



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0162/2022

January 26, 2023

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

AGENT(S):

LOCATION: PIN 02119 0143, Survey Plan 53R-21755 Part(s) 4, 5, and 6, Lot(s) Parts 50 and 61, Pt Arvo Avenue, Subdivision M-353, Lot Pt 1, Concession 6, Township of McKim, 1336 Arvo Avenue, 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: Approval of a lot to be transferred, subject of Part Lot Control as approved by By-law 2021-58Z, providing a minimum lot depth and lot area at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 13, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, January 11, 2023

The above noted applications were submitted concurrently and would facilitate construction of a semi-detached dwelling having frontage on Arvo Avenue in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the variances being sought would allow for the severance of the lands along the party wall of the semi-detached dwelling. Staff also notes that the proposed semi-detached dwelling would otherwise appear to comply with all other applicable development standards within the "R2-2" Zone. Staff would also clarify that the lands are within a registered plan of subdivision and there is a part lot control by-law in effect that allows for a series of land transfers that are necessary for the purposes of redeveloping the former school block into residential lots without requiring separate consent applications for each lot creation. The onus is however on the owner to ensure that each of the resulting lots complies with the City's Zoning By-law and to remedy areas of non-compliance where necessary through appropriate planning approvals. Staff has reviewed the resulting lot fabric and intended severance of the semi-detached dwelling and is satisfied that the variances would facilitate the creation of two lots that are functional from an urban residential land use perspective. 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., January 10, 2023

No conflict.

SUBMISSION NO. A0162/2022 Continued.

CGS: Strategic and Environmental Planning, January 10, 2023

No objections.

CGS: Building Services Section, January 10, 2023

Based on the information and plot plan provided at this time, we can advise that Building Services has no objections or additional comments to this application.

The Nickel District Conservation Authority, January 10, 2023

Conservation Sudbury does not object to Minor Variance A0162/2022 and A0163/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, January 05, 2023

No objections.

CGS: Development Engineering, January 05, 2023

No objection.

Ministry of Transportation, January 04, 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 agent of the applicant, Kristi Arnold, appeared before Committee and provided a summary of the application.

The following decision was reached:

**DECISION:**

THAT the application by:

DALRON CONSTRUCTION LTD.

the owner(s) of PIN 02119 0143, Survey Plan 53R-21755 Part(s) 4, 5, and 6, Lot(s) Parts 50 and 61, Pt Arvo Avenue, Subdivision M-353, Lot Pt 1, Concession 6, Township of McKim, 1336 Arvo Avenue, Sudbury

for relief from Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve a lot to be transferred, subject of Part Lot Control as approved by By-law 2021-58Z, providing firstly, a minimum lot depth of 26.0 m, where 30.0 m is required, and secondly, a minimum lot area of 245.0 sq. m, where 275.0 sq. m is required, be approved.

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.

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
Cathy Castanza	Concurring
Derrick Chartrand	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0163/2022

January 26, 2023

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

AGENT(S):

LOCATION: PIN 02119 0143, Survey Plan 53R-21755 Part(s) 1, 2, and 3, Lot(s) Parts 50 and 61, Pt Arvo Avenue, Subdivision M-353, Lot Pt 1, Concession 6, Township of McKim, 1338 Arvo Avenue, 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:** Approval of a lot to be transferred, subject of Part Lot Control as approved by By-law 2021-58Z, providing a minimum lot depth and lot area at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 13, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, January 11, 2023

The above noted applications were submitted concurrently and would facilitate construction of a semi-detached dwelling having frontage on Arvo Avenue in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the variances being sought would allow for the severance of the lands along the party wall of the semi-detached dwelling. Staff also notes that the proposed semi-detached dwelling would otherwise appear to comply with all other applicable development standards within the "R2-2" Zone. Staff would also clarify that that the lands are within a registered plan of subdivision and there is a part lot control by-law in effect that allows for a series of land transfers that are necessary for the purposes of redeveloping the former school block into residential lots without requiring separate consent applications for each lot creation. The onus is however on the owner to ensure that each of the resulting lots complies with the City's Zoning By-law and to remedy areas of non-compliance where necessary through appropriate planning approvals. Staff has reviewed the resulting lot fabric and intended severance of the semi-detached dwelling and is satisfied that the variances would facilitate the creation of two lots that are functional from an urban residential land use perspective.

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: Strategic and Environmental Planning, January 10, 2023

No objections.

SUBMISSION NO. A0163/2022 Continued.

Greater Sudbury Hydro Inc., January 10, 2023

No conflict.

CGS: Building Services Section, January 10, 2023

Based on the information and plot plan provided at this time, we can advise that Building Services has no objections or additional comments to this application.

The Nickel District Conservation Authority, January 09, 2023

Conservation Sudbury does not object to Minor Variance A0162/2022 and A0163/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, January 05, 2023

No objection.

CGS: Site Plan Control, January 05, 2023

No objections.

Ministry of Transportation, January 04, 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 agent of the applicant, Kristi Arnold, appeared before Committee and provided a summary of the application.

The following decision was reached:

**DECISION:**

THAT the application by:

DALRON CONSTRUCTION LTD.

the owner(s) of PIN 02119 0143, Survey Plan 53R-21755 Part(s) 1, 2, and 3, Lot(s) Parts 50 and 61, Pt Arvo Avenue, Subdivision M-353, Lot Pt 1, Concession 6, Township of McKim, 1338 Arvo Avenue, Sudbury

for relief from Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve a lot to be transferred, subject of Part Lot Control as approved by By-law 2021-58Z, providing firstly, a minimum lot depth of 26.0 m, where 30.0 m is required, and secondly, a minimum lot area of 248.0 sq. m, where 275.0 sq. m is required, be approved.

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. 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
Cathy Castanza	Concurring
Derrick Chartrand	Concurring
Matt Dumont	Concurring

SUBMISSION NO. A0165/2022

January 26, 2023

OWNER(S): 1876292 ONTARIO LTD, PO box 5075 Chelmsford ON P0M 1L0

AGENT(S):

LOCATION: PIN 73349 1544, Parcel 11437 SEC SWS, Survey Plan 53R-4780 Part(s) except 1, Lot Pt 1, Concession 3, Township of Balfour, 0 Main Street, Chelmsford

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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 accessory building in the form of a detached garage with a secondary dwelling unit on the upper floor providing a maximum accessory building height at variance to the by-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 13, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, January 11, 2023

The variance being sought is intended to facilitate the construction of a detached garage with a secondary dwelling unit on an upper floor on the subject lands that have frontage on Main Street in Chelmsford. 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 both the subject lands and immediately abutting residential lots exceed minimum lot area, minimum lot frontage and minimum lot depth requirements of the "R1-5" Zone. The lot depth in particular allows for the owner to situate the proposed detached garage to the rear of the existing residential dwelling on the land and approximately 53 m (173.89 ft) from Main Street. The rear of the lands also contains mature vegetation that can reasonably be expected to provide buffering and screening to abutting residential properties. Staff is therefore confident that the proposed additional building height will not have any negative impacts on the existing residential character along this portion of Main Street. Staff is further of the opinion that no negative impacts would result on abutting residential properties and in particular the closest residential dwelling to the immediate north-east (ie. 236 Main Street) would maintain an estimated distance of 28 m (91.86 ft) from the proposed detached garage with secondary dwelling unit. It should also be noted that the proposed detached garage with secondary dwelling unit otherwise would appear to comply with all applicable general provisions, parking and loading provisions, and those specific development standards applicable in the "R1-5" Zone. 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: Strategic and Environmental Planning, January 10, 2023

No objections.

SUBMISSION NO. A0165/2022 Continued.

Greater Sudbury Hydro Inc., January 10, 2023

Outside of our territory.

CGS: Building Services Section, January 10, 2023

Based on the information and plot plan provided at this time, we can advise that Building Services has the following comments regarding this application.

1. Ensure provision of minimum 30m (98'-5") setback between proposed detached structure and the rear yard Railroad Right-of-Way.

For the applicant's information, we can advise that Building Services has the following additional comments regarding this application.

2. Notwithstanding any other provisions, as a result of development of this site, removals of site soils shall adhere to Ontario Regulation 406/19: On-site and Excess Soil Management under jurisdiction of Environmental Protection Act, R.S.O. 1990, c. E.19.

3. With respect to additional considerations related to this project, Building Services reserves further comment until the time of Building Permit Application and Plans Examination.

The Nickel District Conservation Authority, January 09, 2023

Conservation Sudbury does not oppose Minor Variance A0165/2022 as it relates to the height of the garage.

There appears to be wetland features in the southern portions of the property. Any development within 30m of the wetland, including the placement of fill, requires permission of Conservation Sudbury and may require a permit.

CGS: Development Engineering, January 05, 2023

No objection.

CGS: Site Plan Control, January 05, 2023

No objections.

Ministry of Transportation, January 04, 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 agent of the applicant, Steve Lessard, appeared before Committee and provided a summary of the application. Chair Chartrand asked the applicant about the comment from Building Services regarding ensuring a 30.0m setback between the proposed structure and the rear yard railroad right of way and whether there is a 30.0m setback. The applicant advised that there was 300 plus feet between the proposed structure and the rear yard railroad setback. Chair Chartrand wanted to ensure this so that the applicant did not need to come back for further variances.

The following decision was reached:

DECISION:

THAT the application by:

1876292 ONTARIO LTD

the owner(s) of PIN 73349 1544, Parcel 11437 SEC SWS, Survey Plan 53R-4780 Part(s) except 1, Lot Pt 1, Concession 3, Township of Balfour, 0 Main Street, Chelmsford

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, in order to facilitate the construction of an accessory building in the form of a detached garage with a secondary dwelling unit on the upper floor providing a maximum accessory building height of 6.9 m on a residential lot, whereas a maximum accessory building height of 5.0 m on a residential lot is permitted, be approved.

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
Cathy Castanza	Concurring
Derrick Chartrand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0166/2022

January 26, 2023

OWNER(S): 1866410 ONTARIO LIMITED, 6794 Hwy 17 E Coniston ON P0M 1M0

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

LOCATION: PIN 73504 2632, Parcel Parcel 1323 SES, Surveys Plan 53R-14891 Part(s) except 2 & Plan 53R-14504 Part(s) 4, Lot Pt 6, Concession 2, Township of Hanmer, 1350 Dominion Drive, Val Therese

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SUMMARY

Zoning: The property is zoned R3.D45(Medium Density Residential) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a 14 unit row dwelling and semi-detached residential complex providing refuse storage area, rear yard setback and privacy yard at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 13, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, January 11, 2023

The variances being sought would facilitate construction of 14 row dwellings and a semi-detached dwelling on the subject lands that have frontage on Dominion Drive in Hanmer. The lands are designated Living Area 1 in the City’s Official Plan and zoned “R3.D45”, Medium Density Residential under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed development is subject to an active site plan control application (File # S.P.C.A. 2022-07) that has proceeded to a second submission. Staff have no concerns with the reduced rear yard setback and privacy yard depths depicted on the submitted sketch on the basis that each of the privacy yards appears to be sufficient and functional in terms of providing landscaped open space areas for those living within the row dwelling units. Staff also notes that the smallest privacy yard depth on the submitted sketch measures at 6 m (19.69 ft) while the other privacy yard depths range upward to a depth that complies with the 7.5 m (24.61 ft). Staff has no concerns with the location of the refuse storage area given that the lot is irregularly-shaped and the proposed location minimizes the number of residential dwelling units that would be in close proximity to the refuse storage area. The owner may however wish to defer the application in order to address those comments received from Site Plan Control staff with respect to the maximum fence height that is permitted in a required front yard. The owner is further cautioned that additional minor variance application(s) may be required should the development proposal be altered through any future revisions to the related site plan control application. The onus is on the owner to proceed at with their own level of comfort at this point in the land use planning process. Should the owner wish 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.

SUBMISSION NO. A0166/2022 Continued.

CGS: Building Services Section, January 11, 2023

Based on the information and plot plan provided at this time, we can advise that Building Services has no objections or additional comments to this application.

CGS: Strategic and Environmental Planning, January 10, 2023

No objections.

Greater Sudbury Hydro Inc., January 10, 2023

Outside of our territory.

The Nickel District Conservation Authority, January 09, 2023

Conservation Sudbury does not oppose Minor Variance A0166/2022 as these setbacks are not part of the mandate of Conservation Sudbury.

However, this parcel is currently entirely within a floodplain regulated by Conservation Sudbury. The floodplain is anticipated to be reduced through the construction of the Paquette-Whitson Drain. The drain must be constructed as per the design, and the as built report must be reviewed and approved by Conservation Sudbury before the new floodplain data can be applied to this site. Development of the site will only be allowed once this as built report has been received, reviewed, and approved.

CGS: Development Engineering, January 05, 2023

No objection.

CGS: Site Plan Control, January 05, 2023

This development is currently under review through site plan control. Staff has reviewed the requested relief and note that the proposed 1.8 m high privacy fence illustrated on the sketch is not permitted in the front yard, where the maximum fence height is 1.0 m. The applicant is advised that unless relief for fence height is requested and approved, the fence that is shown on the final site plan may not exceed 1.0 m in height in the front yard.

Ministry of Transportation, January 04, 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 agent of the applicant, Vanessa Smith, appeared before Committee and provided a summary of the application. The agent advised that relief is not being sought with respect to the fence as it will be dealt with in their next submission through the site plan process and would be in compliance. An email of concern was submitted from Christy Rizzuto of 1365 Chelsea Avenue and her request for additional height and lattice on the top of the fence height ensuring more privacy for the area residents.

The following decision was reached:

DECISION:

THAT the application by:

1866410 ONTARIO LIMITED

the owner(s) of PIN 73504 2632, Parcel Parcel 1323 SES, Surveys Plan 53R-14891 Part(s) except 2 & Plan 53R-14504 Part(s) 4, Lot Pt 6, Concession 2, Township of Hanmer, 1350 Dominion Drive, Val Therese

for relief from Part 4, Section 4.2, subsection 4.2.9 b) and Part 6, Section 6.3, Table 6.5 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a 14 unit row dwelling and semi-detached residential complex, firstly, to permit the refuse storage area to be located in the front yard and 5.5m from the front lot line, where refuse storage areas shall be located in the interior yard only and no closer than 6.0m from the front lot line, secondly, a rear yard setback of 7.0m, where 7.5m is required, and thirdly, a minimum privacy yard depth of 6.0m, where 7.5m is required, be approved.

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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartrand	Concurring
Matt Dumont	Concurring

SUBMISSION NO. A0167/2022

January 26, 2023

OWNER(S): CHARTER ACQUISITION CORP, 158 Dunlop Street East Unit 201 Barrie ON L4M 1B1

AGENT(S): MHBC, c/o Kory Chisholm 113 Collier Street Barrie ON L4M 1H2

LOCATION: PIN 73502 0055, Parcel 51750 SEC SES, Surveys Plan 53R-10061 Part(s) 1, 2, 3, 4, 5, and 6 & Plan 53R-12782 Part(s) 7, 8, and 10 and Pt 4, Lot(s) Pt 49, Block A, Subdivision M-323, Lot Pt 6, Concession 6, Township of Blezard, 3140 Highway 69 N, Val Caron

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SUMMARY

Zoning: The property is zoned C5 (Shopping Centre Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a fourth drive through service facility at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, January 18, 2023

REVISED

Parking calculations were reviewed and it was determined that this application does support the minimum parking requirements as prescribed.

The proposed additional drive-through, and reduction to existing parking, still complies Section 5 of CGS Bylaw 2010-100Z. Building Services would have no further concerns on this subject.

CGS: Infrastructure Capital Planning Services, January 17, 2023

REVISED

Staff have completed the review of the trips expected to be generated by the site and do not have any concerns with the application.

CGS: Infrastructure Capital Planning Services, January 13, 2023

Roads  
No concerns.

Transportation and Innovation Support

Staff have concerns with the possible number of vehicle trips that will generated by the additional drive through facilities on this site. We request this application be deferred so staff have an opportunity to complete a more complete analysis and provide recommendations as appropriate.

Active Transportation  
No concerns.

CGS: Development Approvals Section, January 11, 2023

The variance being sought would facilitate construction of a fourth drive-through service facility within an existing shopping centre development on the subject lands that have frontage on Highway #69 North in Val Therese. The lands are designated Mixed Use Commercial in the City's Official Plan and zoned "C5", Shopping Centre Commercial under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has reviewed the submitted Planning Justification Letter authored by MHBC Planning and a Traffic Opinion Letter from Tatham Engineering and are in general agreement that the lands appear capable of supporting a fourth drive-through service facility. In particular, staff is satisfied that the lands maintain a lot area that is sufficiently large enough for the purposes of supporting a total

of four drive-through service facilities. Staff notes however that there is an existing site plan control agreement dating back to 1983 with amendments having been made through time that remains applicable to the lands. Staff further advises then that the existing site plan control agreement requires amendment in order to accommodate the four drive-through service facilities on the lands. The owner is therefore cautioned that additional minor variance application(s) may be required should the development proposal be altered through any future revisions that may emanate from the commenting and review functions of the City's site plan control amendment process. The onus is on the owner to proceed with their own level of comfort at this point in the land use planning process. Should the owner wish to proceed, 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: Building Services Section, January 11, 2023

Based on the information and plot plans provided at this time, we can advise that Building Services has the following comments regarding this application.

1. Parking calculations are to be provided in accordance with CGS Zoning By-law 2010-100Z - 5.2.2 Calculations of Parking Requirements – proposal indicates a reduction of 1 barrier-free and 8 standard parking spaces along the new drive-thru.
2. Site plan should indicate all existing and proposed access routes to ensure that there are no known conflicts with existing fire routes, snow storage or loading spaces.

For the applicant's information, we can advise that Building Services has the following additional comments regarding this application.

3. To the satisfaction of the Chief Building Official, building permits are required to be obtained for the proposed suite demising and tenant fit-up of CRU #17 as well as the change of use and tenant fit-up of CRU #32.
4. With respect to additional considerations related to those projects, Building Services reserves further comment until the time of Building Permit Application and Plans Examination.

CGS: Strategic and Environmental Planning, January 10, 2023

No objections.

Greater Sudbury Hydro Inc., January 10, 2023

Outside of our territory.

The Nickel District Conservation Authority, January 09, 2023

Conservation Sudbury does not oppose Minor Variance A0167/2022 as it relates to the number of drive through facilities on a parcel. However, the parcel is completely within a floodplain of the Whitson River, regulated by Conservation Sudbury. If any development, including the placement of fill, is required as part of the construction of the drive through then permission will be required from Conservation Sudbury.

CGS: Development Engineering, January 05, 2023

No objection.

CGS: Site Plan Control, January 05, 2023

A Site Plan amendment will be required for the 4th drive through, shown to the north of unit 17A. It is recommended that the first circulation of the site plan control agreement be completed so that any additional variances can be identified where required.

Ministry of Transportation, January 04, 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 agent of the applicant, Opani Mudalige, appeared before Committee and provided a summary of the application, with slide show presentation. They are submitting a site plan application as recommended and have confirmed that no further variances will be required. A letter of concern was submitted from Rick Simon of 3177 Romeo Street and his concerns relate to loud noise that comes from the Royal Bank drive through which is not subject to this application. Rick Simon appeared before Committee to voice opposition to the application due to excessive noise and lack of privacy from the drive throughs due to proximity. Heather Knox, 11 Stewart Avenue, Barrie, representative of landlord of the property, appeared before Committee to speak in support of the application. The drive through is to accommodate an existing tenant with the drive through. Jennifer Ernewein of 4751 Serena Drive appeared before Committee to speak in favour of the application. She is the owner of the business intended to occupy the drive through, One Stop Naturals. It is making national news for expanding the health food industry. They have had no complaints in the past with respect to their previous drive through. Their typical turn around time at the drive through is quicker than most fast food or financial drive throughs. Mike Parent, Councillor for the Ward, appeared before Committee to speak in favour of the application. This space and drive through will allow the business to grow and offer more services and employment opportunities to the community as well as provide another space for further business to join the community providing the same benefits. Kris Menzies, colleague of the agent of the applicant, appeared before the Committee to speak, as a planner, to explain that this application is to seek relief for the one drive through and that the other three drive throughs have already been approved in the past.

The following decision was reached:

DECISION:

THAT the application by:

CHARTER ACQUISITION CORP  
the owner(s) of PIN 73502 0055, Parcel 51750 SEC SES, Surveys Plan 53R-10061 Part(s) 1, 2, 3, 4, 5, and 6 & Plan 53R-12782 Part(s) 7, 8, and 10 and Pt 4, Lot(s) Pt 49, Block A, Subdivision M-323, Lot Pt 6, Concession 6, Township of Blezard, 3140 Highway 69 N, Val Caron

for relief from Part 4, Section 4.2, subsection 4.2.1 e) i) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a fourth drive through service facility, where no more than two drive through service facilities are permitted on a lot, be approved.

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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartrand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0116/2022

January 26, 2023

OWNER(S): A3 CONSTRUCTION INC., 157 Silpaa St Sudbury ON P3B 3E5

AGENT(S): MICHAEL YALLOWEGA, 157 Silpaa St Sudbury ON P3B 3E5

LOCATION: PIN 73580 0295, Parcel 13801 SEC SES, Survey Plan 53R-15645 Part(s) 1, Lot Pt 2, Concession 4, Township of McKim, 157 Silpaa Street, Sudbury

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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: Approval to construct an addition on the existing building located on the subject property providing a minimum required rear yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 13, 2023

REVISED  
Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, January 11, 2023

REVISED  
This application was previously deferred by the owner in order to afford themselves the opportunity to address those comments received by agencies and departments. Staff has notes that the amended variance application requesting a rear yard setback of 1.2 m (3.94 ft) whereas the previous request was for a rear yard setback of 3 m (9.84 ft). Staff has reviewed this change against previous comments issued by the Development Approvals Section on August 16, 2022, and remains in support of the development proposal to construct a rear addition to the existing building. 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 owner install landscaped open space except for where pedestrian access is required between the two existing retaining walls and the front lot line in front of the existing building on the lands to the satisfaction of the Director of Planning Services within one year of the variance decision.

CGS: Building Services Section, January 11, 2023

REVISED  
Based on the information and plot plan provided at this time, we can advise that Building Services has no objections to this application.

For the applicant's information, we can advise that Building Services has the following additional comments regarding this application.

1. With respect to additional considerations related to this project, Building Services reserves further

SUBMISSION NO. A0116/2022 Continued.

comment until the time of Building Permit Application and Plans Examination. More specifically, detailed consideration should be provided to address the rear property line and proximity to the proposed addition, including any proposed bedrock blasting and site alteration, rock face slope stability, proposed retaining or guards to the adjacent Open Space Park lands, and any proposed drainage management systems to address the natural watershed from the adjacent rock sloped surfaces.

CGS: Strategic and Environmental Planning, January 10, 2023

REVISED  
No objections.

Greater Sudbury Hydro Inc., January 10, 2023

REVISED  
Contact GSHI Energy Supply department if disconnect/reconnect is required. 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.

The Nickel District Conservation Authority, January 10, 2023

REVISED  
Conservation Sudbury has no comment regarding Minor Variance A0116/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

The Nickel District Conservation Authority, January 09, 2023

REVISED  
Conservation Sudbury has no comment regarding Minor Variance A0116/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, January 05, 2023

REVISED  
It is recommended that prior to approval of the minor variance to permit the proposed expansion to the building, that landscaping be reintroduced in the front yard, except where pedestrian access is required for the entrance to the building.

Ministry of Transportation, January 04, 2023

REVISED  
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.

CGS: Site Plan Control, August 17, 2022

As part of the Building Permit approval in 2020 to change the use of the building, site plan control was not required on the expectation that landscaping would remain in the front of the building to deter vehicles from parking within the Silpaa Street right of way. The current site plan shows a paved area between 2 retaining walls, and it appears that this area is used for overflow parking. It is recommend that prior to approval of the minor variance for the expansion to the building, that landscaping be reintroduced in the front yard, except where pedestrian access is required for the entrance to the building.

CGS: Infrastructure Capital Planning Services, August 17, 2022

Roads  
No concerns.

Transportation and Innovation Support/ Active Transportation  
Staff has no concerns with this application. However, based on the supporting documentation, Staff notes that the required number of parking spots is unclear for this commercial property. Staff is concerned that overflow parking may occur within the City right of way.

CGS: Building Services Section, August 17, 2022

Based on the information provided, Building Services is recommending a deferral based on COA decision for minor variance A0038/1996 showing significant different setbacks to property lines. It is suggested the applicant obtains a survey from an Ontario Land Surveyor to address all required minor variances.

Owner to be advised of the following comments:

- 1) The front retaining walls will require a building permit and minor variance(s) if the height is greater than 1m.
- 2) A building permit for the proposed addition to the satisfaction of the Chief Building Official is required.
- 3) Additional minor variances may be required at time of building permit application.

CGS: Development Approvals Section, August 16, 2022

The variance being sought would facilitate construction of an addition to existing office building having frontage on Silpaa Street in Sudbury. The lands are designated Mixed Use Commercial 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. The lands form a legal undersized lot of record and are subject to Section 4.25.5 of the City's Zoning By-law which allows for the commercial use (i.e., professional office) of the lands provided that all other applicable zone provisions are complied with under the "C2" Zone. Staff notes that there appears to be limited opportunity to construct an addition to the east of the existing building due to the presence of two required parking spaces in this location. The westerly interior side yard also is not wide enough to accommodate the proposed addition which is intended to provide additional office space and a lunchroom. Staff notes that the proposed addition is not excessive or unreasonable given the site constraints noted above. Staff does caution the owner however that the provision of a third parking space may be necessary should a building permit application confirm that the additional net floor area triggers the required for additional parking spaces. The owner is further advised that the parking rate for a professional office is one parking space per 20 m<sup>2</sup> (215.28 ft<sup>2</sup>) of net floor area. If the owner is unsure about the need for a third parking space, it may be appropriate for them to defer the application and if required a parking space variance could be added to the current application. 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.

Greater Sudbury Hydro Inc., August 16, 2022

Contact GSHI energy supply department if disconnect/reconnect is required.

Source Water Protection Plan, August 16, 2022

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.

The Nickel District Conservation Authority, August 15, 2022

Conservation Sudbury does not object to Minor Variance A0116/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, August 11, 2022

No objection.

The agent of the applicant, Rick Yallowega, appeared before Committee and provided a summary of the application. Staff commented on recommendation of Development Approvals that a condition be included in the decision. Chair Chartrand read the recommendation of Development Approvals that the applicant install landscaped open space except for where pedestrian access is required. The agent advised that they did not take issue with installing landscaped open space. He stated that the road is gravel with no sidewalks and has concerns as to how long the landscaped open space would survive with salt and plowing until such time that road improvements have been done. He stated he could install eight (8) feet of landscaping but was unsure of the timing. Chair Chartrand advised that Development Approvals is suggesting a time frame of one year to have the landscaping done and asked if that provided sufficient time to do so. The agent said the time frame was fine but was unsure of how long the landscaping would last for reasons stated earlier. He wanted Committee to know that it was not entirely practical. Chair Chartrand then addressed Staff to see if they wanted to comment. Staff stated that Site Plan Control and Development Approvals both understood the area and felt that it was something that could be installed and maintained properly. The agent had no issue with the condition.

The following decision was reached:

DECISION:

THAT the application by:

A3 CONSTRUCTION INC.

the owner(s) of PIN 73580 0295, Parcel 13801 SEC SES, Survey Plan 53R-15645 Part(s) 1, Lot Pt 2, Concession 4, Township of McKim, 157 Silpaa Street, Sudbury

for relief from 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 facilitate the construction of an addition on the existing building providing a minimum required rear yard setback of 1.2m, where 7.5m is required, be granted, subject to the following condition:

1. That the owner install landscaped open space except for where pedestrian access is required between the two existing retaining walls and the front lot line in front of the existing building on the lands to the satisfaction of the Director of Planning Services within one year 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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartrand	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0159/2022

January 26, 2023

OWNER(S): JOHN SHANE, 166 Louis Street Unit 303 Sudbury ON P3B 2H3

AGENT(S):

LOCATION: PINs 73588 0739 & 73588 0785, Parcels Parcel 10870 SEC SES & 6470 SEC SES, Lot(s) 369, Subdivision M-128, Lot Pt 8, Concession 2, Township of McKim, 69 Tuddenham Avenue, Tuddenham Avenue, 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 permit a detached garage on the subject property resulting from a lot addition providing a front yard setback and rear yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 13, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, January 11, 2023

The variances being sought would recognize the location of a detached garage that is proposed to be reconstructed on a northerly portion of the subject lands that have frontage on Tuddenham Avenue in Sudbury. The lands also have access to Un-Named Lane #15, which appears to be maintained by the municipality according to available road maintenance data. 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 from available MPAC data that the majority of residential dwellings in the area have construction dates ranging from the 1940s to 1950s. Staff has attended the lands and noted that likely as a result of construction dates there is a range of legal non-complying residential dwellings and accessory buildings and structures in the immediate area. Staff would note specifically that there are a number of detached garages maintaining legal non-complying rear yard setbacks associated with residential dwellings along Logan Avenue to the west that are oriented toward Un-Named Lane #15. There are also a number of irregularly-shaped corner lots in the area that present similar constraints. Staff also notes that an existing concrete pad is intended to be utilized. Staff further notes that the owner has also now acquired the lands from the municipality as the former detached garage was situated almost entirely within the road allowance. 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: Strategic and Environmental Planning, January 10, 2023

No objections.

SUBMISSION NO. A0159/2022 Continued.

Greater Sudbury Hydro Inc., January 10, 2023

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.

CGS: Building Services Section, January 10, 2023

Based on the information and plot plan provided at this time, we can advise that Building Services has no objections to the sought reliefs of this application.

For the applicant's information, we can advise that Building Services has the following additional comments regarding this application.

1. Snow storage has not been identified on the submitted plot plan. Snow storage shall not impede the required existing parking spaces nor the adjacent municipal laneway.

2. The Detached Garage construction and its designed assemblies should be in consideration of the Ontario Building Code prescription for Spatial Separations and Unprotected Opening, as per OBC Div. B Part 9.10.14.

3. With respect to additional considerations related to this project, Building Services reserves further comment until the time of Building Permit Application and Plans Examination.

The Nickel District Conservation Authority, January 09, 2023

Conservation Sudbury does not object to Minor Variance A0159/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, January 05, 2023

No objection.

CGS: Site Plan Control, January 05, 2023

No objections.

Ministry of Transportation, January 04, 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 had difficulty logging into the hearing and Committee agreed to move the application to the end of the agenda to provide the applicant an opportunity to attend the hearing. The applicant appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

JOHN SHANE

the owner(s) of PINs 73588 0739 & 73588 0785, Parcels Parcel 10870 SEC SES & 6470 SEC SES, Lot(s) 369, Subdivision M-128, Lot Pt 8, Concession 2, Township of McKim, 69 Tuddenham Avenue, Tuddenham Avenue, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and 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, to facilitate the construction of a detached garage on the resulting lot following a lot addition providing, firstly, a front yard setback of 4.1m, where 6.0m is required, and secondly, a setback from the rear lot line of 1.0m, where an accessory building greater than 2.5m in height shall be no closer than 1.2m from the rear lot line, be approved.

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. 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
Cathy Castanza	Concurring
Derrick Chartrand	Concurring
Matt Dumont	Concurring