



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0006/2022

February 24, 2022

OWNER(S): JULIE ANNE DAY , 71 Blais Road Dowling ON P0M 1R0

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

LOCATION: PIN 73352 0887, Parcel 31533 SEC SWS, Survey Plan 53R-17023 Part(s) 1, Lot Pt 1, Concession 5, Township of Dowling, 93 Blais Road, Dowling

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 retained lot, subject of Consent Application B0003/2022, providing a lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Site Plan Control, February 18, 2022

No objections.

CGS: Development Approvals Section, February 16, 2022

The variance being sought would facilitate a lot boundary re-alignment between two rural lots having frontage on Blais Road in Dowling. 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. The intent of the development proposal is to resolve the location of an encroaching driveway associated with 99 Blais Road that is presently situated partially on those lands known municipally as 93 Blais Road. Staff notes that there is a concurrent application for consent (File # B0003/2022) that would facilitate the transfer and consolidation of the portion of land containing the driveway. Staff would further note that there is a further concurrent application for consent (File # B0001/2020) involving a lot boundary re-alignment between two rural properties that would serve to establish water frontage for the lands at 93 Blais Road on the Onaping River. Staff is supportive of the variance to reduce the minimum lot frontage on the lands on the basis that the lands at 93 Blais Road would now be considered a rural waterfront lot. The variance at the same time represents an opportunity to improve upon a legal non-complying lot frontage that is provided for currently at 99 Blais Road. 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.

CGS: Infrastructure Capital Planning Services, February 16, 2022

Roads
No Concerns

Transportation and Innovation Support
No Concerns

Active Transportation
No Concerns

SUBMISSION NO. A0006/2022 Continued.

CGS: Building Services Section, February 16, 2022

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

However, Owner to be advised of the following comments:

1) Some outbuildings may have been built without the benefit of a building permit. A building permit is required for a building greater than 10m². If a building permit is required, please contact building services.

The Nickel District Conservation Authority, February 15, 2022

Conservation Sudbury does not object to the Minor Variance A0006/2022 as minimum lot frontage is not relevant to the responsibilities of Conservation Sudbury. Any future development on the parent parcel will require a permit pursuant to Section 28 of the Conservation Authorities Act.

Notes

The proponent is advised that development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

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

CGS: Development Engineering, February 10, 2022

No objection.

The agent, James Dorland of DS Dorland Limited, appeared before Committee and explained that the variance is the result of a gift to clear up the occupation of the lands by a driveway and fencing.

The following decision was reached:

DECISION:

THAT the application by:

JULIE ANNE DAY

the owner(s) of PIN 73352 0887, Parcel 31533 SEC SWS, Survey Plan 53R-17023 Part(s) 1, Lot Pt 1, Concession 5, Township of Dowling, 93 Blais Road, Dowling

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 B0003/2022, providing a minimum lot frontage of 86.0m, where 90.0m is required, be granted.

SUBMISSION NO. A0006/2022 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.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0010/2022

February 24, 2022

OWNER(S): CHANTELLE GORHAM, 35 Levack Drive, Box 220 Levack ON P0M 2C0

AGENT(S): DAVID KURTIS, 35 Levack Drive, Box 220 Levack ON P0M 2C0

LOCATION: PIN 73342 0853, Parcel 25317, Lot(s) 27, Subdivision M-1011, Lot Pt 8, Concession 1, Township of Levack, 35 Levack Drive, Levack

SUMMARY

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

Application: Approval to permit a balcony and eaves encroachment and reduced front yard setback for an existing main building and balcony on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Site Plan Control, February 18, 2022

A Site Plan Control agreement is registered on title for this property.

CGS: Development Approvals Section, February 16, 2022

The variances being sought would recognize the location of an existing building with an encroaching balcony and eaves having frontage on Levack Drive in Levack. The lands are designated Living Area 1 in the City's Official Plan and zoned "C2", General Commercial under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that a number of existing buildings having a range of construction dates along Levack Drive maintain similar front yard setbacks to the variance being requested. Staff is of the opinion that there would be no negative land use planning impacts on the existing character that exists along Levack Drive or on any abutting properties. Staff would advise the Committee that the current variance application can be viewed as being corrective in nature as measurements associated with previous variances addressing the location of the existing building were determined to be incorrect. Staff would further advise that the corrective variances before Committee pertain to the City's Zoning By-law that is currently in full force and effect and therefore former zoning by-laws that were applicable to the lands are not being varied should the application be approved. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Infrastructure Capital Planning Services, February 16, 2022

Roads
No Concerns

Transportation and Innovation Support
No Concerns

Active Transportation
No Concerns

SUBMISSION NO. A0010/2022 Continued.

CGS: Building Services Section, February 16, 2022

No Concerns.

The Nickel District Conservation Authority, February 15, 2022

Conservation Sudbury does not object to Minor Variance A0010/2022. 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.

CGS: Development Engineering, February 10, 2022

No objection.

CGS: Development Engineering, February 10, 2022

No objection.

The agent, David Kurtis, appeared before Committee and provided a brief history of the property. He explained that the variances are the result of measurements provided in a survey rather than measurements taken by City inspectors. He explained that the balcony is 6 feet, and the eaves are 24 inches, totaling 8 feet but explained that they are being required put it back to 7.9 feet to meet the survey, instead of the 8-foot variance granted in 1991. He explained that he asked for the application to the original variance to see what the Committee had before them and if they realized that the eave was up against the property line. He explained that the measurements were done by a City inspector on January 25, 2018 and it was found to be 8 feet. The agent expressed concern over the variance being granted for 7.9 feet as that would put them in contravention and encroaching onto City property. He explained that the balcony was vetted in 1991 By-law, but 19 years later when the City changed from english to metric, the balcony is one inch too large. The agent asked Committee for clarification on the balcony encroachment. He explained the history of the variances with Building Services and had questions around what was originally applied for. Committee Member Dumont explained his understanding of what occurred on the subject property and asked the agent if his understanding was correct. The agent explained that the first two variance were prior to his wife's ownership but if the question is, were the variances incorrect at the time he would say no. He explained that the Committee approved the variance for 8 feet. He also explained that the sketch shown on the screen was provided by Guido Mazza, Chief Building Official, and the inspector, on January 25, 2018, who measured the balcony and eaves verified that they were 8 feet which was what Committee granted. He expressed that it was his belief that the Committee knew this information. Committee Member Dumont expressed support for staff's recommendation. Committee Chair Chartrand asked staff to provide clarification on the 1991 variance application and what is being recommended today. Staff advised that there have been a series of variances that were incorrect, and this is a corrective application and that is what Development Approvals assessed. Staff advised that they cannot comment on the previous variances. Committee Chair Chartrand expressed support for staff's recommendation. Committee Member Castanza expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

CHANTELLE GORHAM

the owner(s) of PIN 73342 0853, Parcel 25317, Lot(s) 27, Subdivision M-1011, Lot Pt 8, Concession 1, Township of Levack, 35 Levack Drive, Levack

SUBMISSION NO. A0010/2022 Continued.

for relief from Part 4, Section 4.2, subsection 4.2.5, Table 4.1 and Part 7, Section 7.3, Table 7.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit, firstly, the existing balcony to encroach 5.48m into the required front yard, where balconies may encroach 1.8m into the required front yard, secondly, eaves with no setback from the front lot line, where eaves may encroach 1.2m into the required front yard but not closer than 0.6m to the lot line, and thirdly, the existing main building having a minimum front yard setback of 2.41m, where 6.0m 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.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0011/2022

February 24, 2022

OWNER(S): SUDBURY APARTMENT RENTALS LIMITED, 219 O'Neil Drive East Sudbury ON P3L 1H6

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

LOCATION: PINs 02133 0306 & 02133 0273, Lot(s) 68 to 70, Subdivision M-53, Lot 6, Concession 4, Township of McKim, 365 & 367 Morin Avenue, Sudbury

SUMMARY

Zoning: The property is zoned R2-3 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval of a severed lot, subject of Consent Application B0105/2021, providing a lot frontage and no access onto an assumed road at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Site Plan Control, February 18, 2022

No objections.

CGS: Development Approvals Section, February 16, 2022

The variances being sought would facilitate the creation of a new urban residential lot having no access to an assumed road and no lot frontage on Morin Avenue in Sudbury. There is a related application for consent (File # B0105/2021) that would sever the existing multiple dwelling on those lands known municipally as 367 Morin Avenue from the existing multiple dwelling at 365 Morin Avenue. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-3", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that Un-Named Lane #114 is not considered or interpreted to be a publicly assumed road under the City's Zoning By-law. Staff advises however that Un-Named Lane #114 is maintained by the municipality to a point beyond the detached garage that is situated on the lands and oriented toward the lane. Staff is satisfied that the parking area providing two parking spaces in the detached garage and three parking spaces to the south of the detached garage would generally be accessible from Un-Named Lane #114. Staff has attended the lands and notes that the location of the three outdoor parking spaces is presently naturally vegetated and unable to park vehicles as depicted in the submitted sketch. Staff has no concerns with the variances being sought provided that the parking area is constructed in accordance with the submitted sketch. 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 installs a parking area providing three parking spaces as shown on the submitted sketch to the satisfaction of both the Chief Building Official and the Director of Planning Services within one year of the variance decision.

CGS: Infrastructure Capital Planning Services, February 16, 2022

Roads
No Concerns

SUBMISSION NO. A0011/2022 Continued.

Transportation and Innovation Support
No Concerns

Active Transportation
No Concerns

CGS: Building Services Section, February 16, 2022

No Concerns.

The Nickel District Conservation Authority, February 15, 2022

Conservation Sudbury does not object to Minor Variance A0011/2022. 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.

Greater Sudbury Hydro Inc., February 14, 2022

No Conflict.

CGS: Development Engineering, February 10, 2022

No objection.

The agent, Kevin Jarus of Tulloch Engineering, appeared before Committee and provided a summary of the application as well as the history of the subject property. Committee Member Dumont referred to Development Approvals comments. Committee Chair Chartrand asked the agent if he was aware of the condition that was being requested and the agent confirmed that he was.

The following decision was reached:

DECISION:

THAT the application by:

SUDBURY APARTMENT RENTALS LIMITED

the owner(s) of PINs 02133 0306 & 02133 0273, Lot(s) 68 to 70, Subdivision M-53, Lot 6, Concession 4, Township of McKim, 365 & 367 Morin Avenue, Sudbury

for relief from Part 4, Section 4.3 and Part 6, Section 6.3, Table 6.4 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to approve the lands to be severed, subject of Consent Application B0105/2021, providing, firstly, a minimum lot frontage of 0.0m, where 18.0m is required, and secondly, no frontage onto an assumed road, whereas no person shall erect any building on any lot that does not have frontage on an assumed road, be granted, subject to the following condition:

1. That the owner install a parking area providing three parking spaces as shown on the submitted sketch, to the satisfaction of both the Chief Building Official and the Director of Planning Services within one year of the variance decision.

SUBMISSION NO. A0011/2022 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.

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