

SUBMISSION NO. A0084/2024

September 25, 2024

OWNER(S): INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, 2413 Lasalle Blvd Sudbury ON P3A 2A9

AGENT(S): TULLOCH ENGINEERING - VANESSA SMITH, 131 Fielding Road Sudbury ON P3Y 1L7

LOCATION: PINs 73570 0553 & 73570 0555, Survey Plan 53R-21754 Part(s) 3, 6 to 9, 12, Lot(s) Part 2, Subdivision 53M-1218, Lot Part 11, Concession 5, Township of Neelon, 771 Chalmers Street, Sudbury

SUMMARY

Zoning: The property is zoned M1-1 (Business Industrial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit a new building on the subject property providing setback and height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, September 19, 2024

The purpose and effect of the application is to permit the construction of an industrial building with the following variances:

1. A maximum height of 14.7 m, whereas the maximum height permitted in the M1-1 Zone is 12 m; and
2. A minimum front yard setback of 4.3 m, whereas the minimum front yard setback required is 9 m.

The subject lands are currently vacant of any buildings or structures. The lands are subject to site plan control. The lands will be serviced by a municipal water and sanitary connection and will have access from Chalmers Street.

The subject lands are designated 'Mixed Use Commercial' within the City of Greater Sudbury Official Plan, are zoned 'M1-1' Business Industrial within the City of Greater Sudbury Zoning By-law, are located within a source water protection area, and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are predominantly industrial in nature.

The subject lands are located along Chalmers Street, which is a local road ending in a cul-de-sac. All uses along Chalmers Street are industrial. Staff are of the opinion that the additional height and deficient front yard setback are appropriate given the context of the subject lands and surrounding area. The variances would have the effect of allowing the construction of an industrial building containing a shop, offices, educational and training space within an existing industrial area. Staff are of the opinion that the variances are minor in nature, are an appropriate use of the lands, and meet the intent of the Official Plan and Zoning By-law.

CGS: Strategic and Environmental Planning, September 18, 2024

No concerns.

CGS: Site Plan Control, September 17, 2024

A site plan control application has been received for this development and the variances requested are consistent with the City's comments on that application.

Greater Sudbury Hydro Inc., September 17, 2024

No objections.

CGS: Infrastructure Capital Planning Services, September 17, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Building Services Section, September 16, 2024

Building Services has reviewed your application and sketches for the requested minor variances and can advise that we have no objection.

CGS: Development Engineering, September 16, 2024

No objection.

Nickel District Conservation Authority, September 13, 2024

Conservation Sudbury does not object to Minor Variance A0084/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Ministry of Transportation, September 11, 2024

The subject lands are not located within the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

The applicant's agent, Vanessa Smith of Tulloch Engineering, appeared before Committee and provided a summary of the Application addressing the variances being requested. Committee Member Castanza had no concerns with the Application and Committee Members Goswell and Murray expressed support for the application. Committee Member Sawchuk requested staff to clarify their comments regarding the regulation of the property by Nickel District Conservation Authority's (NDCA) as the NDCA advised in their comments that the property was not in their regulation area. Staff provided Committee with an explanation as to why there was a discrepancy between the two comments. Committee Member Sawchuk was satisfied with the explanation and expressed support for the Application. Committee Chair Dumont expressed support for the Application.

The following decision was reached:

DECISION:

THAT the application by:

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS
the owner(s) of PINs 73570 0553 & 73570 0555, Survey Plan 53R-21754 Part(s) 3, 6 to 9, 12, Lot(s) Part 2, Subdivision 53M-1218, Lot Part 11, Concession 5, Township of Neelon, 771 Chalmers Street, Sudbury

for relief from Part 8, Section 8.3, Table 8.2 By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a building providing, firstly, a minimum front yard setback of 4.3m, where 9.0m is required, and secondly, a maximum height of 14.7m, where 12.0m is permitted, be granted.

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

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

SUBMISSION NO. A0086/2024

September 25, 2024

OWNER(S): LEGION PROPERTY HOLDINGS & MANAGEMENT LTD., 14 Thorncliffe Court Sudbury ON P3A 5E9

AGENT(S): SHIELD CONSULTING ENGINEERS LTD., Attn: Kristen Beites 130 Paris Street Sudbury ON P3E 3E1

LOCATION: PIN 02132 0039, Surveys Plan 53R-9566 Part(s) 2 & Plan 53R-10292 Part(s) except 6, Lot(s) Part 5, Subdivision 28-SA, Lot Part 5, Concession 4, Township of McKim, 254 Lloyd Street, Sudbury

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 permit existing stairs and landing on the subject property providing setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, September 19, 2024

The purpose and effect of the application is to recognize existing stairs and landing on the east side of a multiple unit dwelling with a 0 m interior side yard setback, whereas 1.8 m setback is required. The subject lands contain a multiple unit dwelling that is serviced by a municipal water and sanitary connection and has existing access from Lloyd Street. The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned "R2-3" Low Density Residential Two within the City's Zoning By-law. Surrounding uses are residential and commercial in nature.

The subject lands contain a longstanding building in a residential area. The subject lands do not appear to have access to the rear of the property on either side of the existing building; however, it is recognized that the rear yard contains a rock face that would not be used as outdoor amenity space, or require the same type of maintenance as manicured lawn. No visual change is proposed to the subject lands at this time.

It is staff's understanding that the staircase encroaches onto the abutting property and that the applicant has entered into a private encroachment agreement with the neighbouring property for 21 years or less. It is noted that the sole access to the proposed 3rd dwelling unit is the staircase. Given the 0 m setback, and the orientation of the stairs, access to the staircase requires entering onto the neighbouring property. The stairs cannot be accessed from the front yard of the subject lands. In order to support the request for 0 m setback, permanent access to the staircase is required through a consent application in the form of an access and encroachment easement or a lot addition.

The variance would have the effect of permitting access to a third residential unit by staircase. Staff are of the opinion that the variance is considered minor in nature, is an appropriate use of the lands, and meets the intent of the Official Plan and Zoning By-law, subject to the following condition:

1. That the applicant establish permanent access to the proposed 3rd dwelling unit by way of Consent Application through an access and encroachment agreement OR lot addition within a two-year period to the satisfaction of the Director of Planning Services.

CGS: Strategic and Environmental Planning, September 18, 2024

No concerns.

CGS: Site Plan Control, September 17, 2024

No objection.

Greater Sudbury Hydro Inc., September 17, 2024

No objections.

CGS: Infrastructure Capital Planning Services, September 17, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Building Services Section, September 16, 2024

Building Services has reviewed your application and sketches for the requested minor variance and can advise that we have no objection, subject to the following information:

- We acknowledge application BP-NEW-2024-00050 for the stair and landing construction.
- The permit cannot be issued without an encroachment agreement registered on title or a granted consent to transfer the required adjoining property.
- In accordance with the submitted permit application, the stairs must be of non-combustible (steel) construction.

CGS: Development Engineering, September 16, 2024

No objection.

Nickel District Conservation Authority, September 13, 2024

Conservation Sudbury does not object to Minor Variance A0086/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Ministry of Transportation, September 11, 2024

The subject lands are not located within the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

The applicant's agent, Kristin Beites of Shield Engineering, appeared before Committee and provided a summary of the Application. The agent requested clarification of the condition being requested in staff's comments and Committee Chair Dumont explained that Committee would discuss the condition.

Committee Member Castanza had no concerns with the Application.

Committee Member Goswell asked staff, referring to Development Approval's comments, if the agreement exists and if staff reviewed it. He expressed concern about making a decision about something that doesn't exist. Staff advised Committee Planning Act requirements in relation to an encroachment or easement and suggested that the question be referred to the Secretary-Treasurer. The Secretary-Treasurer provided Committee with information about the agreement that had been entered into between the applicant and the abutting neighbour and she provided further information regarding the Planning Act requirements. Committee Member Goswell asked staff if they reviewed and approved the agreement and the Secretary-Treasurer advised Committee that the agreement was between two parties which have their own legal representation therefore staff would not review and comment on it.

Committee Chair Dumont provided an explanation to the agent about the information and requirements that was shared by staff. The agent understood the requirements and requested confirmation that a further application was required. Committee Chair Dumont requested staff to clarify and staff provided the agent with the next steps. Committee Chair Dumont requested staff to clarify the mechanism in relation to the encroachment and staff advised that the encroachment would be dealt with by way of an easement or the applicant could seek a lot addition.

Committee Member Goswell asked if the resolution contained the condition and what the impact would be. Committee Chair Dumont asked staff if the resolution contained the condition and staff confirmed that it did. Committee Chair Dumont verified the timeline to clear the condition and staff confirmed that it would be one-year. Committee Chair Dumont suggested that the timeline be extended to two-years to align with consent timelines. Committee Member Castanza, referring to Development Approvals, stated that the agreement had already been entered into. Committee Chair Dumont advised Committee that a consent would still be required under the Planning Act. Committee Chair Dumont requested staff to comment on the timeline of the condition and staff advised Committee that they agreed with the suggestion. Committee Member Sawchuk expressed support for the Application. Committee Member Murray asked if the resolution could be changed before it was read and the Secretary-Treasurer advised that the resolution would have to be read then a motion put forward to amend the condition. Committee Chair Dumont expressed support for the Application. Committee Member Sawchuk put forward a motion to amend the resolution to provide two-years to clear the condition rather than one and Committee Member Murray seconded the motion. The motion was carried.

The following decision was reached:

DECISION:

THAT the application by:

LEGION PROPERTY HOLDINGS & MANAGEMENT LTD.

the owner(s) of PIN 02132 0039, Surveys Plan 53R-9566 Part(s) 2 & Plan 53R-10292 Part(s) except 6, Lot(s) Part 5, Subdivision 28-SA, Lot Part 5, Concession 4, Township of McKim, 254 Lloyd Street, Sudbury

for relief from Part 6, Section 6.3, Table 6.4 By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing stairs and landing on the east side of the existing multiple dwelling providing an interior side yard setback of 0.0m, where 1.8m is required, be granted, subject to the following condition:

1. That the applicant establish permanent access to the proposed 3rd dwelling unit by way of Consent Application through an access and encroachment agreement OR lot addition within a two-year period to the satisfaction of the Director of Planning Services. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

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.

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