



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0116/2021

September 29, 2021

OWNER(S): JOHN TEMELINI, 23 Joseph Ave, Lively ON, P3Y1E7

AGENT(S):

LOCATION: PIN 73597 0213, Parcel 3121, Lot Pt 8, Concession 1, Township of McKim, 1438 Kelly Lake Road, Sudbury

SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: For approval to construct a secondary dwelling unit above the detached garage providing a height and interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Site Plan Control, September 22, 2021

No objections.

CGS: Infrastructure Capital Planning Services, September 22, 2021

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

CGS: Building Services Section, September 21, 2021

Based on the information provided, Building Services has the no issue with the above application however the requested relief for 1.8m interior side yard setback is not required as the building is still considered an accessory building which requires a setback of 1.2m when the overall height of the building is greater than 2.5m.

CGS: Development Approvals Section, September 21, 2021

The variances being sought would facilitate the creation of a secondary dwelling unit that is to be located within an existing detached garage on the subject lands that have frontage on Kelly Lake Road in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the existing detached garage is a one-storey building and the addition of a secondary dwelling unit would therefore involve the construction of a second-storey. Staff notes that the residential lots along this portion of Kelly Lake Road maintain lot depths that exceed the minimum required lot depth of 30 m (98.43 ft) with the subject lands in particular maintaining a lot depth of 117 m (383.86 ft). Staff has no concerns with respect to any negative impacts on the existing residential character of Kelly Lake Road given that the existing detached garage and proposed second-storey addition would continue to maintain a setback of approximately 29.56 m (97.00 ft) from the front lot line. The detached garage is also already screened by existing residential dwellings situated on abutting lots both to the north and the south of the subject lands. In this particular context, staff is able to support the additional height being sought by the owner in order to facilitate the addition of a secondary dwelling unit on the lands. Staff also notes that the two parking spaces that would be required for the existing single-detached dwelling and proposed secondary dwelling unit would be situated in compliance with

SUBMISSION NO. A0116/2021 Continued.

the City's Zoning By-law and not within the required front yard. Staff have no concerns with the proposed interior side yard setback variance given that the existing side yard setback would not be further reduced in order to accommodate the addition of a second-storey to the existing detached garage. Staff also has noted that the detached garage immediately abuts a detached garage situated on those abutting lands to the south and no negative impacts from a land use planning perspective are therefore anticipated. The resulting interior side yard will be unchanged and the ability to maintain and access this yard will not be negatively impacted should the variance be approved. 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.

Ministry of Transportation, September 21, 2021

The MTO has determined that the above minor variance applications are located outside of the MTO's permit control area, therefore, the MTO does not have any comments to provide.

The Nickel District Conservation Authority, September 20, 2021

Conservation Sudbury does not object to Minor Variance A0116/2021. 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 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.

Greater Sudbury Hydro Inc., September 16, 2021

No objection.

CGS: Development Engineering, September 14, 2021

No objection.

The applicant appeared before Committee and explained that he needs additional height on the existing detached garage and a variance for the existing 1.2m side yard where it encroaches. The applicant also explained that he is constructing a three-season room/gazebo that will be attached. The applicant also explained that the property is surrounded by residential, industrial and apartment buildings. Committee Chair Chartrand asked staff to clarify the side yard variance as Building Services in their comments advised that it is not required. Staff advised that Building Services is correct in their comments and the minimum required setback of 1.2m for a detached garage is depicted on the applicant's sketch. Staff explained that the 1.8m requirement is referencing a main building when you add storeys you continue to increase the side yard setback, but for an accessory building the side yard setback that is required is no closer than 1.2m to the side lot line. Staff advised that there is no stepping up for an accessory building like there is for a main building. Staff confirmed that the 1.2m is required and not 1.8m and staff recommended that that part of the application not be referenced in the decision as the variance is not necessary. Committee Chair Chartrand asked the applicant to confirm that the existing side yard setback is 1.2m and the applicant confirmed that it is. Committee Chair Chartrand asked staff what the procedure was regarding the resolution and excluding the side yard variance. Committee Chair Chartrand asked Committee if they have any issue with excluding the side yard variance and no objections were raised. The Secretary-Treasurer advised Committee that they can exclude that variance from the decision as no Committee Members expressed any concerns regarding the same.

The following decision was reached:

DECISION:

THAT the application by:

JOHN TEMELINI

the owner(s) of PIN 73597 0213, Parcel 3121, Lot Pt 8, Concession 1, Township of McKim, 1438 Kelly Lake Road, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 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 dwelling unit above the detached garage providing a maximum height of 7.92m, 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
Dan Laing	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0117/2021

September 29, 2021

OWNER(S): DENISE CAYA, 4570 Montpellier Road Chelmsford ON P0M 1L0
NOEL CAYA, 4570 Montpellier Road Chelmsford ON P0M 1L0

AGENT(S):

LOCATION: PIN 73351 0632, Parcel 22175, Survey Plan 53R-4282 Part(s) 1 and 3, Lot Pt 3, Concession 4, Township of Balfour, 3684 Montpellier Road, Chelmsford

SUMMARY

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

Application: For 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: Building Services Section, September 27, 2021

REVISED

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

However, Owner to be advised of the following comments:

1) Building Permit 05-0366 is incomplete regarding the Single Family Dwelling. Please contact Building Services to arrange Final Inspection.

2) Revised garage drawings reflecting the requested relief in building height of this minor variance are to be submitted to building services to update current permit file.

CGS: Site Plan Control, September 22, 2021

No objections.

CGS: Infrastructure Capital Planning Services, September 22, 2021

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

CGS: Building Services Section, September 21, 2021

Based on the information provided, Building Services is requesting a deferral based on the following:

1) The requested height allowance of 7.62m does not match the building permit drawings of approximately 7.86m.

Notes to Owner:

2) All distance between buildings is to be 3m. Please show the dimension between the house and proposed new garage.

SUBMISSION NO. A0117/2021 Continued.

3) Building Permit 05-0366 is incomplete regarding the Single Family Dwelling. Please contact Building Services to arrange Final Inspection.

CGS: Development Approvals Section, September 21, 2021

The variance being sought would facilitate construction of a detached garage on the subject lands that have frontage on Montpelier Road in Chelmsford. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has reviewed the proposed location of the detached garage and has estimated resulting yard setbacks to abutting rural properties. The nearest rural residential uses to the proposed location of the detached garage in any direction generally measures to nearest lot lines in excess of 145 m (465.72 ft). In this particular context, staff is satisfied that no negative land use planning impacts would be generated on abutting rural properties should the variance to increase the maximum height for an accessory building by 1.12 m (3.67 ft) be approved. Staff would caution the owner that the upper portion of the proposed detached garage may not be used for the purposes of human habitation unless 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.

Ministry of Transportation, September 21, 2021

The MTO has determined that the above minor variance applications are located outside of the MTO's permit control area, therefore, the MTO does not have any comments to provide.

The Nickel District Conservation Authority, September 20, 2021

Conservation Sudbury does not object to Minor Variance A0117/2021 as it appears that the proposed detached garage is not within an area subject to Ontario Regulation 156/06.

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 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.

CGS: Development Engineering, September 14, 2021

No objection.

SUBMISSION NO. A0117/2021 Continued.

The applicant appeared before Committee and explained that he is constructing the garage to store his fifth wheel, cargo trailer and farm equipment and needs the height to accommodate the fifth wheel. Committee had no questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

DENISE CAYA AND NOEL CAYA

the owner(s) of PIN 73351 0632, Parcel 22175, Survey Plan 53R-4282 Part(s) 1 and 3, Lot Pt 3, Concession 4, Township of Balfour, 3684 Montpelier Road, Chelmsford

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning Bylaw for the City of Greater Sudbury, as amended, to facilitate the construction of an accessory building, being a detached garage, providing a maximum height of 7.62m, where the maximum height of any building accessory to a residential dwelling shall be 6.5m, 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
Dan Laing	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0118/2021

September 29, 2021

OWNER(S): RYAN MARTIN, 2352 Greenwood Drive, Sudbury, ON P3B 4G4
ADRIANA PASCOLI MARTIN, 2352 Greenwood Drive, Sudbury, ON P3B 4G4

AGENT(S):

LOCATION: PIN 73577 0154, Parcel 48172, Survey Plan 53R-11356 Part(s) 9 and 15, Lot 11 (Part), Concession 3, Township of Neelon, 2352 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: For 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: Site Plan Control, September 22, 2021

No objections.

CGS: Infrastructure Capital Planning Services, September 22, 2021

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

CGS: Building Services Section, September 21, 2021

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

However, Owner to be advised of the following comments:

1) A previously OLS survey indicates the west side set back from the property line to the front edge of the existing dwelling is only 5.6'. The plot plan provided dimension is indicated at roughly 10.5'.

Although this does not directly affect the garage being built it should be noted that if the adjacent lot is developed in the future the access to the garage could be limited.

2) Building Permit B16-1058 in regards to the attached deck at the rear of the house is still incomplete. Please contact building services to arrange final inspection.

CGS: Development Approvals Section, September 21, 2021

The variance being sought would facilitate construction of a detached garage on the subject lands that have frontage on Greenwood Drive in Sudbury. 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 residential lots along this portion of Greenwood Drive exceed the minimum required lot depth of 30 m (98.43 ft) and have a range of lot depths with the shorter lot depths in this location being approximately 47 m (154.20 ft). The proposed detached garage in this instance would be situated at a distance of 23.90 ft (78.42 ft) from the existing

SUBMISSION NO. A0118/2021 Continued.

residential dwelling. The existing residential dwelling is then also maintaining an front yard setback of approximately 23 m (75.46 ft) to the front lot line that abuts Greenwood Drive. The proposed detached garage would be partially screened from view toward Greenwood Drive by the existing two-storey residential dwelling on the lands. Staff also notes the presence of mature vegetation providing screening and buffering to abutting residential properties located to both the north and to the west of the proposed location for the detached garage. In this particular context, staff is satisfied that no negative land use planning impacts would be generated should the variance be approved. Staff would caution the owner that the upper portion of the proposed detached garage may not be used for the purposes of human habitation unless 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.

Ministry of Transportation, September 21, 2021

The MTO has determined that the above minor variance applications are located outside of the MTO's permit control area, therefore, the MTO does not have any comments to provide.

The Nickel District Conservation Authority, September 20, 2021

Conservation Sudbury does not object to Minor Variance A0118/2021 as the height of the garage is not relevant to the responsibilities of Conservation Sudbury.

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 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.

Greater Sudbury Hydro Inc., September 16, 2021

No objection.

CGS: Development Engineering, September 14, 2021

No objection.

The applicant appeared before Committee and explained that he needs additional height in the garage for a storage loft and therefore requires a variance. Committee had no questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

RYAN MARTIN AND ADRIANA PASCOLI MARTIN

the owner(s) of PIN 73577 0154, Parcel 48172, Survey Plan 53R-11356 Part(s) 9 and 15, Lot 11 (Part), Concession 3, Township of Neelon, 2352 Greenwood Drive, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning Bylaw for the City of Greater Sudbury, as amended, to facilitate the construction of an accessory building, being a detached garage, providing a maximum height of 7.3m, where the maximum height of any building accessory to 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
Dan Laing	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring