

SUBMISSION NO. B0003/2024

February 20, 2024

OWNER(S): MATTHEW DUMONT, 5 Lexington Ct, Sudbury, ON P3A 5S1

AGENT(S):

LOCATION: PIN 02123 0441, Surveys Plan 53R-21627 Part(s) of Part 3 & Plan 53R-21866 Part(s) excluding Part 1, Lot Part 2, Concession 5, Township of McKim, 0 Dublin Street, Sudbury

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SUMMARY

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

Application: Transfer an approximate 1081 sq.m. east vacant portion of the subject property.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, February 20, 2024

The purpose and effect of the application is to sever a parcel of land with an area of 1,081 m<sup>2</sup> from 0 Dublin Street in Sudbury, resulting in the creation of a new residential infill lot.

The lands to be retained are currently vacant of any buildings or structures and contain Provincially Significant Wetlands. A single detached dwelling is proposed to be constructed on the retained lands outside of the regulated area. The lands to be retained will be accessed from Dublin Street and will be serviced by municipal water and sanitary connections.

The lands proposed to be severed are currently vacant of buildings and structures. The lands to be severed will be accessed from Dublin Street and will be serviced by municipal water and sanitary connections.

The subject lands are designated 'Living Area 1' in the City's Official Plan, zoned 'Future Development (FD)' under in the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority. A concurrent Zoning By-law Amendment Application was submitted in order to rezone the severed lands to the 'Low Density Residential One (R1-5) Zone' in order to permit the construction of a single detached dwelling. Staff recommend as a condition of the severance that the rezoning be in full force and effect.

Residential lot creation is permitted within the 'Living Area 1' land use designation. Staff have evaluated the severed lands against the standards of the 'R1-5 Zone' and are of the opinion that the standards will be met as a result of the severance. Staff have evaluated the retained lands against the standards of the 'FD Zone' and are of the opinion that the standards will be maintained as a result of the severance.

Staff are of the opinion that the proposed lot creation has regard for matters of Provincial interest, is consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario, and is in conformity with the City of Sudbury Official Plan. It is recommended that the application be granted subject to the following conditions:

1. That a Zoning By-law Amendment Application that rezones the severed lands to the R1-5 Zone be in full force and effect.
2. That 5% cash in lieu of parkland dedication be provided for the severed lot to the satisfaction of the Consent Official.

Greater Sudbury Hydro Inc., February 14, 2024

As a condition of consent, Greater Sudbury Hydro Inc. will require the following:

A three metre (3 m) Frontage Easement along Dublin Street(s), across the entire parcel (both severed and retained lands), registered on title to the subject property. The Owner/Applicant will be responsible for all legal and survey costs. The Owner/Applicant is also responsible for obtaining/providing a Postponement to be registered on title to the subject property, in favour of Greater Sudbury Hydro Inc's interest with respect to any and all existing Charge/Mortgage/Lien and or Encumbrance of Land registered on title to this property. The Owner/Applicant will be responsible for all costs associated with obtaining said Postponement.

Prior to satisfying the above condition, please contact the Energy Supply Department for further details/direction at 705-675-7536 extension 2265.

CGS: Strategic and Environmental Planning, February 14, 2024

The following note is for the owner's benefit only.

1) The owner is solely responsible for ensuring that vegetation removal, site alteration, and development undertaken on the subject lands do not result in a contravention of the provincial Endangered Species Act and the federal Migratory Birds Convention Act.

CGS: Development Engineering, February 13, 2024

The creation of the residential lot by way of severance will cause an improper service connection to the lot to be retained. As such, the following condition is required:

The watermain must be extended along Dublin Street to service the lot to be retained. This watermain extension must be designed by a Professional Engineer registered in the Province of Ontario and submitted to Development Engineering for review and acceptance. The construction of this main will be through an off-site servicing agreement and must be constructed by a contractor approved for work within the City's road allowance.

Lot Grading & Drainage Condition:

That the owner/applicant provide a grading and drainage plan, designed by a consulting civil engineer with a Valid Certificate of Authorization from the Association of Professional Engineers of Ontario or an Ontario Land Surveyor specialized in this work. Said plan shall deal with the lot being created, the retained lot and abutting properties, to the satisfaction of the General Manager of Growth and Infrastructure. The owner/applicant will also be responsible for the construction of any drainage outlet that may be required. The owner/applicant shall be responsible for the legal and survey costs.

The owner/applicant shall provide such drainage easements as may be required for drainage purposes on the lot to be created and the lot to be retained to the satisfaction of the General Manager of Growth and Infrastructure/City Solicitor. All legal and survey costs shall be borne by the owner/applicant.

CGS: Building Services Section, February 12, 2024

Building Services has reviewed the submitted application for Consent and can advise that we have no concerns with the request for severance.

Owner to be advised that a Building Permit to the satisfaction of the Chief Building Official will be required for the proposed new dwelling.

A Geotechnical report will be required for the new construction to verify soil conditions and soil bearing pressure.

CGS: Tax Department, February 08, 2024

No objections.

The Nickel District Conservation Authority, February 08, 2024

Conservation Sudbury does not oppose consent application B0003/2024. Subject property contains regulated hazards, including flood hazard and wetlands. However, transferred portion is situation outside of these hazards.

A permit from Conservation Sudbury has already been issued for development shown on attached sketch on retained portion. Any further development on the retained portions requires permission of Conservation Sudbury and may be restricted.

Notes

Development includes, but is not limited to the construction of structures, addition to existing buildings, placement or removal of fill, site grading or alteration to watercourses.

Please be advised that Conservation Sudbury regulates the hazards associated with natural features. 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 contact Conservation Sudbury. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, and valley slopes.

CGS: Infrastructure Capital Planning Services, February 08, 2024

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

Technical Services

Municipal sewer and water main front the property but the proposed severance is not serviced. Owner will have to pay to run the services from main to lot line.

Contact Technical Services for servicing and private entrance permit.

Drainage

The subject property to be severed is within the Junction Creek watershed. Stormwater improvements are required within the watershed and cost contribution in the amount of \$1,000 is required as a condition of approval.

The contribution is to be deposited to the Stormwater Reserve Account #36700-01.

CGS: Site Plan Control, February 07, 2024

No objection.

Bell, February 07, 2024

Subsequent to review by our local engineering department, Bell Canada has identified that we require protection for existing facilities.

The attached sketch indicates the placement of active, critical infrastructure. Bell Canada's facilities provide essential access to the network. Of major concern is the ability to access our equipment, particularly in the event of an interruption, or emergency, that would require Bell Canada to restore service to regular telephone lines, alarm services, internet access, and most importantly ensure the continuity of 911 service.

Bell Canada requests a 3.0m wide easement, to measure 1.5m on either side of the aerial infrastructure (to extend a minimum of 1.5m from the base of the pole and 0.5m on either side of any guywires, if present), as can be reasonably accommodated within the property boundaries.

Since the intention of the requested easement is to protect the integrity of the existing facilities and preserve many services, we request that the cost associated with registration be the responsibility of the landowner.

We hope this proposal meets with your approval and request a copy of the decision. Should our request receive approval, we look forward to the owner's solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

Ministry of Transportation, February 07, 2024

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

Reliance was placed on the public agencies and municipal departments notified for the purpose of identifying any major concerns or issues of a technical nature that would have precluded the severance, none were identified.

A signed letter by area resident, Leslie Clark of 981 Arthur Street, was received expressing concerns with tree removal, excavation, privacy, esthetics, noise pollution, environmental pollution, environmental and wildlife impacts, water drainage, rodent infestation and reduction of wildlife such as birds, rabbits and hares. Residents are required to comply with City by-laws, if there are concerns relating to compliance than an inquiry or complaint should be made to By-law Enforcement.

The following decision was reached:

**DECISION:**

THAT the application by:

**MATTHEW DUMONT**

the owner(s) of PIN 02123 0441, Surveys Plan 53R-21627 Part(s) of Part 3 & Plan 53R-21866 Part(s) excluding Part 1, Lot Part 2, Concession 5, Township of McKim, 0 Dublin Street, Sudbury

for consent to transfer an easterly vacant portion of the subject property providing 17.4m frontage, 61.8m depth and 1081 sq.m. area be approved, subject to the following:

- 1) That all outstanding municipal taxes be paid.
- 2) That an administrative processing fee be paid to the City of Greater Sudbury.
- 3) That 5% of the value of the land to be transferred as of the day before the day of the giving of the consent be paid to the City of Greater Sudbury for park or other recreational purposes.
- 4) That the owner/applicant provide a digital copy of the integrated 53R plan prior to registration of the final plan of survey. The integrated plan must be referenced to NAD83(CSRS) with coordinates expressed in UTM Zone 17 projection or the City of Greater Sudbury's custom MTM z81 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The integrated plan must be submitted in an AutoCAD compatible digital format with the corresponding registered 53R number. The submission shall be the final integrated 53R plan in content, form and format and properly geo-referenced.
- 5) That a copy of the final Plan of Survey be submitted to the Office of the Consent Official.
- 6) That the amending zoning by-law pertaining to File 751-6/23-24, be in full force and effect prior to the issuance of a Certificate.
- 7) That prior to the issuance of a Certificate, the owner/applicant apply for and receive a driveway entrance permit for the proposed lot to the satisfaction of the General Manager of Infrastructure.
- 8) That the owner/applicant contribute \$1,000.00 toward the City of Greater Sudbury's future storm water management works downstream of the subject property
- 9) That the owner/applicant retain a professional civil engineer with a Valid Certificate of Authorization in Ontario to design a watermain extension to extend the existing watermain on Dublin Street to service the proposed retained lot, to the satisfaction of the Manager of Growth and Infrastructure, and must receive MECP approval for the extension through the City. The construction of this watermain must be through an off-site servicing agreement, to the satisfaction of the City Solicitor, and must be constructed by a contractor approved for work within the City of Greater Sudbury's road allowance.
- 10) That the owner/applicant provide a grading and drainage plan, designed by a consulting civil engineer with a Valid Certificate of Authorization from the Association of Professional Engineers of Ontario or an Ontario Land Surveyor specialized in this work. Said plan shall deal with the lot being created, the retained lot and abutting properties, to the satisfaction of the General Manager of Growth & Infrastructure. The owner/applicant will also be responsible for the construction of any drainage outlet that may be required.

The owner/applicant shall be responsible for the legal costs of preparing and registering the associated lot grading agreement to the satisfaction of the City Solicitor.

- 11) That the owner/applicant provide such drainage easements as may be required for drainage purposes on the lot to be created and the lot to be retained to the satisfaction of the General Manager of Growth & Infrastructure and City Solicitor. All legal and survey costs shall be borne by the owner/applicant.
- 12) That the owner/applicant convey and have registered on title to the subject property a three metre (3.0m) Frontage Easement along Dublin Street, across the entire parcel, both severed and retained, in favour of Greater Sudbury Hydro Inc. The owner/applicant will be responsible for all legal and survey costs associated with the conveyance. The owner/applicant is also responsible for obtaining/providing a Postponement to be registered on title to the subject property in favour of Greater Sudbury Hydro Inc's interest with respect to any and all existing Charge/Mortgage/Lien and/or encumbrance registered on title to the subject property. The owner/applicant will be responsible for all costs associated with obtaining said Postponement.
- 13) That the owner/applicant convey to Bell Canada a three metre (3.0m) wide easement to be measured one and a half metres (1.5m) on either side of the aerial infrastructure (to extend a minimum of one point five metres (1.5m) from the base of the pole and zero point five metre (0.5m) on either side of the guywires, if present). The owners will be responsible for all costs associated with this transaction. The owners are responsible for obtaining registered Postponements for any mortgages and certification of title.
- 14) That no Certificate be issued after two years from the day the Notice of Decision is sent.

Consideration was given to Section 51(24) of the Planning Act. The proposal is in conformity with the Official Plan and is consistent with the Provincial Policy Statement. Public comment has been received and had no effect on the Consent Official's decision.

Consent Official:





## APPLICATION FOR CONSENT

SUBMISSION NO. B0004/2024

February 20, 2024

OWNER(S): DALRON CONSTRUCTION LIMITED, 130 Elm Street, Sudbury ON P3C 1T6

AGENT(S):

LOCATION: PIN 73478 1214, Survey Plan 53R-20418 Part(s) 8, 9, 11, 12, and 13, Lot Part 4, Concession 5, Township of Broder, Billiard's Way, Sudbury

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### SUMMARY

**Zoning:** The property is zoned H40R3-1 (Medium Density Residential), H40R3-1(23)(Medium Density Residential) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Consolidate an approximate 1.28ha portion of the subject property with abutting PIN 73478-1229, being Block 14 on Plan 53M-1432.

Comments concerning this application were submitted as follows:

Bell, February 20, 2024

No concerns.

CGS: Strategic and Environmental Planning, February 20, 2024

No comments.

CGS: Development Approvals Section, February 20, 2024

The purpose and effect of the application is to facilitate a lot addition with an area of +/- 1.28 ha to be conveyed from Concession 5, Part Lot 4, 53R-20418 Part 8, 9, 11, 12, and 13 and merged with 250 Billiard's Way. The lands are designated 'Living Area 1' in the City's Official Plan, are zoned 'Medium Density Residential with Holding Provision 40 (H40R3-1)' in the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA). The subject lands are located on the southeast side of Billiard's Way in Sudbury. Surrounding land uses are residential and institutional.

The proposed lot addition is intended to be developed for rental townhomes and would result in the parcel having frontage on Billiard's Way through 250 Billiard's Way. A concurrent rezoning application has been submitted in order to amend the holding provisions on the subject lands to allow additional townhome units. Staff recommend that the rezoning be in full force and effect as a condition of consent. Further evaluation of the site will occur through the Site Plan Control process.

Staff are of the opinion that the proposed lot addition has regard for matters of Provincial interest, is consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario, and is in conformity with the City of Sudbury Official Plan. It is recommended that the application be granted subject to the following condition:

1. That a Zoning By-law Amendment Application that amends the holding provision be in full force and effect.

Greater Sudbury Hydro Inc., February 14, 2024

As a condition of consent, Greater Sudbury Hydro Inc. will require the following:

A Blanket Easement across the entire parcel (both severed and retained lands), registered on title to the subject property. The Owner/Applicant will be responsible for all legal and survey costs. The

Owner/Applicant is also responsible for obtaining/providing a Postponement to be registered on title to the subject property, in favour of Greater Sudbury Hydro Inc's interest with respect to any and all existing Charge/Mortgage/Lien and or Encumbrance of Land registered on title to this property. The Owner/Applicant will be responsible for all costs associated with obtaining said Postponement.

Prior to satisfying the above condition, please contact the Energy Supply Department for further details/direction at 705-675-7536 extension 2265.

CGS: Building Services Section, February 12, 2024

Building Services has reviewed the submitted application for Consent and can advise that we have no concerns with the request.

CGS: Tax Department, February 08, 2024

No objections.

The Nickel District Conservation Authority, February 08, 2024

Conservation Sudbury does not oppose consent application B0004/2024. As per comment on previous planning applications, development on consolidated portion requires a Section 28 from our organization. Proponent is aware of such.

Some of the proposed development on retained lot shown on the Concept Plan by R.V Anderson dated November 2023 has not been communicated to our organization and the approval of this consent application does not imply approval of this plan.

**Notes**

Please be advised that Conservation Sudbury regulates the hazards associated with natural features. 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 contact Conservation Sudbury. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, and valley slopes.

CGS: Site Plan Control, February 07, 2024

The 3rd site plan submission was received on January 16, 2024, and the site plan control agreement is ready for registration pending approval of the proposed lot consolidation. The site plan control agreement will be registered on both the retained lands and the consolidated lands.

Ministry of Transportation, February 07, 2024

The following application is located within the MTO's permit control area and therefore, are subject to review under the Public Transportation and Highway Improvement Act R.S.O. 1990. The MTO supports the proposed application in principle, with the following comments to consider:

B0004/2024 – Dalron Construction Limited

- No direct access to highway 17 will be permitted.
- Placement of any buildings or structures within 45 meters of the Hwy 17 property line will require an MTO building/land use permit.
- In order for the MTO to properly review and issue your permit, submission of a Stormwater Management Plan will be required (see below for more information).

**STORMWATER MANAGEMENT REPORT**

- Submission of a drainage / stormwater management plan and a letter stamped and signed by an engineer qualified to do stormwater management plans indicating the intended treatment of the calculated runoff and a statement that the proposed works will not affect the highway drainage system. A full stormwater management report may be required and must be completed in accordance with MTO's "Guidelines for Stormwater Management Requirements for Land Development Proposals". For more information on ministry stormwater management requirements for Land Development Proposals, please visit the drainage section of the Ministry of Transportation website.
- The SWM plan / report must be reviewed and approved prior to the issuance of any permits by the MTO.

CGS: Development Engineering, February 02, 2024

No objection.

Reliance was placed on the public agencies and municipal departments notified for the purpose of identifying any major concerns or issues of a technical nature that would have precluded the severance. None were identified.

The following decision was reached:

DECISION:

THAT the application by:

DALRON CONSTRUCTION LIMITED

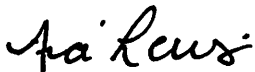
the owner(s) of PIN 73478 1214, Survey Plan 53R-20418 Part(s) 8, 9, 11, 12, and 13, Lot Part 4, Concession 5, Township of Broder, Billiard's Way, Sudbury

for consent to consolidate an approximate 1.28ha portion of the subject property with abutting PIN 73478-1229, being Block 14 on Plan 53M-1432, be approved, with the stipulation that subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction and subject to the following conditions:

- 1) That all outstanding municipal taxes be paid.
- 2) That the owner/applicant provide a digital copy of the integrated 53R plan prior to registration of the final plan of survey. The integrated plan must be referenced to NAD83(CSRS) with coordinates expressed in UTM Zone 17 projection or the City of Greater Sudbury's custom MTM z81 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The integrated plan must be submitted in an AutoCAD compatible digital format with the corresponding registered 53R number. The submission shall be the final integrated 53R plan in content, form and format and properly geo-referenced.
- 3) That a copy of the final Plan of Survey be submitted to the Office of the Consent Official.
- 4) That the amending zoning by-law pertaining to File 751-6/23-18, be in full force and effect prior to the issuance of a Certificate.
- 5) That the owner/applicant convey and have registered on title to the subject property a blanket easement, across the entire parcel, both severed and retained, in favour of Greater Sudbury Hydro Inc. The owner/applicant will be responsible for all legal and survey costs associated with the conveyance. The owner/applicant is also responsible for obtaining/providing a Postponement to be registered on title to the subject property in favour of Greater Sudbury Hydro Inc's interest with respect to any and all existing Charge/Mortgage/Lien and/or encumbrance registered on title to the subject property. The owner/applicant will be responsible for all costs associated with obtaining said Postponement.
- 6) That no Certificate be issued after two years from the day the Notice of Decision is sent.

Consideration was given to Section 51(24) of the Planning Act. The proposal is in conformity with the Official Plan and is consistent with the Provincial Policy Statement. As no public comment, written or oral, has been received, there was no effect on the Consent Official's decision.

Consent Official:



SUBMISSION NO. B0005/2024

February 20, 2024

OWNER(S): SAMUEL ALEXANDRE BENE, 2590 Fire Route 0, Azilda ON P0M 1B0

AGENT(S): DANIEL BOUCHARD, 64 Guenette Drive, Hanmer ON P3P 1V4

LOCATION: PIN 73504 1786, Parcel 29192 SEC SES SRO, Lot(s) 67, Subdivision M-537, Lot 5, Concession 2, Township of Hanmer, 1121 St Anthony Street, Hanmer

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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: Transfer an approximately 520.85 sq.m south portion of the subject property.

Comments concerning this application were submitted as follows:

CGS: Strategic and Environmental Planning, February 20, 2024

No comments.

CGS: Development Approvals Section, February 20, 2024

The purpose and effect of the application is to sever a parcel of land with an area of 520 m<sup>2</sup> from 1121 St. Anthony Street in Sudbury, resulting in the creation of a new residential infill lot.

The lands to be retained contains a single detached dwelling that is serviced by a municipal water and sanitary connection. The lands to be retained are accessed from St. Anthony Street.

The lands proposed to be severed are currently vacant of buildings and structures. The lands to be severed will be accessed from Edmond Street, and will be serviced by municipal water and sanitary connections.

The subject lands are designated 'Living Area 1' in the City's Official Plan, zoned 'Low Density Residential One (R1-5)' under in the City of Greater Sudbury Zoning By-law, and are located within a Wellhead Protection Area under the Source Water Protection Plan. Residential lot creation is permitted within the 'Living Area 1' land use designation. Staff have evaluated the severed lands against the standards of the 'R1-5 Zone' and are of the opinion that the standards will be met as a result of the severance. As a result of the severance, the front lot line for the retained lands is located along Edmond Street as opposed to St. Anthony Street. A variance is required to recognize a rear yard setback of 6.79 m, whereas 7.5 m is required.

Staff are of the opinion that the proposed lot creation has regard for matters of Provincial interest, is consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario, and is in conformity with the City of Sudbury Official Plan and Zoning By-law. It is recommended that the application be granted subject to the following conditions:

1. That 5% cash in lieu of parkland dedication be provided for the severed lot to the satisfaction of the Consent Official.
2. That a minor variance be obtained for the retained lands to address rear yard setback deficiency.

SUBMISSION NO. B0005/2024 Continued.

Greater Sudbury Hydro Inc., February 14, 2024

Please note B0005/2024 is outside of our territory.

Source Water Protection Plan, February 14, 2024

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: Building Services Section, February 12, 2024

Building Services has reviewed the submitted application for Consent and can advise of the following:

As a result of the severance, the frontage for the retained lot will change from St. Anthony St. to Edmond Street. A Minor Variance will be required for a rear yard setback of 6.79m where 7.5m is required.

The interior side yard setback has not been indicated. Ensure that minimum setbacks are provided for the house and the existing deck (not shown).

A Building Permit to the satisfaction of the Chief Building Official is required for the relocation of the shed if greater than 15 sq.m. Ensure the new location satisfies all setback requirements of the Zoning By-law.

CGS: Tax Department, February 08, 2024

No objections.

The Nickel District Conservation Authority, February 08, 2024

Conservation Sudbury does not object to Consent Application B0005/2024. The subject property is not located in any area regulated by the Conservation Authority.

CGS: Infrastructure Capital Planning Services, February 08, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Technical Services  
Municipal sewer and water main front the property but the proposed severance is not serviced. Owner will have to pay to run the services from main to lot line.

Contact Technical Services for servicing and private entrance permit.

Drainage  
The subject property to be severed is within the Whitson River watershed. Stormwater improvements are required within the watershed and cost contribution in the amount of \$1,000 is required as a condition of approval.  
The contribution is to be deposited to the Stormwater Reserve Account #36700-01.

CGS: Site Plan Control, February 07, 2024

No objection.

Bell, February 07, 2024

No concerns. We have an existing easement, as indicated in the Consent documentation. We wish to maintain these rights and request nothing further.

Ministry of Transportation, February 07, 2024

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

CGS: Development Engineering, February 02, 2024

**Lot Grading & Drainage Condition:**

That the owner/applicant provide a grading and drainage plan, designed by a consulting civil engineer with a Valid Certificate of Authorization from the Association of Professional Engineers of Ontario or an Ontario Land Surveyor specialized in this work. Said plan shall deal with the lot being created, the retained lot and abutting properties, to the satisfaction of the General Manager of Growth and Infrastructure. The owner/applicant will also be responsible for the construction of any drainage outlet that may be required. The owner/applicant shall be responsible for the legal and survey costs.

The owner/applicant shall provide such drainage easements as may be required for drainage purposes on the lot to be created and the lot to be retained to the satisfaction of the General Manager of Growth and Infrastructure/City Solicitor. All legal and survey costs shall be borne by the owner/applicant.

Reliance was placed on the public agencies and municipal departments notified for the purpose of identifying any major concerns or issues of a technical nature that would have precluded the severance, none were identified. A signed letter by area resident, Adam Castonguay of 4464 Edmond Street, was received in opposition of the application. The concerns expressed in the letter relate to with rear yard setback of the proposed retained lot, the existing shed located on the proposed severed lot, the existing deck attached to the single family dwelling on the proposed retained lot, the lot size of the proposed severed lot and the existing mature trees, grading and drainage and the impact of the development to the neighbourhood. This resident also emphasized that the application does not meet certain requirements under the Planning Act. Conditions relating to the rear yard setback, existing shed and existing deck have been imposed and must be addressed prior to the issuance of a Certificate. The lot size of the proposed severed lot meets the R1-5 zoning standard in the City's Zoning By-law, drainage will be monitored on the proposed severed lot if and when the lot is developed and the application is supported by Development Approvals.

The following decision was reached:

**DECISION:**

THAT the application by:

**SAMUEL ALEXANDRE BENE**

the owner(s) of PIN 73504 1786, Parcel 29192 SEC SES SRO, Lot(s) 67, Subdivision M-537, Lot 5, Concession 2, Township of Hanmer, 1121 St Anthony Street, Hanmer

for consent to transfer a south portion of the subject property providing 16.76m frontage, 31.07m depth and approximately 520.85 sq.m in area, designated as Parts 2 & 3, Plan 53R-21063, be approved, subject to the following conditions:

- 1) That all outstanding municipal taxes be paid.
- 2) That an administrative processing fee be paid to the City of Greater Sudbury.
- 3) That 5% of the value of the land to be transferred as of the day before the day of the giving of the consent be paid to the City of Greater Sudbury for park or other recreational purposes.
- 4) That the owner/applicant provide a digital copy of the integrated 53R plan prior to registration of the final plan of survey. The integrated plan must be referenced to NAD83(CSRS) with coordinates expressed in UTM Zone 17 projection or the City of Greater Sudbury's custom MTM z81 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The integrated plan must be submitted in an AutoCAD compatible digital format with the corresponding registered 53R number. The submission shall be the final integrated 53R plan in content, form and format and properly geo-referenced.

- 5) That a copy of the final Plan of Survey be submitted to the Office of the Consent Official.
- 6) That the owner/applicant apply for and receive final and binding approval for any minor variances that may be required, including but not limited to the reduced rear yard setback on the lands to be retained, from Committee of Adjustment and that the necessary approvals be in full force and effect prior to the issuance of a Certificate and to the satisfaction of the Director of Planning Services.
- 7) That the owner/applicant demolish or remove the existing shed from the lot to be transferred such that the shed complies with the Zoning By-law, to the satisfaction of the Chief Building Official and the Director of Planning Services, or the required variances to the By-law be obtained from the Committee of Adjustment and that the necessary approvals be in full force and effect prior to the issuance of a Certificate.
- 8) That the owner/applicant provide a grading and drainage plan, designed by a consulting civil engineer with a Valid Certificate of Authorization from the Association of Professional Engineers of Ontario or an Ontario Land Surveyor specialized in this work. Said plan shall deal with the lot being created, the retained lot and abutting properties, to the satisfaction of the General Manager of Growth & Infrastructure. The owner/applicant will also be responsible for the construction of any drainage outlet that may be required. The owner/applicant shall be responsible for the legal costs of preparing and registering the associated lot grading agreement to the satisfaction of the City Solicitor.
- 9) That the owner/applicant provide such drainage easements as may be required for drainage purposes on the lot to be created and the lot to be retained to the satisfaction of the General Manager of Growth & Infrastructure and City Solicitor. All legal and survey costs shall be borne by the owner/applicant.
- 10) That the owner/applicant apply for and receive a driveway entrance permit for the proposed lot to the satisfaction of the General Manager of Infrastructure and prior to the issuance of a Certificate.
- 11) That the owner/applicant contribute \$1,000.00 toward the City of Greater Sudbury's future stormwater management works within the Whitson River Watershed.
- 12) That no Certificate be issued after two years from the day the Notice of Decision is sent.

Consideration was given to Section 51(24) of the Planning Act. The proposal is in conformity with the Official Plan and is consistent with the Provincial Policy Statement. Public comment has been received and had no effect on the Consent Official's decision.

Consent Official:



SUBMISSION NO. B0006/2024

February 20, 2024

OWNER(S): 2668393 ONTARIO INC., Attn: Zhifei Liu, 27 Frybook Crescent, Richmond Hill ON L3B 4B8

AGENT(S): PERRY + PERRY ARCHITECTS INC., Attn: Christopher Perry, 137 Harry Crescent, Sudbury ON P3E 3G5

LOCATION: PIN 73349 2168, Survey Plan 53R-21466 Part(s) 1 and 2, Lot Part 1, Concession 3, Township of Balfour, 3660 Highway 144, Chelmsford

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SUMMARY

Zoning: The property is zoned C2 (General Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Lease an approximate 167.95 sq.m. south portion of the subject lands for a term in excess of twenty-one years.

Comments concerning this application were submitted as follows:

Bell, February 20, 2024

No concerns.

CGS: Strategic and Environmental Planning, February 20, 2024

No comments.

CGS: Development Approvals Section, February 20, 2024

The purpose and effect of the application is to facilitate a land lease in favour of A&W Food Services for a period of greater than 21 years. The leased area would encompass the existing restaurant building, drive-through, patio, and garbage area.

The subject lands are designated 'Mixed Use Commercial' in the City's Official Plan, zoned 'General Commercial (C2)' under in the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority. A restaurant is a permitted use in the 'Mixed Use Commercial' designation and 'C2 Zone'.

Staff are of the opinion that the proposed land lease has regard for matters of Provincial interest, is consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario, and is in conformity with the City of Sudbury Official Plan and Zoning By-law. It is recommended that the application be granted.

Greater Sudbury Hydro Inc., February 14, 2024

Please note B0006/2024 is outside of our territory.

CGS: Building Services Section, February 12, 2024

Building Services has reviewed the submitted application for Consent and can advise that we have no concerns with the request.

CGS: Tax Department, February 08, 2024

Please contact Revenue Services at extension 2601.

CGS: Infrastructure Capital Planning Services, February 08, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Technical Services  
Municipal Sewer and water are at lot line.

Drainage  
No concerns.

The Nickel District Conservation Authority, February 08, 2024

Conservation Sudbury does not object to Consent Application B0006/2024. The subject property is not located in any area regulated by the Conservation Authority.

CGS: Site Plan Control, February 07, 2024

A site plan control agreement is registered for this development.

Ministry of Transportation, February 07, 2024

The following application is located within the MTO's permit control area and therefore, are subject to review under the Public Transportation and Highway Improvement Act R.S.O. 1990. The MTO supports the proposed application in principle, with the following comments to consider:

- The subject lands are located within the MTO's permit control area, however, the MTO has no comments to provide over the leasing of the southern portion of the property to A&W as the MTO has already accepted and issued the required permits for this development.
- No new access to Hwy 144 shall be permitted. The current access configuration must remain as it currently is.

Any questions regarding permitting or setbacks can be directed to Michelle Lavallee, Corridor Management Officer at [michelle.lavallee@ontario.ca](mailto:michelle.lavallee@ontario.ca)

CGS: Development Engineering, February 02, 2024

No objection.

Reliance was placed on the public agencies and municipal departments notified for the purpose of identifying any major concerns or issues of a technical nature that would have precluded the approval of this lease, none were identified.

The following decision was reached:

**DECISION:**

THAT the application by:

2668393 ONTARIO INC.

the owner(s) of PIN 73349 2168, Survey Plan 53R-21466 Part(s) 1 and 2, Lot Part 1, Concession 3, Township of Balfour, 3660 Highway 144, Chelmsford

for consent to lease an approximate 167.95 sq.m. south portion of the subject lands, being the site of the existing A&W Food Services, together with the exclusive use of a drive-thru, patio area and garbage enclosure, for a period of more than twenty-one (21) years, be approved, subject to the following conditions:

- 1) That all outstanding municipal taxes be paid.
- 2) That a copy of the final Plan of Survey be submitted to the Office of the Consent Official.
- 3) That no Certificate be issued after two years from the day the Notice of Decision is sent.

Consideration was given to Section 51(24) of the Planning Act. The proposal is in conformity with the Official Plan and is consistent with the Provincial Policy Statement. As no public comment, written or oral, has been received, there was no effect on the Consent Official's decision.

Consent Official:

A handwritten signature in black ink, appearing to read "A. Kus", is written over the text "Consent Official:". The signature is cursive and somewhat stylized.

SUBMISSION NO. B0008/2023

February 20, 2024

OWNER(S): 2828566 ONTARIO INC., c/o Barry Kindrat 1107 Auger Ave, Sudbury ON P3A 4B1

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

LOCATION: PIN 73578 0273, Parcel 14730 SEC SES SRO, Lot Part 12, Concession 3, as in LT82491, Township of Neelon, 1882 Bancroft Drive, Sudbury

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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: Consolidate an approximate 529.7 sq. m. north portion of the subject property with abutting PIN 73578-0577.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, February 21, 2024

Development Approvals' previous comments have been addressed. It's recommended that the application be approved subject to the rezoning being in full force and effect.

CGS: Development Engineering, March 22, 2023

No objection.

Source Water Protection Plan, March 15, 2023

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, March 14, 2023

This application seeks to consolidate a northerly portion of the subject lands with abutting lands described legally as being PIN 73578-0577 and known municipally as 1876 Bancroft Drive in Sudbury. Both the lands to be severed and the benefitting lands are designated Living Area 1 in the City's Official Plan. The lands to be severed are zoned "R2-2", Low Density Residential Two and the benefitting lands are 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 owner submitted a rezoning application (File # 751-6/22-12) on June 30, 2022, that was later deemed to be incomplete on July 15, 2022. The owner's agent was informed by letter that a complete rezoning application would require the submission of a Source Protection Plan Section 59 Application, Geotechnical/Soils Report, and a CGS Sewer and Water Capacity Assessment. The owner's agent was also asked to confirm that 2828566 Ontario Inc. is "Barron West Inc." in order to confirm if further authorization to apply for a rezoning on the lands is required. The incomplete rezoning application seeks to rezone the entirety of the owner's land holding to "R3", Medium Density Residential. If the consent application were to proceed, a split-zoning would result and it is unclear at this time given the status of the rezoning application as to whether the lands to be severed should be rezoned to "R1-5" or to "R3" in order to prevent a split-zoning from occurring. Staff recommends that the application be deferred.

CGS: Tax Department, March 14, 2023

No objections.

Greater Sudbury Hydro Inc., March 13, 2023

As a condition of consent, Greater Sudbury Hydro Inc. will require the following:

A three metre (3 m) Frontage Easement along Bancroft Drive, across the entire parcel (both severed and retained lands) and an easement to protect existing plant, as per sketch, registered on title to the subject property. The Owner/Applicant will be responsible for all legal and survey costs. The Owner/Applicant is also responsible for obtaining/providing a Postponement to be registered on title to the subject property, in favour of Greater Sudbury Hydro Inc's interest with respect to any and all existing Charge/Mortgage/Lien and or Encumbrance of Land registered on title to this property. The Owner/Applicant will be responsible for all costs associated with obtaining said Postponement.

Prior to satisfying the above condition, please contact the Energy Supply Department for further details/direction at 705-675-7536 extension 2265.

CGS: Building Services Section, March 13, 2023

Based on the information provided, we can advise that Building Services has the following comment,

1. Based on a search of our records, and the submitted documents, it appears there are multiple accessory structures that have been built without benefit of building permit on the retained land. The submitted document state these structures are to be demolished.

As a condition of this consent;

A site inspection is required to confirm the removal of the accessory structures.

CGS: Infrastructure Capital Planning Services, March 10, 2023

Roads

No concerns.

Transportation & Innovation Support

The owner understands and agrees that they will transfer to the City up to a 3 meter strip of property along the entire frontage of Bancroft Drive of the retained lands, for future road improvements, free of mortgages, charges, trust deeds and other encumbrances securing financing. The City shall be responsible for all survey and legal costs associated with this transfer.

Active Transportation

No concerns.

Technical Services

No concerns.

Drainage

No concerns.

Bell, March 08, 2023

No concerns.

Ministry of Transportation, March 07, 2023

Not located within the MTO's permit control area, therefore, the MTO does not have any comment to provide.

CGS: Site Plan Control, March 06, 2023

No objections.

The Nickel District Conservation Authority, March 04, 2023

Conservation Sudbury does not oppose consent application B0008/2023. There are regulated wetland features on the consolidated property and any future development within 30m of a wetland requires permission from Conservation Sudbury. All development must conform with Conservation Sudbury's wetland guidelines.

Reliance was placed on the public agencies and municipal departments notified for the purpose of identifying any major concerns or issues of a technical nature that would have precluded the severance. None were identified.

The following decision was reached:

DECISION:

THAT the application by:  
2828566 ONTARIO INC.

the owner(s) of PIN 73578 0273, Parcel 14730 SEC SES SRO, Lot Part 12, Concession 3, as in LT82491, Township of Neelon, 1882 Bancroft Drive, Sudbury

for consent to consolidate an approximate 529.7 sq. m. north portion of the subject property with abutting PIN 73578-0577 (LT), be approved, with the stipulation that subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction and subject to the following conditions:

- 1) That all outstanding municipal taxes be paid.
- 2) That the owner/applicant provide a digital copy of the integrated 53R plan prior to registration of the final plan of survey. The integrated plan must be referenced to NAD83(CSRS) with coordinates expressed in UTM Zone 17 projection or the City of Greater Sudbury's custom MTM z81 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The integrated plan must be submitted in an AutoCAD compatible digital format with the corresponding registered 53R number. The submission shall be the final integrated 53R plan in content, form and format and properly geo-referenced.
- 3) That a copy of the final Plan of Survey be submitted to the Office of the Consent Official.
- 4) That the amending zoning by-law pertaining to File 751-6/22-12, be in full force and effect prior to the issuance of a Certificate.
- 5) That the owner/applicant remove all existing accessory structures located on the retained lot, to the satisfaction of the Chief Building Official.
- 6) That the owner/applicant transfer to the City a three metre (3.0m) strip of land along the entire frontage of the retained lot along Bancroft Drive for future road improvements, free of mortgages, charges, trust deeds, and other encumbrances securing financing. The City shall be responsible for all survey and legal costs associated with the transfer of the strip of land.
- 7) That the owner/applicant convey and have registered on title to the subject property a three metre (3.0m) Frontage Easement along Bancroft Drive, across the entire parcel, both severed and retained and an easement to protect existing plant, as per the attached sketch, in favour of Greater Sudbury Hydro Inc. The owner/applicant will be responsible for all legal and survey costs associated with the conveyance. The owner/applicant is also responsible for obtaining/providing a Postponement to be registered on title to the subject property in favour of Greater Sudbury Hydro Inc's interest with respect to any and all existing Charge/Mortgage/Lien and/or encumbrance registered on title to the subject property. The owner/applicant will be responsible for all costs associated with obtaining said Postponement.
- 8) That no Certificate be issued after two years from the day the Notice of Decision is sent.

Consideration was given to Section 51(24) of the Planning Act. The proposal is in conformity with the Official Plan and is consistent with the Provincial Policy Statement. As no public comment, written or oral, has been received, there was no effect on the Consent Official's decision.

Consent Official:

