this Minor Variance as it will not be possible to provide the required parking space for the secondary unit within the property.

CGS: Site Plan Control, September 08, 2022

REVISED
No objections.

CGS: Strategic and Environmental Planning, August 04, 2022

No concerns.

CGS: Development Approvals Section, August 03, 2022

This application was previously deferred in order to afford the owners the opportunity to address those comments received from agencies and departments. In particular, staff notes that the application has been amended in order to provide for one parking space on the subject lands being within the attached garage whereas two parking spaces are required for the existing single-detached dwelling and the proposed secondary dwelling unit. The original application sought to convert the attached garage to habitable living space for the proposed secondary dwelling unit. Staff notes that the required parking space for the single-detached dwelling presently complies with the City's Zoning By-law as it is situated within the attached garage and outside of the required front yard. Staff notes in particular that Section 5.2.9.1 of the City's Zoning By-law allows for a parking space associated with a secondary dwelling unit to be situated in tandem with the required parking space for the primary dwelling. Staff also notes that Section 4.2.10.5 allows for a required parking space associated with a secondary dwelling unit to be situated within a required front yard. Staff notes that it is not possible for the owners to utilize either of the above noted development standards for the purposes of accommodating one additional parking space on the lands for the proposed secondary dwelling unit. In particular, it appears that the additional parking space for the proposed secondary dwelling unit cannot be provided as the existing single-detached dwelling maintains a legal non-complying front yard setback of 3.72 m (12.20 ft) and there are a set of stairs along with a retaining wall preventing the locating of the additional parking space elsewhere in the front yard. Staff notes that a number of other residential properties along the south side of White Avenue have attached garages within single-detached dwellings that are configured on their respective lots in a similar manner. Staff is concerned that the urban residential character of the area would be significantly altered should the variance be approved as front yard parking would potentially become prevalent in the area over time. Staff recommends that the variance be denied as it is not minor, not appropriate development for the area and the intent of both the Official Plan and Zoning By-law are not maintained.

CGS: Infrastructure Capital Planning Services, August 03, 2022

REVISED
Roads
No Concerns.

Traffic/Transportation and Innovation Support
While parking is permitted on White Avenue it is limited to a maximum of 4 hours. It is unclear where any overflow visitors to this site will park.

The Nickel District Conservation Authority, August 03, 2022

REVISED

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a secondary unit providing one parking space where two are required. Conservation Sudbury does not object to Minor Variance A0076/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, August 03, 2022

REVISED

No objections.

Greater Sudbury Hydro Inc., August 02, 2022

REVISED

No conflict.

CGS: Building Services Section, July 28, 2022

REVISED

Based on the information provided, Building Services does not support this Minor Variance as it will not be possible to provide the required parking space for the secondary unit within the property. Building services will rely on the recommendations from the Traffic and Transportation Services section.

CGS: Development Engineering, June 10, 2022

No objection.

CGS: Infrastructure Capital Planning Services, June 09, 2022

Roads

No concerns.

Transportation and Innovation Support / Active Transportation

The provided drawings incorrectly show the location of the property line. The actual distance from the front of the house to the property line at the City right of way is approximately 3.5 m. This distance does not provide enough room for front yard parking. As a result, staff is unsure where the parking space will be located.

CGS: Development Approvals Section, June 08, 2022

Staff understands that Building Services has reviewed a legal survey plan which conflicts with the sketch provided by the owner in support of the minor variance being sought. Staff further understands that the legal survey plan appears to confirm that there would not be sufficient depth in the front yard on the existing driveway to provide for two parking spaces on the subject lands once the existing attached garage is converted to living space (ie. bedroom). Staff would advise that additional minor variances are likely to be necessary in order to accommodate the proposed secondary dwelling unit on the lands given the site topography that exists at present in the front yard. Staff recommends that the application be deferred in order to provide the owner the opportunity to address those comments provided by agencies and departments.

The Nickel District Conservation Authority, June 07, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a secondary unit providing 1 parking space, where 2 parking spaces is required. Conservation Sudbury does not object to Minor Variance A0076/2022. 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: Building Services Section, June 07, 2022

Based on the information provided, Building Services does not support this Minor Variance as it will not be possible to provide the required parking space for both the main unit and/or the secondary unit within the property. Based on our records, there will not be sufficient space in the front yard to facilitate a required parking space by removing the garage (only 12.22', as per survey), as parking would be partially on the Municipal Right of Way. Building services will rely on the recommendations from the Traffic and Transportation Services section.

Further to this, for the applicants' information, it appears there may be structures placed/constructed on the property without the benefit of a building permit (Front entrance stairs/retaining wall). A building permit application and building permit documents are to be submitted to the satisfaction of the Chief Building Official.

Greater Sudbury Hydro Inc., June 07, 2022

No Conflict

CGS: Site Plan Control, June 06, 2022

No objection.

June 15, 2022 Committee of Adjustment Meeting

The applicant's agent, Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the application where they advised that they were amending the proposal to remove the garage conversion to provide for the one parking space in the garage. Committee Member Dumont asked staff if there was a change to the original application and staff clarified the change and advised that a parking variance would still be required. Staff further advised that a revised application was not received to reflect the change. The agent provided Committee with an explanation as to the change. Committee Chair Chartrand clarified his interpretation of what was being proposed and asked staff if they could speak to the revision and if their recommendation would change. Staff clarified the comments of the agencies and departments and advised Committee that staff has not reviewed the amended proposal and could not provide an opinion. Committee Chair Chartrand expressed support for staff's recommendation.

August 10, 2022 Committee of Adjustment Meeting

The applicant's agent, Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the application. The agent addressed the comment regarding the retaining wall located on the City's right-of-way and explained that the applicant's intent was to rectify it through title insurance. Committee Member Sawchuk requested staff to clarify the denial recommendation and if there was any room for a deferral. Staff explained the previous deferral, the purpose of the current application and staff's concerns that were expressed in the comments. Committee Member Sawchuk asked staff if the current parking complies, and staff confirmed that it did as the existing dwelling was only one residential dwelling unit. Committee Member Dumont commented on the application and expressed support for staff's recommendation. Committee Chair Chartrand agreed with the comments provided by Committee Member Dumont and expressed support for staff's recommendation. Committee Member Castanza suggested to the applicant that they consider converting the garage to a carport. The agent explained that the applicant's are not proposing to convert the garage to living space and if they have the depth in the garage to accommodate tandem parking, which he didn't believe they do, they would have to go back and look. Committee Chair Chartrand requested staff to comment on the suggestion from Committee Member Castanza. Staff explained that there was not enough information provided to comment but it was possible that if they could provide tandem parking then they may not require a minor variance at all, but that is something the applicant and agent need to explore. Committee Member Castanza suggested converting the garage to a carport and removing the shed in the rear to accommodate parking. Committee Chair Chartrand asked the agent if they were open to a deferral or if they wanted a decision. The agent asked if the application was deferred, and they could meet the standards of the City's Zoning By-law, what would be next steps. The Secretary-Treasurer explained what next steps would be and the agent requested that a deferral be granted. The resolution was amended to defer the application by way of a motion put forward by Committee Member Castanza and seconded by Committee Member Coupal. The motion was supported and carried.

September 21, 2022

The applicant's agent, Kate Bowman of Centreline Architecture, appeared before Committee and provided a summary of the application. Geoff McCausland, Councillor for Ward 4, appeared before Committee and expressed support for the application and referred to his own experience of renting out rooms, sustainable development and densification, other Planning Committee approvals and Thunder Bay zoning for parking and bicycle spaces. The applicants, Aadam Khan and Noell Tran, appeared before Committee and expressed support for their application and explained to Committee that they were attempting to legalize the existing 2nd dwelling unit, support the lack of housing, that the property is relatively close to a bus stop and that they would notify any tenants that parking is not available for the 2nd unit. Committee Member Sawchuk advised that he was in support of the application and asked staff if there were similar variances in the area and asked what the range in area was if there were other variances that were considered. Committee Chair Chartrand explained that variances should be viewed on their own merits but requested staff to address Committee Member Sawchuk's question. Staff explained that every minor variance application is assessed in its own context, setting and merit and what would be considered minor for one property may not be for another. Staff advised Committee to focus on this application, the site, the context, and the setting in which the variance was being sought. Committee Chair Chartrand requested staff to clarify Transportation and Innovation's comments and staff explained that if the application were approved that an encroachment agreement be a condition of approval to address structures that were constructed in the City's road allowance and explained their comments regarding visitor parking. Staff clarified that Transportation and Innovation does not address the parking space encroaching over the City's road allowance because the application was not seeking to permit a parking space to encroach over the City's road allowance. Committee Chair Chartrand asked the agent if she had any questions relating to staff's explanation. The agent asked if the use of the existing parking space could be included in the encroachment agreement. Committee Chair Chartrand clarified the agent's question and directed the comment to staff. Staff illustrated on the screen what the agent was requesting and explained that Transportation and Innovation's comments were focused on the existing retaining wall and stairs and not on accommodating the parking space as the application is seeking a reduction of the parking from two to one. Staff also explained that the parking space does not need to be included in the encroachment agreement because the existing required parking space is being provided in the garage. Committee Chair Chartrand asked the agent if the option of converting the garage into a carport was looked at and the agent explained that because of the existing construction of the home and the surrounding terrain a carport would not be feasible. Committee Member Dumont commented on the number of deferrals, the different agent, the City's change to the Zoning By-law to accommodate secondary and tertiary units relating to parking, how the application does not conform to those changes, the intent of the By-law to create safe neighbourhoods, how he did not believe that the lease agreement would be able to address the parking concerns and expressed his support for staff's recommendation. Committee Member Dumont also suggested that the applicants would have benefitted from hiring a planner to assist them through the process. Committee Chair Chartrand, in response to the Planning Committee agenda item suggested by Councillor McCausland where reduced parking was approved, reiterated staff's comments on reviewing the application on its own merit, the plan, comments and what has already been discussed. Committee Chair Chartrand agreed with Committee Member Dumont's comments on the City's change in Zoning to accommodate parking for secondary and tertiary units and explained to the applicants that the variance carries over with title to the land and there's no guarantee if they sold the home that those types of agreements would remain. Committee Chair Chartrand also noted that Council has been dealing with many front yard parking violations, and the new parking provisions should assist in dealing with those violations, but in this situation, he anticipates that there would be encroachments and zoning violations and based on the comments from Development Approvals, Building Services, and Infrastructure Capital Planning he supports staff's recommendation. Committee Member Castanza expressed understanding with staff's comments, but with a bachelor unit being proposed and the bus being close by she supports the application. The agent requested staff to comment on the bicycle parking. Staff explained that the bicycle spaces were considered but Development Approvals had concerns around how the bicycle spaces would be provided. Staff referred to the provisions around bicycle spaces, when they are required and noted that how they would be delineated as bicycle spaces was not provided.

The following decision was reached:

DECISION:

THAT the application by:

AADAM KHAN AND NOELL TRAN

the owner(s) of PIN 02134 0067, Parcel 18472, Lot(s) 84, Subdivision M-309, Lot Pt 7, Concession 4, Township of McKim, 403 White Avenue, Sudbury

for relief from Part 5, Section 5.5, Table 5.5 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a secondary unit providing one (1) parking space, where two (2) parking spaces are required, 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 is 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.

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