



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0022/2022

April 06, 2022

OWNER(S): PIERRE PIETTE, 520 Skead Road Garson ON P3L 1M7

AGENT(S):

LOCATION: PIN 73492 0179, Parcel 35440, Survey Plan SR-2803 Part(s) 3, Lot Pt 3, Concession 4, Township of Garson, 520 Skead Road, Garson

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### SUMMARY

**Zoning:** The property is zoned R1-2 (Low Density Residential One) 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 accessory lot coverage and height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 01, 2022

Roads  
No concerns.

Transportation and Innovation Support  
No Concerns

Active Transportation  
No concerns.

CGS: Development Approvals Section, March 30, 2022

The variances being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Skead Road in Garson. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the main use of the lands is that of a residential dwelling with MPAC data reporting a gross floor area of 100.06 m<sup>2</sup> (1,077 ft<sup>2</sup>) whereas the proposed detached garage and existing detached garage would collectively provide for a gross floor area of 176.2 m<sup>2</sup> (1,896.60 ft<sup>2</sup>). Staff notes that "Accessory" is defined in the City's Zoning By-law as a use, building or structure that is, "... incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure." Staff is of the opinion that the proposed detached garage would not be accessory in nature to the residential dwelling and the accessory building lot coverage that is being requested is therefore considered to be inappropriate in this particular urban residential setting. Staff also notes that the resulting lot coverage for all buildings and structures on the lands would amount to approximately 24.26% whereas a maximum total lot coverage of 25% is permitted on partially serviced lots situated within the "R1-2" Zone for all buildings and structures. Staff would caution that should the development proposal be permitted to proceed that the amount of gross floor area dedicated to accessory buildings would largely prevent any additions to the primary use (ie. residential dwelling). Staff does not support the variance being requested that would increase the maximum accessory building lot coverage permitted on the lands from 10% to 15.3% in this context. Staff however does not have any concerns with respect to the height variance. The owner may wish to defer their application in order to address the above noted comments. Staff recommends that the

SUBMISSION NO. A0022/2022 Continued.

variances be denied as they are not minor, not appropriate development for the area and the intent of the Zoning By-law is not maintained.

CGS: Building Services Section, March 29, 2022

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

CGS: Development Engineering, March 29, 2022

No objection.

The Nickel District Conservation Authority, March 28, 2022

Conservation Sudbury does not object to Minor Variance A0022/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

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

CGS: Site Plan Control, March 24, 2022

No objection.

Ministry of Transportation, March 24, 2022

No concerns.

CGS: Environmental Planning Initiatives, March 23, 2022

The applications included on the April 6, 2022, Committee of Adjustment Agenda do not pose an elevated risk to species protected by the Endangered Species Act or to their habitat.

The proposed developments are anticipated to either have only minor negative effects on the overall natural environment or to have potential negative effects that are to be adequately mitigated through requirements imposed during the land development process. As such, specific environmental studies are not required beyond those studies requested by the Development Approvals Section of the Planning Services Division.

The applicant appeared before Committee and provided a brief history of the proposed detached garage and a summary of his application. The applicant explained to Committee that he submitted signatures of neighbours in support of his application and Committee Chair Chartrand confirmed receipt. Committee Member Dumont asked the applicant if he reviewed comments and the applicant confirmed that he had explained why he would like the variances to be approved. Committee Member Dumont and Coupal expressed support for the application. Committee Chair Chartrand asked staff to clarify the applicant's comments in his summary regarding the removal of the previous garage structure and staff clarified the applicant's statements. Committee Chair Chartrand expressed support for the application. Staff's recommendation to deny the application was defeated. Committee Member Dumont put forward a motion to support the application and Committee Member Coupal seconded the motion. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

PIERRE PIETTE

the owner(s) of PIN 73492 0179, Parcel 35440, Survey Plan SR-2803 Part(s) 3, Lot Pt 3, Concession 4, Township of Garson, 520 Skead Road, Garson

SUBMISSION NO. A0022/2022 Continued.

for relief from Part 4, Section 4.2, subsections 4.2.3 and 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing, firstly, an accessory lot coverage of 15.3%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and secondly, a maximum height of 5.715m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are 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>
Carol Ann Coupal	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0024/2022

April 06, 2022

OWNER(S): JENNIFER MCELHERAN, 75 Norfolk Court Sudbury ON P3A 1E4

AGENT(S): DAVID RUSSELL, 75 Norfolk Court Sudbury ON P3A 1E4

LOCATION: PIN 73571 0421, Parcel 26452, Lot(s) 278, Subdivision M-511, Lot Pt 12, Concession 5, Township of Neelon, 75 Norfolk Court, 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 and carport on the subject property providing rear yard setbacks and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 01, 2022

Roads  
No concerns.

Transportation and Innovation Support  
Staff has no concerns with the application. However, it is unclear from the support material if the proposed attached garage will result in a driveway widening. We wish to advise the owner that the maximum driveway width for residential lot is 6.3 meters.

Active Transportation  
No concerns.

CGS: Development Approvals Section, March 30, 2022

The variance being sought would facilitate construction of an attached garage and carport on the subject lands that have frontage on Norfolk Court 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. The lands are irregular in shape having a curved front lot line and a series of lot lines to the sides and the rear of the existing residential dwelling that is situated on the lands. Staff acknowledges that some degree of relief from the applicable rear yard setback development standard is warranted given the above noted constraints. Staff has no concerns with respect to any negative land use planning impacts being generated on abutting residential properties should the variances be approved. It is noted in particular that the residential dwelling on the abutting lot the east is position on the northerly portion of said lot and there is a stand of mature trees that will provide some buffering from the proposed attached garage and carport. Staff also has no concerns with the eaves variances that are being requested. 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.

CGS: Building Services Section, March 29, 2022

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

SUBMISSION NO. A0024/2022 Continued.

CGS: Development Engineering, March 29, 2022

No objection.

The Nickel District Conservation Authority, March 28, 2022

Conservation Sudbury does not object to Minor Variance A0024/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

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

Greater Sudbury Hydro Inc., March 24, 2022

All structures, equipment and personnel must maintain proper clearance from energized electrical conductors and apparatus as per the latest edition of the Ontario Electrical Safety Code.

If Disconnect / Reconnect required please contact Greater Sudbury Hydro Inc.'s, Energy supply department

CGS: Site Plan Control, March 24, 2022

No objection.

CGS: Site Plan Control, March 24, 2022

REVISED  
No objection.

Ministry of Transportation, March 24, 2022

No concerns.

CGS: Environmental Planning Initiatives, March 23, 2022

The applications included on the April 6, 2022, Committee of Adjustment Agenda do not pose an elevated risk to species protected by the Endangered Species Act or to their habitat.

The proposed developments are anticipated to either have only minor negative effects on the overall natural environment or to have potential negative effects that are to be adequately mitigated through requirements imposed during the land development process. As such, specific environmental studies are not required beyond those studies requested by the Development Approvals Section of the Planning Services Division.

The applicant's agent, Dave Russell, appeared before Committee and provided a summary of the application. Committee Chair Chartrand asked the applicant if he reviewed the comments regarding the driveway from Infrastructure Capital Planning and the applicant confirmed that he had. The applicant asked for clarification for the driveway and staff directed the applicant to contact staff as there are development standards that must be met and complied with.

The following decision was reached:

DECISION:

SUBMISSION NO. A0024/2022 Continued.

THAT the application by:

JENNIFER MCELHERAN

the owner(s) of PIN 73571 0421, Parcel 26452, Lot(s) 278, Subdivision M-511, Lot Pt 12, Concession 5, Township of Neelon, 75 Norfolk Court, 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 and carport, firstly, to permit eaves to encroach 5.05m into the required rear yard from the attached garage and 7.19m into the required rear yard from the attached carport, where eaves may encroach 1.2m into the required rear yard but not closer than 0.6m to the lot line, and secondly, a minimum rear yard setback of 3.05m for the attached garage and 0.91m for the attached carport, where 7.5m is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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>
Carol Ann Coupal	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0025/2022

April 06, 2022

OWNER(S): GARY HARVEY, 120 St Alphonse PO BOX 52 Azilda ON P0M 1B0

AGENT(S):

LOCATION: PIN 73346 0278, Parcel 13098 SEC SWS, Lot(s) 122, Subdivision M-271, Lot Pt 4, Concession 1, Township of Rayside, 120 St Alphonse Street, Azilda

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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 detached garage on the subject property providing a height and accessory lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 01, 2022

Roads  
No concerns.

Transportation and Innovation Support  
No Concerns

Active Transportation  
No concerns.

CGS: Development Approvals Section, March 30, 2022

The variances being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on St. Alphonse Street in Azilda. 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 main use on the lands is a residential dwelling with MPAC data reporting a gross floor area of 107.12 m<sup>2</sup> (1,153.00 ft<sup>2</sup>) whereas the proposed detached garage would have a gross floor area of 188.87 m<sup>2</sup> (2,032.94 ft<sup>2</sup>). Staff notes that "Accessory" is defined in the City's Zoning By-law as a use, building or structure that is, "... incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure." Staff is of the opinion that the proposed detached garage would not be accessory in nature to the residential dwelling and the accessory building lot coverage that is being requested is therefore considered to be inappropriate in this particular urban residential setting. Staff does not support the variance being requested that would increase the maximum accessory building lot coverage permitted on the lands from 10% to 17% in this context. Staff has also reviewed aerial photography and there are no previous variance approvals in the immediate vicinity of the lands that are comparable to the accessory building lot coverage being requested. It would also appear that a number of detached garages are situated in the rear yards of nearby residential properties that comply with Section 4.2.3 of the City's Zoning By-law. Staff notes that the proposed detached garage would maintain a front yard setback of approximately 25 m (82.02 ft) from the street-line of St. Alphonse Street. Staff does not anticipate that the additional 0.63 m (2.07 ft) building height for the detached garage would have any negative land use planning impacts on abutting residential properties or on the existing urban

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residential character that exists along St. Alphonse Street. It is on this basis that staff has no concerns with respect to the height variance. The owner may however wish to defer their application in order to address the above noted comments. Staff recommends that the variances be denied as they are not minor, not appropriate development for the area and the intent of the Zoning By-law is not maintained.

CGS: Building Services Section, March 29, 2022

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

However, Owner to be advised of the following comments:

1) Building Permit 20-1748 (Demo and Erect Single Family Dwelling) has not had a Final Inspection. Please contact Building Services to complete this permit.

CGS: Development Engineering, March 29, 2022

No objection.

The Nickel District Conservation Authority, March 28, 2022

Conservation Sudbury does not object to Minor Variance A0025/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

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

CGS: Site Plan Control, March 24, 2022

No objection.

Ministry of Transportation, March 24, 2022

No concerns.

CGS: Environmental Planning Initiatives, March 23, 2022

The applications included on the April 6, 2022, Committee of Adjustment Agenda do not pose an elevated risk to species protected by the Endangered Species Act or to their habitat.

The proposed developments are anticipated to either have only minor negative effects on the overall natural environment or to have potential negative effects that are to be adequately mitigated through requirements imposed during the land development process. As such, specific environmental studies are not required beyond those studies requested by the Development Approvals Section of the Planning Services Division.

The applicant appeared before Committee and explained that he would be complying with the City's Zoning By-law for the accessory lot coverage and only required a variance for the height. Committee Member Dumont asked staff if they were aware of the revised drawings to show compliance and staff advised that they were aware but were not in receipt of revised drawings. Staff requested that in the event Committee approved the height variance that a condition of approval be imposed to provide an updated drawing to show compliance for the accessory lot coverage. Committee supported the applicant's request. Committee Member Dumont moved a motion to amend the resolution to remove the variance for the accessory lot coverage and add a condition for revised drawings within thirty (30) days and Committee Member Coupal seconded the motion. The motion was supported and carried.

The following decision was reached:



DECISION:

THAT the application by:

GARY HARVEY

the owner(s) of PIN 73346 0278, Parcel 13098 SEC SWS, Lot(s) 122, Subdivision M-271, Lot Pt 4, Concession 1, Township of Rayside, 120 St Alphonse Street, Azilda

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 5.625m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, subject to the following condition:

1. That the owner provide an updated sketch depicting a maximum accessory lot coverage of 10% within thirty (30) days of the variance decision to the satisfaction of the Director of Planning Services.

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>
Carol Ann Coupal	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0026/2022

April 06, 2022

OWNER(S): THE DAVIS CONSTRUCTION MANAGEMENT GROUP LTD., c/o Tim Cawte 133 Birch Drive Sudbury ON P3E 4N1

AGENT(S): D.S. DORLAND LIMITED, 298 Larch Street Sudbury ON P3B 1M1

LOCATION: PIN 73470 0561, Survey Plan 53R-20717 Part(s) 1 & 2, Lot Pt 6, Concession 2, Township of Dill, 271 Birch Drive, Sudbury

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### SUMMARY

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

Application: Approval of a lot to be retained, subject of Consent Application B0013/2022, providing a lot area and frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 01, 2022

Roads  
No concerns.

Transportation and Innovation Support  
No Concerns

Active Transportation  
No concerns.

CGS: Development Approvals Section, March 30, 2022

The variances being sought would in part facilitate a proposed lot addition from the subject lands to an existing undersized rural lot having frontage on Birch Drive in Sudbury. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff would note that the variances are intended to recognize a reduced minimum lot area and minimum lot frontage that would result on the proposed retained lands. There is no requirement for a minor variance application on the benefitting lands as these lands currently form a legal existing undersized lot of record and the development proposal would improve upon both the existing minimum lot area and minimum lot frontage that is provided for on the lands presently. Staff would also note that there is a concurrent application for consent (File # B0013/2022) that would facilitate the lot boundary re-alignment. There has been no decision issued by the City's Consent Official on the related consent application. Staff is supportive of the variances on the basis that no new rural lot would result as the development proposal amounts to a lot boundary realignment between two existing rural lots (ie. 271 Birch Drive & PIN 73470-0062). 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.

CGS: Building Services Section, March 29, 2022

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

CGS: Development Engineering, March 29, 2022

No objection.

The Nickel District Conservation Authority, March 28, 2022

The parcel is outside of the watershed regulated by Conservation Sudbury. We have no comments to planning proposal listed above.

CGS: Site Plan Control, March 24, 2022

No objection.

Ministry of Transportation, March 24, 2022

No concerns.

CGS: Environmental Planning Initiatives, March 23, 2022

The applications included on the April 6, 2022, Committee of Adjustment Agenda do not pose an elevated risk to species protected by the Endangered Species Act or to their habitat.

The proposed developments are anticipated to either have only minor negative effects on the overall natural environment or to have potential negative effects that are to be adequately mitigated through requirements imposed during the land development process. As such, specific environmental studies are not required beyond those studies requested by the Development Approvals Section of the Planning Services Division.

The applicant's agent, Dave Dorland of D.S. Dorland Limited, appeared before Committee and provided a summary of the application.

The following decision was reached:

**DECISION:**

THAT the application by:

THE DAVIS CONSTRUCTION MANAGEMENT GROUP LTD.  
the owner(s) of PIN 73470 0561, Survey Plan 53R-20717 Part(s) 1 & 2, Lot Pt 6, Concession 2, Township of Dill, 271 Birch Drive, Sudbury

for relief from Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the lands to be retained, subject of Consent Application B0013/2022, providing a minimum lot area of 1.90ha, where 2.0ha is required and a minimum lot frontage of 65.14m, where 90.0m is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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>
Carol Ann Coupal	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring