



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0113/2021

September 15, 2021

OWNER(S): SHANNON BUBALO, 2243 Greenwood Drive Sudbury ON P3B 1A2  
ADRIAN BUBALO, 2243 Greenwood Drive Sudbury ON P3B 1A2

AGENT(S): JUSTIN SHERRY, 13 Collier St, Unit 4, Barrie ON L4M 1H3

LOCATION: PIN 73577 0544, Parcel 9275, Survey Plan 53R-14167 Part(s) 2, 7, 8, 9, 11, Lot Part 11, Concession 3, Township of Neelon, 2243 Greenwood Drive, 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 construct an attached covered deck on the subject property providing a setback from the high watermark of a navigable waterbody at variance to the By-law.

Comments concerning this application were submitted as follows:

Source Water Protection Plan, September 08, 2021

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: Development Approvals Section, September 08, 2021

The variance being sought would facilitate the construction of a covered deck having a reduced setback to the high water mark of Ramsey Lake in Sudbury. The lands also have frontage on Greenwood Drive. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. It is noted that the shoreline buffer setback being proposed measures 7.3 m (23.95 ft) at its closest point and due to the curving shoreline the proposed covered deck would appear to comply with the minimum 12 m (39.37 ft) shoreline buffer setback requirement along most of the shoreline. Staff acknowledges that some degree of relief from the shoreline buffer provisions of the City's Zoning By-law would be warranted given the location of the existing residential dwelling, the sloping topography on the lands, and the curvature of the shoreline along this portion of Ramsey Lake. Staff would also note that the existing residential dwelling maintains a rear yard setback to Ramsey Lake that is similar to many other residential dwellings and accessory buildings and structures along this portion of Greenwood Drive. Staff would further note that an uncovered deck is otherwise permitted in this location and the variance is required due to the intention of the owner to cover the deck. Staff recommends that the application 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 07, 2021

Roads: No concerns. Transportation & Innovation: No concerns. Active Transportation: No concerns.

SUBMISSION NO. A0113/2021 Continued.

Greater Sudbury Hydro Inc., September 07, 2021

No concerns.

CGS: Building Services Section, September 07, 2021

No concerns.

The Nickel District Conservation Authority, September 02, 2021

Conservation Sudbury does not object to Minor Variance A0113/2021. The proponent is advised that should, at a future date, the covered porch be proposed to be enclosed, the proponent would be required to demonstrate that the structure is outside of the erosion hazard associated with Ramsey Lake. To do this a geotechnical or other study may be required, the cost of which will be borne by the proponent.

**Notes**

The proponent is advised that development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. '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. Please contact our office at [ndca@conservationsudbury.ca](mailto:ndca@conservationsudbury.ca) to determine the need for a permit.

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. 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, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

CGS: Development Engineering, September 01, 2021

No objection.

The owner appeared before Committee and explained that they are rebuilding the home from the foundation up and they are not increasing the square footage of the home, the home is the exact same existing dwelling. The owner further explained that in order for them to capitalize on the lakefront and to have a little bit more room in the home as it is 1100 sq. feet, they were hoping to get the covered porch for some sun relief, and the roof area would come out over the deck. Committee had no comments or questions.

The following decision was reached:

**DECISION:**

THAT the application by:

SHANNON BUBALO AND ADRIAN BUBALO  
the owner(s) of PIN 73577 0544, Parcel 9275, Survey Plan 53R-14167 Part(s) 2, 7, 8, 9, 11, Lot Part 11, Concession 3, Township of Neelon, 2243 Greenwood Drive, Sudbury

SUBMISSION NO. A0113/2021 Continued.

For relief from Part 4, Section 4.41, subsection 4.41.2 of By-law 2010-100Z, being the Zoning Bylaw for the City of Greater Sudbury, as amended, to permit the construction of an attached covered deck providing a 7.3m setback from the high water mark of a navigable waterbody, where no person shall erect any residential building or other accessory structure closer than 12.0m to the high water mark of a navigable waterbody, 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. The general intent and purpose of the By-Law and the Official Plan are maintained. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<b><i>Member</i></b>	<b><i>Status</i></b>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Dan Laing	Concurring
Derrick Chartand	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0114/2021

September 15, 2021

OWNER(S): SUDBURY APARTMENT RENTALS LIMITED, `

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

LOCATION: PIN 02133 0273, Survey Plan 53R-15887 Part(s) 1, Lot(s) Pt 69 and 70, Subdivision M-53, Lot Pt 6, Concession 4, Township of McKim, 367 Morin Avenue, 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 allow a reduced lot area, lot frontage, front yard setback, interior side yard setback, drive aisle width and number parking spaces for a multiple dwelling on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, September 08, 2021

The variances being sought would recognize an existing multiple dwelling on the subject lands that have frontage on Morin Avenue in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-3", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that the existing building presently contains four residential dwelling units and the variances being sought are intended to recognize a multiple dwelling having four residential dwelling units. Staff has consulted with Building Services with respect to the lot frontage variance and are of the opinion that the requested variance is incorrect based on the definition of "lot frontage" in the City's Zoning By-law. Specifically, the definition of "lot frontage" does not account for whether or not the public road is open or unopened and is measured as, "The horizontal distance between the side lot lines of (a lot)." The lands also form a legal existing undersized lot of record and as such no variance is required. Staff would also note that the existing building is not being expanded and as such no variances are required that would recognize existing yard setback. Should the Committee wish to approve lot frontage and existing yard setbacks variances, it is noted and recommended that said lot frontage variance permit a lot frontage of 10.3 m (33.79 ft) whereas 18 m (59.06 ft) is required. Staff otherwise have no concerns with the variances being sought on the basis that the lands would appear to be functional from the perspective of accommodating a multiple dwelling having four residential dwelling units on the lands. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, September 07, 2021

Conservation Sudbury does not object to Minor Variance A0114/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

#### Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site

SUBMISSION NO. A0114/2021 Continued.

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, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

Greater Sudbury Hydro Inc., September 07, 2021

No concerns.

CGS: Building Services Section, September 07, 2021

Building Services is requesting a deferral on based on the following points:

1) The calculated lot area for this lot is 95.0m<sup>2</sup> per unit as opposed to the requested 93.0m<sup>2</sup> per unit. We have no issue with the relief of 95.0m<sup>2</sup> per unit, where 140m<sup>2</sup> per unit is required.

2) Based on the definition set out by Zoning By-Law 2010-100Z the lot frontage is 10.4m using the dimensions given on 53R-15887. We have no issue with the relief of 10.4m, where 18m is required as a variance is not required for the legal existing lot.

3) The additional front steps added to apartment #3 entrance require a 0.6m setback from the front lot line. The new front steps are not shown on the plot plan and may result in another minor variance. The supplied plot plan should be updated to reflect the new front steps setback along with the dimensioned 3.0m front yard setback.

Building Services has no concerns with this application regarding the following points:

5) Requested relief regarding a 4.0m width parking aisle where 6.0m is required.

6) A minimum of four (4) parking spaces provided where size (6) is required.

Notes to Owners:

1) Updated drawings and plot plan are required to be submitted to building services in order to further the building permit application process.

2) If any of the minor variances are granted and an OLS Survey comes to light that contains conflicting information or dimensions, more minor variances may be required.

CGS: Infrastructure Capital Planning Services, September 07, 2021

Roads: No concerns. Transportation & Innovation: Parking is restricted in the lane behind the property and while parking is permitted on Morin Street, it is limited to a maximum of 4 hours. It is unclear where any overflow residents or visitors to this property will park. Active Transportation: No concerns.

CGS: Development Engineering, September 01, 2021

No objection.

The agent, Kevin Jarus, Senior Planner of Tulloch Engineering, appeared before Committee and explained that the majority of the relief being sought was to address the existing condition on the property as the property is zoned R2-3 which allows for up to four units as of right. The agent explained that currently the building has three legal units and the property owner is looking to obtain a permit to legalize the fourth unit that is existing on the property. The agent also explained that the setbacks they are seeking are to address the existing condition of the structure, no additions to the structure are proposed from a side yard setback perspective. The agent explained that the parking spaces are also an existing condition where six spaces are not currently provided and that has proved quite reasonable and appropriate for the site as it has been operating for quite a number of years. The agent explained that the front yard setback is an existing condition of the structure and they are asking for the variances, despite comments from Building Services and Planning Department that some of these reliefs are not required, because they are anticipating a future severance application to sever Lot 70 from Lot 69, because Lot 70 is no longer described as a full lot on a plan of subdivision. The agent explained that Lots 69 and 70 have merged on title and they are looking to sever those in future and because of



that they want to deal with the side yard setback and the other relief that they have asked for through this variance so that that future severance is cleaner. The agent explained that in terms of the comments from Building Services, they have reviewed those and they do note that Building Services states that they are requesting a deferral on the basis of a number of points. The agent explained that for point number 1 for the calculated lot area of 95m<sup>2</sup> per unit rather than the 93.0m<sup>2</sup> they need, they made the request for the 93.0m<sup>2</sup> instead of the 95.0m<sup>2</sup> to allow for a buffer for when the severance is applied for. The agent explained that there are some eccentricities with a small sliver that was transferred between Lots 69 and Lot 70, being a 1 foot wide sliver and they would like to ensure that given that small sliver that was given to Lot 70, that they have 2.0m<sup>2</sup> of additional wiggle room for when they make that application. The agent explained to Committee that they have the option to come up from the 93 to the 95 if that is deemed more appropriate, but the request for the 93 as opposed to the 95m<sup>2</sup>, if approved, would not facilitate any additional or allow for any additional units beyond the 4 which they are looking to legalize. The agent explained, referring to item number 2 in Building Services comments regarding the definition of the lot frontage where Building Services has advised that they should be asking for 10.4m of frontage rather than 4.0m, that the variance was based on discussions with Planning staff and site visits to determine the limits of the road allowance. The agent explained that they were under the understanding that based on those conversations with Planning staff that they would have to ask for relief for 4.0m, the extent of the open road allowance in front of the parcel, however if Building Services interpreted the By-law in such a way that this lot benefits from 10.4m of frontage rather than the 4.0m, then they are amenable to a change in the resolution to bring up that ask from the 4.0m to the 10.4m. The agent explained, referring to item number 3 in Building Services comments regarding the front yard steps and their request for a confirmation of the front yard setback for those steps, that they are very confident that through the Building Permit submission, which is currently active, that the new steps being installed to legalize the fourth unit will have a 0.6m front yard setback. The agent explained that in their review of this application they looked at the definition of front yard steps to ensure that they were not introducing something that may be interpreted as a deck or a portico that might require a greater setback than the 0.6m. The agent explained that they are confident that the interpretation of the By-law allows for 0.6m setback given the types of stairs that are being constructed and they are confident moving forward with just the 3.0m front yard setback relief and not addressing the 0.6m or a need to reduce the requirement for those steps. The agent acknowledged Building Services' comment that if any minor variances are granted and a survey comes to light with conflicting information that more minor variances may be required, and confirmed that they are comfortable moving forward with a decision and they do not think a deferral would be necessary to deal with the relatively minor comments that Building Services has provided. Committee Chair Chartrand asked staff, referring to Building Services' comments relating to the lot area as well as the stairs in the front yard, to provide clarification. Staff advised that in terms of the request for the 93.0m<sup>2</sup> instead of what was calculated by Building Services being the required variance, staff had no concerns with the more conservative request for the 93.0m<sup>2</sup> per unit should Committee include that in their decision. Staff advised, with respect to the front steps, that they don't have further information and appreciate that the owner is aware of that comment and has investigated to satisfy themselves that an additional variance would not be required for the steps and that they will be able to satisfy that 0.6m setback. Committee Chair Chartrand asked staff, referring to Development Approval's comments regarding the frontage, to provide clarification. Staff advised that the open portion of the road allowance is 4.0m and that is the relief that is being sought, staff, working with Building Services, have looked at the definition of "lot frontage" and it seems that the definition does not differentiate between open versus unopen road allowance. Staff suggested that the lot frontage definition would be the full width of where the lot fronts on Morin Street and the relief that is necessary would be 10.3m rather than 4.0m. Staff advised that should Committee choose to approve the 4.0m relief, which would be more conservative as requested by the applicant, staff does not feel that strongly about it but staff recommends that the 10.4m would be the frontage as per the definition in the By-law. Committee Chair Chartrand asked the Secretary-Treasurer to confirm the recommendation that was going to be read to Committee and the Secretary-Treasurer advised that the recommendation was for 4.0m. Committee Chair Chartrand asked the agent if he had any concerns going with the 10.4m based on the definition that staff advised and the agent advised that if that was the definition that Building Services was comfortable with to legalize the lot than they are in Committee's hands. Committee Chair Chartrand asked staff if they would have any concerns going with the 4.0m. Staff advised that it was staff's recommendation to go to 10.3m as the relief of the frontage. Committee Chair Chartrand requested the Secretary-Treasurer to clarify the procedure to amend the recommendation. The Secretary-Treasurer suggested that the recommendation could be amended by way of a motion to amend the 4.0m to the 10.3m as recommended by Development Approvals. The recommendation was read, Committee Member Laing put forward a motion to amend the recommendation to remove the 4.0m lot frontage and replace it with 10.3m and Committee Member Coupal seconded the motion. The motion was supported and carried.

The following decision was reached:

SUBMISSION NO. A0114/2021 Continued.

**DECISION:**

THAT the application by:

SUDBURY APARTMENT RENTALS LIMITED

the owner(s) of PIN 02133 0273, Survey Plan 53R-15887 Part(s) 1, Lot(s) Pt 69 and 70, Subdivision M-53, Lot Pt 6, Concession 4, Township of McKim, 367 Morin Avenue, Sudbury

for relief from Part 5, Section 5.2, subsection 5.2.9.2 and Section 5.5, Table 5.5 and Part 6, Section 6.3, Table 6.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, in order to legalize an existing multiple dwelling as a fourplex providing firstly, a minimum lot area of 93.0m<sup>2</sup> per unit, where 140.0m<sup>2</sup> per unit is required, secondly, a minimum lot frontage of 10.3m, where 18.0 is required, thirdly, a minimum front yard setback of 3.0m, where 6.0m is required, fourthly, a minimum interior side yard setback of 0.0m, where 1.8m is required, fifthly, a minimum drive aisle width of 4.0m, where 6.0m is required, and sixthly, a minimum four (4) parking spaces, where six (6) is required, be granted.

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

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Dan Laing	Concurring
Derrick Chartand	Concurring