



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0028/2023

April 13, 2023

OWNER(S): 2313745 ONTARIO INC, C/O MICHAEL SIFONTES ,3520 Ketelbey Crt, Burlington, On L7M 3B4

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

LOCATION: PIN 02131 0055, Lot(s) 330, Subdivision 18-S, Lot Part 5 , Concession 4, Township of McKim, 242 Dell Street, Sudbury

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### 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 for a multiple dwelling on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

The Nickel District Conservation Authority, April 05, 2023

Subject property is located within a floodplain regulated by Conservation Sudbury. Conservation Sudbury cannot legalize additional dwellings unit without verification that the subject property meets floodproofing standards. Proponent should contact NDCA@ConservationSudbury.ca for further details on requirements.

Conservation Sudbury would like to request that the following addition be added as a condition of the minor variance: 1. That the proponent successfully obtain a Section 28 permit from Conservation Sudbury.

#### Notes

The proponent is advised that future 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.

CGS: Infrastructure Capital Planning Services, April 05, 2023

Roads

No Concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Building Services Section, April 05, 2023

No objections.

SUBMISSION NO. A0028/2023 Continued.

CGS: Strategic and Environmental Planning, April 05, 2023

No comments.

CGS: Development Approvals Section, April 05, 2023

The variance being sought would recognize a fourth residential dwelling unit within an existing multiple dwelling having frontage on Dell Street in Sudbury. Staff notes that the rear yard parking area containing three required parking spaces is accessible from a lane that is maintained by the municipality (i.e. Un-Named Lane #121). Staff understands that the owner intends on removing an existing shed in the rear yard in order to provide for a parking area containing three required parking spaces. Staff would also note that a fourth required parking space is provided within the existing driveway that is accessible from Dell Street. Staff has no concerns with respect to the number of parking spaces being provided. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-3", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury, provided on the basis that the fourth residential dwelling unit triggers the requirement for one additional parking space under Section 5.5.3 of the City's Zoning By-law. Staff notes that the existing residential building on the lands was constructed originally in 1930 according to available MPAC data. Staff further notes that the lands are situated within an older urban residential neighbourhood having a mix of residential built-forms with varying amounts of rear yard outdoor amenity space where access to a lane is available. Staff have no concerns with respect to any negative land use planning impacts being generated on abutting residential properties should the variance be approved. 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 subject to the following condition:

1. That the existing shed in the rear yard be removed or otherwise located in compliance with applicable development standards to the satisfaction of the Director of Planning Services within 120 days of the variance decision.

Greater Sudbury Hydro Inc., April 04, 2023

No conflicts.

CGS: Development Engineering, March 30, 2023

No objection.

CGS: Site Plan Control, March 30, 2023

No objection.

Ministry of Transportation, March 30, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The Applicant's Agent, Dan Guillemette, appeared before the Committee and provided a summary of the Application. Committee had no comments or questions.

The following decision was reached:

**DECISION:**

THAT the application by:

2313745 ONTARIO INC  
the owner(s) of PIN 02131 0055, Lot(s) 330, Subdivision 18-S, Lot Part 5, Concession 4, Township of McKim, 242 Dell Street, Sudbury

for relief from 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 a minimum lot area of 105.32 sq.m. per unit, where 140.0 sq.m. per unit is required, be granted, subject to the following conditions:

1. That the existing shed in the rear yard be removed or otherwise located in compliance with applicable development standards to the satisfaction of the Director of Planning Services within 120 days of the variance decision.
2. That the proponent successfully obtain a Section 28 permit from Conservation Sudbury to the satisfaction of the Nickel District Conservation Authority and the Director of Planning Services within 180 days of the variance decision.

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

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0030/2023

April 13, 2023

OWNER(S): SANDRA RAMALHO , 249 Somerset Street, Sudbury P3B 3B1  
BRIAN OICKLE, 249 Somerset Street, Sudbury P3B 3B1

AGENT(S):

LOCATION: PIN 73582 0041, Parcel 11003 SEC SES , Lot(s) 137, Subdivision M-131, Lot Part 3 , Concession 3,  
Township of McKim, 249 Somerset Street, Sudbury

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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:** Approval to construct a one storey addition to the existing dwelling on the subject property providing an interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Strategic and Environmental Planning, April 06, 2023

No comments.

CGS: Development Approvals Section, April 06, 2023

The variances being sought would permit construction of a one-storey addition to an existing residential building having frontage on Somerset Street 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. Staff notes that the existing residential dwelling maintains a legal non-complying northerly interior side yard setback of approximately 0.97 m (3.20 ft) whereas 1.2 m (3.94 ft) is required for a one-storey residential building in the "R1-5" Zone. Staff also note that the existing residential building is askew to the northerly interior side lot line which results in the addition maintaining an interior side yard setback in this location that is approximately 0.15 m (0.49 ft) than what currently exists. The proposed addition would also not project visually further into the northerly interior side yard than the northerly wall of the existing residential building. Staff is satisfied that the proposed addition will not appear out of place in the older urban residential context (i.e. 1950s) that exists along Somerset Street. Staff would also note that the proposed addition would otherwise appear to comply with all applicable yard setbacks for a residential dwelling in the "R1-5" Zone. Staff also have no concerns with the eaves variance. 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, April 05, 2023

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, for approval to construct a one storey addition to an existing dwelling, providing an interior side yard setback at variance to the by-law.

Conservation Sudbury does not object to Minor Variance A0030/2023. As indicated in the building permit circulation, the subject property is located in a regulated area of the Conservation Authority. Conservation Sudbury does not object to the addition to existing dwelling. Future development requires

SUBMISSION NO. A0030/2023 Continued.

permission of Conservation Sudbury.

CGS: Infrastructure Capital Planning Services, April 05, 2023

Roads

No Concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Building Services Section, April 05, 2023

No objections.

Source Water Protection Plan, April 04, 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.

Greater Sudbury Hydro Inc., April 04, 2023

No conflict.

CGS: Development Engineering, March 30, 2023

Eaves Encroachment Condition:

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 0.20 m (8 in) from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

CGS: Site Plan Control, March 30, 2023

No objection.

Ministry of Transportation, March 30, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

One of the Applicants, Sandra Ramalho, appeared before Committee and provided a summary of the application. She advised that she had received a letter from the abutting neighbour voicing support of the application, but only received it after the deadline for submitting to Committee. Committee had no comments or questions.

The following decision was reached:

**DECISION:**

THAT the application by:

SANDRA RAMALHO AND BRIAN OICKLE  
the owner(s) of PIN 73582 0041, Parcel 11003 SEC SES , Lot(s) 137, Subdivision M-131, Lot Part 3 , Concession 3,  
Township of McKim, 249 Somerset Street, Sudbury

for approval to construct one storey addition to the existing dwelling on the subject property providing a minimum interior side yard setback of 0.823m, with eaves encroaching 0.6m into the proposed 0.823m interior side yard setback, where a minimum interior side yard setback of 1.2m is required and where eaves may encroach 0.6m into the required interior side yard but not closer than 0.6m to the lot line, 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.

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





## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0031/2023

April 13, 2023

OWNER(S): ANGELE CHARBONNEAU , 219 O'Neil Drive East, Hanmer, Sudbury P3L 1H6  
PAUL CHARBONNEAU , 219 O'Neil Drive East, Hanmer, Sudbury P3L 1H6

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

LOCATION: Surveys Plan 53R-20969 Part(s) 5,10,11,12,13 and 14 & Plan 53R-20969 Part(s) together with an easement over Parts 7,8,10,12,13,14 and 16 & Plan 53R-17784 Part(s) together with an easement over SRO Part 2 & Plan 53R-20969 Part(s) subject to easement over Parts 10,12 and 14, Lot Part 5, Concession 5, Township of Blezard, 390 Fire Road 7, Val Caron

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### SUMMARY

Zoning: The property is zoned RS (4) (Rural Shoreline) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

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

Comments concerning this application were submitted as follows:

CGS: Strategic and Environmental Planning, April 06, 2023

No comments.

CGS: Development Approvals Section, April 05, 2023

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have water frontage on Whitson Lake in Val Caron. The lands are designated Rural in the City's Official Plan and zoned "RS(4)", Rural Shoreline Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would be located on a north-westerly portion of the lands already cleared of mature vegetation. The proposed detached garage abuts two larger rural lots to north and to the west that are well-vegetated thereby offering suitable buffering and screening. The rural lots to the north and west both contain existing single-detached dwellings having frontage on Main Street which are approximately 1.4 km (0.87 miles) to the north. Staff in this regard have no concerns with respect to any negative land use planning impacts on abutting rural properties. Staff in this particular context have no concerns with the requested maximum accessory building height of 8.5 m (27.89 ft) whereas 5 m (16.40 ft) is permitted under Section 4.2.4 a) of the City's Zoning By-law. Staff advise that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building on a residential lot. Staff would however caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also caution the owner that 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.

The Nickel District Conservation Authority, April 05, 2023

Conservation Sudbury does not oppose Minor Variance A0031/2023. Part of the subject property contains areas regulated by Conservation Sudbury (see attached map). However, the proposed garage

SUBMISSION NO. A0031/2023 Continued.

is sufficiently far from the shoreline.

Notes

The proponent is advised that future 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.

CGS: Infrastructure Capital Planning Services, April 05, 2023

Roads

No Concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Building Services Section, April 05, 2023

No objections.

CGS: Development Engineering, March 30, 2023

No objection.

CGS: Site Plan Control, March 30, 2023

No objection.

Ministry of Transportation, March 30, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The Applicant's Agent, Kevin Jarus, appeared before Committee and provided a summary of the application. Committee had no comments or questions.

The following decision was reached:

**DECISION:**

THAT the application by:

ANGELE CHARBONNEAU AND PAUL CHARBONNEAU

the owner(s) of Surveys Plan 53R-20969 Part(s) 5,10,11,12,13 and 14 & Plan 53R-20969 Part(s) together with an easement over Parts 7,8,10,12,13,14 and 16 & Plan 53R-17784 Part(s) together with an easement over SRO Part 2 & Plan 53R-20969 Part(s) subject to easement over Parts 10,12 and 14, Lot Part 5, Concession 5, Township of Blezard, 390 Fire Road 7, Val Caron

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 8.5m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m., be granted.



SUBMISSION NO. A0031/2023 Continued.

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.

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0032/2023

April 13, 2023

OWNER(S): TREVOR SYKES, 1022 South Lane Road, Sudbury P36 1N6  
KAREN SYKES, 1022 South Lane Road, Sudbury P36 1N6

AGENT(S): TREVOR SYKES, 1022 South Lane Road, Sudbury P36 1N6

LOCATION: Parcel 16170 SEC SES, Survey Plan 53R-6381 Part(s) 1, Lot Part 2, Concession 4, Township of Broder,  
1022 South Lane Road, Sudbury

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### SUMMARY

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

**Application:** Approval to permit additions on the existing single detached dwelling on the subject property providing a high water mark setback and interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

The Nickel District Conservation Authority, April 05, 2023

Conservation Sudbury does not oppose Minor Variance A0032/2023. Part of the subject property is located in a regulated area of the Conservation Authority, including floodplain. However, the proposed addition is outside of the floodplain.

Please note that additional development, including the placement of fill, between the house and lake requires permission from Conservation Sudbury.

#### Notes

The proponent is advised that future 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.

CGS: Infrastructure Capital Planning Services, April 05, 2023

Roads

No Concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Strategic and Environmental Planning, April 05, 2023

SEP staff do not oppose the application for the following reasons:

1. The proposed addition is no closer to the highwater mark than the existing dwelling and is not within

the 20 metre vegetative buffer area.

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

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

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

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

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

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

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

CGS: Building Services Section, April 05, 2023

No objections.

CGS: Development Approvals Section, April 05, 2023

The variances being sought would facilitate construction of an addition to an existing single-detached dwelling on the lands that have frontage on South Lane Road in Sudbury. The lands also have water frontage on McFarlane Lake. The lands are designated Rural in the City's Official Plan and zoned "R1-

1", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed addition amounts to a covered deck that is interpreted to be a part of the main residential building and it would not project any further toward the lake than the existing uncovered deck situated immediately to the east. The proposed addition would increase the ground floor area footprint of the residential dwelling by approximately 7.32 m<sup>2</sup> (78.79 ft<sup>2</sup>) which is not considered to be excessive and unreasonable in nature. Staff also have no concerns with respect to the reduced interior side yard setback variance given that the opposite easterly interior side yard setback remains entirely functional and exceeds minimum interior side yard setback requirements within the applicable "R1-1" Zone. Staff also do not anticipate any negative land use planning impacts on the abutting residential property to the west should the variances be approved. Staff would also note that the proposed addition would otherwise appear to comply with all applicable yard setbacks for a residential dwelling in the "R1-1" Zone. 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.

Greater Sudbury Hydro Inc., April 04, 2023

No conflict.

CGS: Development Engineering, March 30, 2023

No objection.

CGS: Site Plan Control, March 30, 2023

No objection.

Ministry of Transportation, March 30, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

One of the Applicants, Trevor Sykes, appeared before Committee and provided a summary of the application. Committee Member Castanza advised that she attended the site and had no issues with the application. Committee had no comments or questions.

The following decision was reached:

DECISION:

THAT the application by:

TREVOR SYKES AND KAREN SYKES

the owner(s) of Parcel 16170 SEC SES , Survey Plan 53R-6381 Part(s) 1, Lot Part 2 , Concession 4, Township of Broder,  
1022 South Lane Road, Sudbury

for relief from Part 4, Section 4.41, subsection 4.41.2 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of additions on the existing single detached dwelling, providing, firstly, a high water mark setback of 25.517m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river and secondly, providing a minimum interior side yard setback of 1.158m, where a minimum interior side yard setback of 1.2m is required, be granted.

SUBMISSION NO. A0032/2023 Continued.

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

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

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





## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0033/2023

April 13, 2023

OWNER(S): DEEPINDERJIT REENA DHATT, 54 Kormak St. Sudbury P3B 4H3  
MICHEL GAUTHIER, 54 Kormak St. Sudbury P3B 4H3

AGENT(S): BELANGER SALACH ARCHITECTURE, 255 Larch Street Sudbury ON P3E 4T1

LOCATION: PIN 73578 0148, Parcel 53M-1201-24 SEC SES, Lot(s) 24, Lot 12, Concession 3, Township of Neelon, 54 Kormak Street, Sudbury

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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:** Approval to construct an attached garage on the subject property providing front yard setbacks and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 12, 2023

#### REVISED

Staff understands that an amended sketch has been provided which demonstrates compliance with respect to front yard landscaped open space requirements under the City's Zoning By-law. Staff now recommend 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, April 05, 2023

Conservation Sudbury does not oppose Minor Variance A0033/2023. Part of the subject property is located in area regulated by the Conservation Authority, including floodplain. However, the proposed garage is located sufficiently far from the shoreline.

#### Notes

The proponent is advised that future 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.

CGS: Infrastructure Capital Planning Services, April 05, 2023

#### Roads

We note on the sketch provided that the garage addition will reduce the front yard setback. The owner understands that because of the reduction, the road allowance used by the city during winter months to store snow will be limited and the owner will need to utilize other areas of their property for snow storage.

Transportation and Innovation Support

No concerns.  
Active Transportation  
No concerns.

CGS: Strategic and Environmental Planning, April 05, 2023

SEP staff do not oppose the application for the following reasons:

1. The proposed addition is not within the 30 setback to the highwater mark and is not within the 20 metre vegetative buffer area.

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

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

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

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

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

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

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

SUBMISSION NO. A0033/2023 Continued.

CGS: Building Services Section, April 05, 2023

No objections.

CGS: Development Approvals Section, April 05, 2023

The variances being sought would facilitate construction of an attached garage to an existing single-detached dwelling on the lands that have frontage on Kormak Street 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. Staff notes that Section 4.15.2 of the City's Zoning By-law requires that a minimum of 50% of the required front yard be maintained as landscaped open space. It is unclear if the proposed attached garage would impact compliance with respect to landscaped open space requirements within the required front yard, which is 6 m (19.69 ft) in depth measured from the front lot line in the "R1-5" Zone. It appears that the proposed attached garage along with the existing parking area (i.e. driveway) would occupy more than 50% of the required front yard. Staff would caution the owner that it might be of benefit to defer the application in order to ensure that additional minor variance(s) are not required in order to properly accommodate the proposed attached garage on the lands. Staff notes that the existing single-detached dwelling on the lands maintains a front yard exceeding the minimum required front yard setback of 6 m (19.69 ft) and therefore only a portion of the length of the new attached garage would encroach into the required front yard setback. The lands would continue to be accessed from the existing driveway entrance. Staff notes there are a variety of residential built-forms along Kormak Street and staff is therefore satisfied that the residential character in the area would not be negatively impacted should the attached garage be configured in the manner proposed having a reduced front yard setback. Staff also have no concerns with the eaves variance. If the owner chooses to proceed, 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 subject to the following condition:

1. That the owner provides an updated sketch demonstrating compliance with respect to Section 4.15.2 of the City's Zoning By-law to the satisfaction of the Director of Planning Services within 30 days of the variance decision.

Greater Sudbury Hydro Inc., April 04, 2023

If breaking soil surface, locates would be required contact: Ontario One Call at 1-800-400-2255. Contact GSHI energy supply department if disconnect/reconnect is required. No structures shall encroach upon GSHI easements. For clarification, please contact GSHI Engineering Department.

Source Water Protection Plan, April 03, 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 Engineering, March 30, 2023

Eaves Encroachment Condition:

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 0.15 m (6 in) from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

CGS: Site Plan Control, March 30, 2023

No objection.

Ministry of Transportation, March 30, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The Applicant's Agent, Amber Salach, appeared before Committee and provided a summary of the application. Staff displayed the amending drawing depicting compliance with front yard landscaping requirements. Greg Raymond of 50 Kormak Street attended the hearing expressing concerns with respect to being able to view children playing in the cul-de-sac and safety issues. He also wondered if consideration had been given to building the garage on the adjacent property which he believed was also owned by the applicants. Anthony Pat Micelotta of 48 Kormak Street also attended to express concerns with respect to firetrucks being able to have space to access the hydrant in order to attend to any fires at the homes. He expressed concern of safety when not being able to view children in the cul-de-sac on bicycles and being able to view any encampments of homeless persons. He advised that this application would allow the property to differ from the setbacks of all other properties in the area. The Applicant's Agent acknowledged the comments from the neighbouring lots and clarified the difference between the curb line and lot line. The Agent advised that there would still be fifteen feet of turning radius for any fire rescue vehicles. She explained that only a portion of the garage is what requires the variance. The Agent also advised that the adjacent property was held in different ownership from the owners in this application. Committee Member Sawchuk asked the Agent to explain why they wished to extend the garage past the allowable setback. The Agent explained that the Applicants are spending a significant amount of money in order to make this forever home and did not wish to compromise the size needed to make it their forever home. She stated that they wished to make the home accessible as they are growing in age and with the easements they have to work with, they are limited to adding the garage to the front of the home. Committee Member Murray inquired of Staff if they were satisfied with the updated sketch showing the required landscaping. Staff was satisfied with the landscaping sketch. Staff confirmed that the garage would not be able to be built on the property abutting the subject property as a stand alone garage and would also not be possible if not owned by them.

The following decision was reached:

**DECISION:**

THAT the application by:

DEEPINDERJIT REENA DHATT AND MICHEL GAUTHIER

the owner(s) of PIN 73578 0148, Parcel 53M-1201-24 SEC SES, Lot(s) 24, Lot 12, Concession 3, Township of Neelon, 54 Kormak Street, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an attached garage, firstly, to permit eaves to encroach 0.76m into the required interior side yard, where eaves may encroach 0.6m into the required interior side yard but not closer than 0.6m to the lot line, and secondly, a minimum front yard setback of 2.8m with eaves encroaching 0.76m into the proposed 2.8m front yard setback, where a minimum front yard setback of 6.0m is required and where eaves may encroach 1.2m into the required front yard, but not closer than 0.6m to the lot line, be granted.

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

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

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