



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0050/2021

June 09, 2021

OWNER(S): HOI CHEU, 1961 Hunter St Sudbury ON P3E 2S6

AGENT(S): SHELBEY KRAHN, 1961 Hunter St Sudbury ON P3E 2S6

LOCATION: PIN 73584 0169, Lot(s) PT 35, Subdivision 2S E, Lot 5, Concession 3, Township of McKim, 302 Larch Street, Sudbury

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### SUMMARY

**Zoning:** The property is zoned C4(1)(Office Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval to allow a reduced number of parking spaces as well as reduced parking space dimensions for a multiple dwelling at variance to the by-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, June 03, 2021

REVISED: Staff notes that the owner has amended their application to request that three parking spaces be required whereas five parking spaces are required for a multiple dwelling containing three residential dwelling units. The development proposal also now includes a second variance in order to permit a reduced parking space dimension of 2.5 m (8.20 ft) in width by 5.5 m (18.04 ft) in depth. It is further noted that the owner is proposing that the parking spaces be dimensioned in accordance with the dimensions noted in the compact car parking provisions; however, the parking space dimension reduction afforded under Section 5.2.3.4 of the City's Zoning By-law is not applicable in this instance as ten or more parking spaces are not required for this particular multiple dwelling. The parking space dimension variance would therefore amount to permitting compact car parking spaces on the subject lands. The amended development proposal would also now provide for one dedicated parking space per residential dwelling unit. Staff is supportive of the development proposal and notes that the lands are also in close proximity to Downtown Sudbury. 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, June 03, 2021

#### REVISED

Roads  
No concerns.

Transportation & Innovation  
While Larch Street does have parking permitted on the North side, it is limited to a maximum of 4 hours. Parking is also prohibited in the laneway behind this residence. Given this, it is unclear where the additional residents or visitors to the residence will park.

Active Transportation  
No concerns.

The Nickel District Conservation Authority, June 02, 2021

SUBMISSION NO. A0050/2021 Continued.

REVISED: Conservation Sudbury does not oppose Minor Variance A0050/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

The proponent is 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, and valley slopes.

CGS: Site Plan Control, June 01, 2021

No concerns.

Greater Sudbury Hydro Inc., June 01, 2021

No conflict.

CGS: Building Services Section, June 01, 2021

We have reviewed the above noted application and can advise that Building Services has the following comments:

1) Owner to be advised that with respect to surface treatment of parking spaces on the subject property, in accordance with Section 5.2.5 of the CGS Zoning By-law, all required parking spaces, parking areas and driveways providing access thereto, shall be established and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and comprised in whole or in part of one or more materials including asphalt, concrete, or brick pavers, gravel or similar materials.

2) This property is subject to building permit application 21-0064 which has not yet been issued. There are outstanding fees to be paid and final plans review pending.

CGS: Environmental Planning Initiatives, May 21, 2021

No concerns.

CGS: Building Services Section, May 21, 2021

Roads

No comments received regarding revised application.

Transportation & Innovation

No comments received regarding revised application.

Active Transportation

No comments received regarding revised application.

CGS: Development Approvals Section, May 19, 2021

Staff notes that the owner has amended their application to request that three parking spaces be required whereas five parking spaces are required for a multiple dwelling containing three residential dwelling units. It is noted however that a second variance is now also required in order to permit a

SUBMISSION NO. A0050/2021 Continued.

reduced parking space dimension of 2.5 m (8.20 ft) in width by 5.5 m (18.04 ft) in depth. It is further noted that the owner is proposing that the parking spaces be dimensioned in accordance with the dimensions noted in the compact car parking provisions, however, the parking space dimension reduction afforded under Section 5.2.3.4 of the City's Zoning By-law is not applicable in this instance as ten or more parking spaces are not required for this particular multiple dwelling. Staff is supportive in principle of the development proposal, but note that public notice of both variances being sought is required. Staff recommends that the application be deferred further in order to provide public notice to the above effect.

Greater Sudbury Hydro Inc., May 18, 2021

No conflict.

CGS: Building Services Section, May 18, 2021

Based on the information provided, Building Services has the following comments:

1) We acknowledge the Public Notice indicates relief of three (3) parking spaces, where five (5) parking spaces are required, however a review of the submitted plot plan indicates 3 compact parking spaces with a dimension of 2.5 metres by 5.5 metres rather than 3 standard parking spaces with a required dimension of 2.75 metres by 6 metres in accordance with Section 5.2.3.1 (a) and Section 5.5.1. Table 5.5 of the CGS Zoning By-law 2010-100Z.

Although Building Services has no concerns with the request for reduced parking, the proposed project does not meet the requirements for the use of compact parking as stated in accordance with Section 5.2.3.4. of the CGS Zoning By-law whereby compact parking is permitted where 10 or more parking spaces are required. For this reason, we recommend deferral of this application to allow for revision of the Minor Variance application and Public Notice as relief will also be required for the use of 3 compact parking spaces rather than 3 standard parking spaces.

2) Owner to be advised that with respect to surface treatment of parking spaces on the subject property, in accordance with Section 5.2.5. of the CGS Zoning By-Law, all required parking spaces, parking areas, and driveways providing access thereto shall be established and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and comprised in whole or in part of one or more materials including asphalt, concrete, or brick pavers, gravel, or similar materials.

3) Our records indicate an incomplete permit for the property for interior alterations (permit #90-0898). Please contact Building Services to proceed in closing this project.

CGS: Infrastructure Capital Planning Services, April 26, 2021

ROADS: No concerns.

TRAFFIC & INNOVATION: While Larch Street does have parking permitted on the North side, it is limited to a maximum of 4 hours. Parking is also prohibited in the laneway behind this residence. Given this, it is unclear where the additional residents or visitors to the residence will park.

ACTIVE TRANSPORTATION: No concerns.

CGS: Site Plan Control, April 22, 2021

No concerns.

Greater Sudbury Hydro Inc., April 22, 2021

No conflict.

The Nickel District Conservation Authority, April 21, 2021

SUBMISSION NO. A0050/2021 Continued.

Conservation Sudbury does not oppose Minor Variance A0050/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

The proponent is 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, and valley slopes.

CGS: Building Services Section, April 20, 2021

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

However, Applicant is to be advised of the following comments:

1) Owner to be advised that with respect to surface treatment of parking spaces on the subject property, in accordance with Section 5.2.5. of the CGS Zoning By-Law, all required parking spaces, parking areas, and driveways providing access thereto shall be established and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and comprised in whole or in part of one or more materials including asphalt, concrete, or brick pavers, gravel, or similar materials.

2) Our records indicate an incomplete permit for the property for interior alterations (permit #90-0898). Please contact Building Services to proceed in closing this project.

CGS: Development Approvals Section, April 19, 2021

The variance being sought would facilitate the conversion of an existing duplex dwelling to a multiple dwelling containing three residential dwelling units on the subject lands that have frontage on Larch Street in Sudbury. The lands are zoned "C4(1)", Office Commercial Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the variance would permit a total of two parking spaces in the rear of the existing residential dwelling whereas five parking spaces are required for a multiple dwelling containing three residential dwelling units. Staff is unable to support the minimum required parking space reduction as it would result in less than one dedicated parking space per residential dwelling unit. There would also then be no visitor parking available. Staff also need confirmation that the lane in the rear of the lands is maintained by the City as road maintenance data suggests that it is not maintained. Staff would encourage the owner to instead explore alternative parking variances that would result in three parking spaces, such as but not limited to reducing the dimensions of said parking spaces to a width of 2.5 m (8.20 ft) which would appear to allow for three parking spaces in the rear yard. Staff recommends that the application be deferred in order to afford the owner the opportunity to address those comments received from agencies and departments.

CGS: Development Engineering, April 15, 2021

No objection.

April 28, 2021

The agent appeared before Committee on April 28, 2021 and explained that the building on the subject property has been an illegal triplex on and off for the past years. The agent explained that parking has not been a problem due to the property being located 600m from the bus station and currently all of the tenants take the bus or walk. The agent advised that they have not had any parking issues in the 5 years that they have been managing the property. The agent explained that two of the apartments each receive a lane and the third apartment does not and any visitors to the building park in the metered parking in the front on Larch Street. The agent explained that the building provides a service to low-income households and a triplex would also contribute more in taxes to the City. Committee Member Dumont asked the agent to clarify that the subject property is an existing semi-detached structure and that as a result of adding an additional unit a variance application was required for parking. The agent confirmed that Committee Member Dumont's understanding of the application was accurate. Committee Member Dumont asked the agent to confirm that access to the parking has been through the rear lane. The agent confirmed that it was and that the lane is maintained by the City. The agent further advised that majority of the homes around the subject property have access to their parking via the rear lane. Committee Member Dumont asked staff, with respect to the rear lane and the comments from Development Approvals, if there had been any further clarification to that comment. Staff advised that no direct clarification had been obtained however upon reviewing the comments, Infrastructure Capital Planning Services expressed no concerns with the maintenance of the rear lane but made comments that parking is prohibited in the laneway. Committee Member Dumont expressed that he is aware that affordable housing is required but zoning by-law regulations are still in place and need to be adhered too. Committee Member Dumont further expressed that he supports the deferral recommendation as he feels that the owner is asking for an unreasonable reduction in parking and suggested that the agent try and reconfigure the parking spaces to accommodate three parking spaces. Committee Member Costanza asked staff if there are special provisions for downtown for parking. Staff advised that there are special provisions for downtown for parking but the subject property is not within the boundaries of the special provisions and is subject to the normal residential standards. Committee Chair Chartrand asked the agent if she had reviewed Development Approval's comments regarding the option of proposing three parking spots rather than two. The agent advised that she had but thought that three parking spots would be too narrow and requested Committee to approve the application for a variance of two parking spots. Committee Chair Chartrand and Committee Member Dumont both expressed support for staff's recommendation to defer in order the agent to explore the option of three parking spots. The agent advised that there is room to fit four vehicles in tandem but expressed concern that having tandem parking would cause issues amongst tenants and by-law enforcement. The agent further advised that the subject property has been used as an illegal triplex for 50 years and the parking has not caused any problems during that time. Committee Member Costanza asked the agent if it was possible to make the parking spots angled in order to fit three spots. The agent advised that the architect reviewed that option and advised that there is not enough width to properly accommodate angled parking. Committee Member Costanza expressed support for staff's recommendation to defer.

June 9, 2021

The agent appeared before Committee and explained that they are trying to make an illegal triplex legal and they require this minor variance to do so. The agent also explained that the subject property was downtown so there isn't much need for parking spaces and currently everyone takes public transit. The agent advised that the adjacent owner supports the application along with some residential neighbours down the street. Committee Member Dumont asked staff to explain the use of the building and whether it was an illegal triplex or a legal non-conforming. Staff advised that it was staff's understanding that the subject building was an illegal unit and that the owner was attempting to obtain building permits in order to legalize it and part of that process has resulted in the need for the minor variance that was before Committee. Committee Members and staff had no further questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

HOI CHEU

the owner(s) of PIN 73584 0169, Lot(s) PT 35, Subdivision 2S E, Lot 5, Concession 3, Township of McKim, 302 Larch Street, Sudbury

SUBMISSION NO. A0050/2021 Continued.

for relief from Part 5, Table 5.5 and Section 5.2.3.1 of By-law 2010-100Z, as amended, in order convert a multiple dwelling into a triplex providing a minimum of three (3) parking spaces with a width of 2.5m and a length of 5.5m, where five (5) parking spaces are required with a width of not less than 2.75m and a length of not less than 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. 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
Dan Laing	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring





## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0059/2021

June 09, 2021

OWNER(S): BEHAVIOUR ANALYSIS NORTH INC., 239 Pine St Sudbury ON P3C 1X4

AGENT(S): MR NERO CONTRACTING,

LOCATION: PIN 02135 0206, Lot(s) 20, Subdivision 3S, Lot 6, Concession 4, Township of McKim, 239 Pine Street, Sudbury

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### SUMMARY

**Zoning:** The property is zoned C4(1)(Office Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval to construct an addition to the existing commercial building providing no landscaped area along the west lot line, locate parking within 0.0m of the west lot line, as well as reduced parking space dimensions for accessible parking, all at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, June 03, 2021

REVISED: This application was previously deferred in order to afford the owner the opportunity to address those comments received by agencies and departments. Staff has reviewed the amended development proposal and additional variances being sought and has no further concerns. Staff remains generally supportive of the overall development proposal and would note again that the application would largely recognize existing circumstances given that the building is estimated to have been constructed in the 1940s. 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, June 03, 2021

REVISED

Roads  
No concerns.

Transportation & Innovation  
The accessible parking space width is based off the design and function of accessible vehicles such as ramp vans. Without the proper width, entry and exit of these vehicles by a person with accessible needs may not be possible. For this reason we cannot support this application.

Active Transportation  
No concerns.

The Nickel District Conservation Authority, June 02, 2021

REVISED: Conservation Sudbury does not oppose Minor Variance Application A0059/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley

SUBMISSION NO. A0059/2021 Continued.

slopes or other environmental features.

Notes

The proponent is 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, and valley slopes.

CGS: Site Plan Control, June 01, 2021

No concerns.

Greater Sudbury Hydro Inc., June 01, 2021

No conflict.

CGS: Building Services Section, June 01, 2021

We have reviewed the above noted application and can advise that Building Services has the following comment:

1) This property is subject to building permit application 20-2058 which has not yet been issued. Outstanding is payment of relevant fees and a final plans review. Please contact our office to finalize permit issuance. We can be reached at 705-674-4455 ext. 4278.

CGS: Building Services Section, May 12, 2021

REVISED: Based on the information provided, Building Services has no concerns with this application other than the following comments:

1) With respect to the requested parking relief, although the Public Notice indicates relief for a total of 4 parking spaces where 8 parking spaces are required, based on the net floor area provided, our calculations indicate 5 spaces (including 1 accessible parking space) are required rather than 8 parking spaces. The parking calculations were established in accordance with Section 5.3, Table 5.4 whereby 5 spaces or 1/20 m2 net floor area (whichever is greater) is required for a Medical Office.

CGS: Development Approvals Section, May 12, 2021

REVISED: Staff understands that additional information regarding the net floor areas associated with respect to the medical office use has been provided to the City. Staff further notes then that a total of five parking spaces including one accessible space are required whereas the owner is proposing that four parking spaces be provided. Staff notes however that no accessible parking space would appear to be provided whereas one accessible parking space is required. Staff recommends that the application be deferred in order to afford the owner the opportunity to consider those comments received from circulated agencies and departments.

The Nickel District Conservation Authority, May 07, 2021

Conservation Sudbury does not oppose Minor Variance Application A0059/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.



SUBMISSION NO. A0059/2021 Continued.

The proponent is 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, and valley slopes.

CGS: Infrastructure Capital Planning Services, May 07, 2021

Roads  
No concerns.

Transportation & Innovation  
Parking is restricted on Alder Street and on Vanier Lane. While parking is permitted on Pine Street, it is limited to a maximum of 4 hours. It is unclear where any overflow staff or visitors to this site will park.

Active Transportation  
No concerns.

CGS: Development Approvals Section, May 06, 2021

The variances being sought would facilitate an addition to an existing commercial building that has frontage on Pine Street in Sudbury. The lands are zoned "C4(1)", Office Commercial Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff requires clarification from the owner that the requested variance to provide four parking spaces whereas eight parking spaces would be required for the medical office is based on a parking rate calculated at one parking space per 20 m<sup>2</sup> (215.28 ft<sup>2</sup>) of net floor area. Staff would caution the owner that those comments provided by Building Services also request clarification around how the parking requirement was calculated and that the use of the building needs to be confirmed. Staff in general though have no concerns with the variances as they would largely recognize existing circumstances given that the building is estimated to have been constructed in the 1940s. Staff would also encourage the owner to investigate and identify if the variances applied for are required as there may be legal non-complying situations on the lands given age of construction referenced in the application form. Staff recommends that the application be deferred in order to afford the owner the opportunity to address those comments received from agencies and departments.

CGS: Building Services Section, May 05, 2021

Based on the information provided, Building Services has the following comments:

1) With respect to the relief requested for parking, please provide the use of each space within the building as well as the net floor area for each use so that parking calculations can be verified. We recommend deferral of this application until the aforementioned information is provided.

Greater Sudbury Hydro Inc., May 03, 2021

No conflict.

CGS: Site Plan Control, April 30, 2021

No concerns.

SUBMISSION NO. A0059/2021 Continued.

CGS: Development Engineering, April 28, 2021

No objection.

May 12, 2021

The applicant appeared before Committee and explained that they believe that the drawing had been misread as there are currently 5 parking spaces. The applicant advised that the latest correspondence received from the City indicated that they required a dedicated accessible parking spot which the applicant was prepared to do. The applicant explained that the reason they are applying for the variances was to apply for a building permit to modify the exterior of the building to allow for wheelchair accessibility. Committee Member Dumont asked staff, referring to Development Approvals and Building Services' comments, to clarify why the application was recommended to be deferred and staff clarified the comments and the reason for deferral as well as provided what the new variances would have to be. Committee Member Dumont asked the applicant to explain what is being proposed. The applicant advised that the engineer made an error in the drawing and that there are 5 parking spaces as well as a pathway between what is being shown on the drawing as parking spaces 2 and 3. The applicant explained that the pathway could be incorporated into the accessible parking spot. Committee Member Dumont advised that he would support staff's recommendation of a deferral. Committee Member Castanza thanked the applicant for the clarification and stated that she understood the application. Committee Chair Chartrand requested staff to bring up a streetview of the subject property and asked the applicant if they are of the opinion that they could fit 5 parking spaces along with one accessible. The applicant advised that they could fit 5 total, being 4 parking spaces plus 1 accessible. Committee Chair Chartrand asked staff if that would alleviate the variance request. Staff advised that based on what was said, the applicant would comply with the by-law and therefore not need any parking space related variance in terms of the number being provided. Committee Chair Chartrand asked staff to clarify the 3.0m wide landscaped area variance. The applicant advised that there is a small landscaped area. Staff advised that given the information staff has and the age of the area, it is difficult to determine what is and what is not on the subject property regarding the landscape or planting strip. Committee Chair Chartrand asked staff if they would be supportive of imposing a condition relating to the parking space variance and making a decision on the application. Staff advised that they were in support of the variances but were concerned that the variances being granted were correct. Staff further advised that if the number of parking spaces comply with the by-law, staff would not have an issue with the balance of the application but would encourage the applicant to bring clarity to the overall variances being requested. Committee Chair Chartrand proposed to Committee that they deny the deferral recommendation and put forth a motion to defer the parking space variance and grant the other two variances being requested. Committee Member Laing expressed that he would like to review a drawing that sets out the variances and is supportive of staff's recommendation. Committee Member Castanza expressed that she was in agreement with Committee Chair Chartrand's proposal. Committee Member Dumont expressed that he agrees with Committee Laing's comments and supports staff's recommendation. Committee Member Castanza expressed that clarification has been provided and a decision can be made. Committee Member Dumont expressed that he would still support staff's recommendation to defer. Staff advised that the explanation from the applicant in principle makes sense however the drawing does not support the explanation. Staff further advised that the dimension of the parking spaces and the number of the parking spaces should be confirmed prior to a decision. Committee Member Castanza asked staff if imposing a condition to provide a new sketch or a new application would be required would be an option. Staff cautioned against imposing that type of condition as it could cause the applicant to pay a full application fee rather than just a deferral fee.

June 9, 2021

The agent and applicant appeared before Committee and the agent advised that the subject property was going to be used as a medical office and therefore would require eight parking spaces and they require relief from that as they plan on putting in four, plus one accessible. The agent explained that the existing parking was within 3.0m of Alder Street on the west side as they have insufficient lot area to accommodate the required parking. The agent further explained that the landscaped area was not provided for along Alder due to the building extension and parking encroachments as they have insufficient lot area to accommodate landscaping. The agent requested Committee to accept the proposal. The agent explained that there was an issue with how they ended up with the number of parking spaces originally and the agent explained that it was net floor area, not just gross floor area and that was what was used to calculate the area for the parking. Committee Member Dumont asked staff if consideration was taken, when providing Development Approvals comments and supportability, to the comments provided by Infrastructure Capital Planning as they expressed that they can't support the application. Staff advised that each department and agency look at these applications from their own

respective areas of interest. Staff advised that all of the comments received are considered by the Development Approval's section when they formulate their comments. Staff further advised that Development Approvals recognized that the subject property was an older part of the City where there are a number of known parking issues but there are also tight spaces, older buildings, smaller lots and when Development Approvals took all of those comments into consideration it was felt that from a good land use planning perspective this was a set of variances that Planning could support. Staff advised that Committee should be looking at all comments and taking them all into account when Committee makes its decisions. Committee Chair Chartrand asked staff to clarify the requirement of eight parking spaces as he thought that the conclusion in the last hearing was that five parking spaces were required. Staff advised that it was confirmed that five parking spaces were required but requested the Committee Chair to direct the question to the owner in order for staff to review the previous application. Committee Chair Chartrand asked the owner to comment on it. The owner explained that at the previous hearing it was determined that five parking spaces were needed but the drawing only had four and so they have altered the drawing to reflect five and the reason for that was because of the age of the building and the location of the building. The owner also explained that when the agent was doing the calculation he may not have been taking into account the location and age of the building when he determined that eight parking spots were needed. Staff advised, after reviewing correspondence, that five parking spaces were required so there was no parking variance required and this variance was related to the landscape areas, the outdoor parking areas but not the number of parking spaces. Staff further advised that one of the variances related to the dimension of the accessible parking space. Committee Chair, referring to Revised Sketch 2, asked the owner to confirm if #4 was the accessible space. The agent advised that it was #3 that was the accessible spot. Committee Chair Chartrand asked the agent to confirm if the parking space would include the walk-way depicted on the sketch. Committee Member Dumont, following up on Committee Chair Chartrand's question, asked the owner to confirm that the accessible parking spot was #3. Staff advised that they should have had Revised Sketch 3 on the screen as it more accurately depicted the parking situation with the four parking spaces at 2.75mx6.0m, which comply with the Zoning By-law, and then the one space at 4.26mx6.0m that would be the variance being discussed with respect to the width amongst the other collection of variances in front of Committee. Staff advised however that it appeared that it was not parking spot #3 that was accessible, that it would be parking spot #2. Committee Members and staff had no further questions or comments.

The following decision was reached:

**DECISION:**

THAT the application by:

BEHAVIOUR ANALYSIS NORTH INC.

the owner(s) of PIN 02135 0206, Lot(s) 20, Subdivision 3S, Lot 6, Concession 4, Township of McKim, 239 Pine Street, Sudbury

for relief from Part 4, Section 4.15.1(e), Part 5, Section 5.2.4.3(c)(ii) and Section 5.2.3.5(a) of By-law 2010-100Z, as amended, in order to facilitate an addition to an existing commercial building having firstly, no landscaped area along west lot line, where a 3.0 metre-wide landscaped area adjacent to the full length of a lot line shall be required abutting all public roads having a width greater than 10.0m, secondly, to locate parking within 0.0m of the west lot line, where no outdoor parking area shall be permitted within 3.0m to any road having a width of more than 10.0m and, thirdly, to permit an accessible parking space having minimum rectangular dimensions of 4.2m by 6.0m, where an accessible parking space shall have minimum rectangular dimensions of 4.4m by 6.0m, 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.

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
Dan Laing	Concurring

SUBMISSION NO. A0059/2021 Continued.

Derrick Chartand	Concurring
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Matt Dumont	Concurring
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## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0066/2021

June 09, 2021

OWNER(S): SARA AMBER MARIE SALACH, 202 Stewart Drive Sudbury ON P3E 2R5  
MATTHEW DOUGLAS SCHULTZE, 202 Stewart Drive Sudbury ON P3E 2R5

AGENT(S): VICKY FLETCHER, 255 Larch Street Sudbury ON P3B 1M2

LOCATION: PIN 73594 0376, Parcel 14361, Lot(s) 102, Subdivision M-205, Lot 5, Concession 1, Township of McKim, 202 Stewart Drive, 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 reconstruct an accessory structure with an enlarged footprint maintaining a setback from the high water mark at variance to the by-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, June 03, 2021

The variance being sought would facilitate the reconstruction of a legal non-complying shed within the shoreline buffer of the lands that have water frontage on Lake Nepahwin in Sudbury. The lands also have frontage on Stewart Drive. The lands are zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the shed was constructed in 1991 and at that time former Zoning By-law 62-192 was in effect, which contained no shoreline buffer development standards. Staff understands that the reconstructed shed would generally utilize the existing cleared area where the former shed was located. The lands also present topographical constraints (ie. rocks outcrops) and the proposed location would minimize the removal of mature vegetation. Staff also acknowledges that the location of the existing shed has not appeared to generate any negative land use planning impacts on abutting properties and was erected in a permitted location at the time of original construction. Staff recommends that the application be approved as it is reasonable, not excessive and no negative land use planning impacts would be generated on abutting lands.

CGS: Infrastructure Capital Planning Services, June 03, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

The Nickel District Conservation Authority, June 02, 2021

Conservation Sudbury does not oppose Minor Variance A0066/2021, however, the proponent is

SUBMISSION NO. A0066/2021 Continued.

required to obtain approval from Conservation Sudbury prior to any development. Approval will be by way of an application pursuant to Section 28 of the Conservation Authorities Act. As part of the application, an elevation survey is required showing the flood elevation of 260.51 MASL, CGCD28 and that the shed is floodproofed to an elevation of 260.81 MASL, CGCD28.

Notes

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

The proponent is 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, and valley slopes.

CGS: Site Plan Control, June 01, 2021

No concerns.

Greater Sudbury Hydro Inc., June 01, 2021

No conflict.

CGS: Building Services Section, June 01, 2021

We have reviewed the above noted application and can advise that Building Services has the following comments:

- 1) A building permit will be required for the proposed structure.
- 2) A shoreline buffer area in accordance with Section 4.41.3 of the City of Greater Sudbury Zoning By-law 2010-100Z must be maintained (remain?) in a natural vegetated state.

CGS: Development Engineering, May 27, 2021

No objection.



The applicant appeared before Committee and explained that they had purchased the subject property two years ago and the shed was dilapidated. The applicant explained that they would like to create an enlarged footprint for the shed and that they reviewed various options on the site to see if the shed could be placed outside of the 12.0m setback from the edge of the water. The applicant explained that there are too many rock outcrops on the subject property to locate it anywhere else. The applicant explained that they tried to keep the shed as far as possible away from the lake but they do require a larger footprint for storage requirements. The applicant advised that they had two letters of support from adjacent neighbours indicating that they do support the reconstruction of the shed. The applicant also advised that they have confirmation from Conservation Sudbury indicating that a Section 28 application or permit was not required because they are well above the flood plain and that they could provide a copy of the same to the City or Committee. The applicant explained that they essentially want to rebuild the shed that is falling down and make a nice architecturally pleasing shed to house their bikes, sleds and lawn equipment. The applicant explained that they have a beautifully landscaped yard and the intent was to create a beautiful shed that doesn't impede anyone's view. The Secretary-Treasurer advised that the City received two letters of support for the application, one from Steve Sola of 1759 Windle Drive, Sudbury, and the other from Linda Morin of 218 Stewart Drive, Sudbury, and read both letters to Committee. Committee Members and staff had no questions or comments.

The following decision was reached:

**DECISION:**

THAT the application by:

SARA AMBER MARIE SALACH AND MATTHEW DOUGLAS SCHULTZE  
the owner(s) of PIN 73594 0376, Parcel 14361, Lot(s) 102, Subdivision M-205, Lot 5, Concession 1, Township of McKim,  
202 Stewart Drive, Sudbury

for relief from Part 4, Section 4.41.2 of By-law 2010-100Z, as amended, in order to reconstruct an accessory structure being a shed with an enlarged footprint maintaining a 9.48m setback from the high water mark of a navigable waterbody, where an accessory structure is not permitted closer than 12.0m to the high water mark of a navigable waterbody, 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. 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
Dan Laing	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring