



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0047/2021

May 12, 2021

OWNER(S): CHEMY DEVELOPMENT INC. , 9 Cavotti Crescent Toronto ON M3H 4V1

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

LOCATION: PIN 73349 2060, Parcel 31468, Survey Plan 53R-18073 Part(s) 1 to 3, Lot 3, Concession 1, Township of Balfour, 3672 144 Highway, Chelmsford

SUMMARY

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

Application: For approval of the provision of an insufficient number of queueing spaces on the subject property for the proposed restaurant use.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 07, 2021

REVISED

Roads
No concerns.

Transportation & Innovation

Staff have reviewed the queueing study that was submitted as part of the minor variance application. We note that this study was conducted in 2016 and does not reflect the demand for drive-thru usage during the current pandemic or what the demand for a drive-thru will be in a post-pandemic setting. Staff will also note that while the current proposed tenant of the restaurant might not utilize all of the required 11 queueing spaces, potential future tenants of the restaurant may have a higher demand for the drive-thru. Lastly, the site is laid out in such a manner that any overflow of the drive-thru queue will impact the main entrance to the site and potentially impact accessing the site from Edward Avenue. For these reasons, Traffic and Transportation staff do not support this application.

Active Transportation
No concerns.

CGS: Development Approvals Section, May 06, 2021

Staff remains of the opinion that there appears to be no demonstrated need for the variance being sought that seeks to provide eight queueing spaces whereas eleven queueing spaces are required. Staff notes that Highway #144 is identified in the City's Official Plan on Schedule 7 – Transportation Network as being a Provincial Highway and provides a vital and larger transportation linkage to various regional centres in Northern Ontario. It is further noted that the previous sketch demonstrated compliance with respect to queueing spaces and staff is of the opinion that in this particular instance and location it would be appropriate for the drive-through facility to comply with the minimum queueing spaces requirement. Those comments provided on April 12, 2021, are generally still applicable and staff cannot support the

SUBMISSION NO. A0047/2021 Continued.

application. Staff would also echo those comments provided earlier by Transportation and Innovation insofar as the variance must be considered within the context of land use and not the determined need for one specific current tenant and one specific point in time. Staff recommends that the variance be denied as it is not minor, not appropriate development for the area and the intent of the Zoning By-law is not maintained.

CGS: Building Services Section, May 05, 2021

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

However, Owner to be advised of the following comments:

1) In accordance with Part 5, Section 5.7.4. of the Zoning By-law 2010-100Z, all queueing spaces shall be rectangular in shape, with a minimum dimension of 3 m x 7 m. The queueing space reflected in the corner does not appear to meet the minimum requirements. A further minor variance may be required.

2) In accordance with Part 5, Section 5.2.3.5. (a) of the Zoning By-law an accessible parking space shall have a minimum dimension of 4.4 m x 6.0 m. A review of the site plan reflects a dimension of 3.8 m x 6 m. A further minor variance may be required.

CGS: Site Plan Control, April 30, 2021

No concerns.

CGS: Development Approvals Section, April 12, 2021

The variance being sought would facilitate construction of a restaurant having a reduced number of queueing lane for the drive-through portion on the subject lands that have frontage on Highway #144 in Chelmsford. The lands are zoned "C2", General Commercial under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The variance would permit the drive-through portion of the restaurant to provide eight queueing spaces whereas eleven queueing spaces are required. Staff notes that there would appear to be no demonstrated need for the variance as the submitted sketch depicts eleven queueing spaces which would satisfy minimum queueing space requirements under Section 5.7.2 of the City's Zoning By-law. Staff recommends that the application be deferred in order to afford the opportunity to address those comments provided by agencies and departments.

The Nickel District Conservation Authority, April 09, 2021

Conservation Sudbury does not oppose Minor Variance A0047/2021.

The proponent is advised that that works within an area regulated by Ontario Regulation 156/06 will 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.

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, April 09, 2021

ROADS: No concerns.

SUBMISSION NO. A0047/2021 Continued.

TRANSPORTATION & INNOVATION: The provided drawing shows 11 queuing spaces on the site. Staff can see no reason as to why the site would require a reduction in the number of queuing spaces. While the proposed tenant may not have a demand for all 11 queuing spaces, potential subsequent tenants may have a greater demand for drive thru queuing spaces. For these reasons, we do not support this application.

ACTIVE TRANSPORTATION: No concerns.

CGS: Site Plan Control, April 08, 2021

No concerns.

CGS: Building Services Section, April 07, 2021

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

CGS: Development Engineering, March 31, 2021

No objection.

The agent appeared before Committee and advised that the transportation engineer who prepared a memorandum in support of the application was in attendance as well as the franchisee for all of the A&W restaurants in Sudbury. The agent explained that the A&W restaurant was always intended to be part of the development on the subject property when the drug store was built 10 years ago. The agent explained that the owner requested them to seek the Committee's approval for the reduced number of queuing spaces because they feel that the utility of the property is compromised if the 11 spaces are required. The agent explained that the owner's feel that this is a necessary approval to seek to permit the development to go ahead. The agent further explained that the reasons are because 11 queuing spaces would extend across the anchor tenant and would require pedestrians to walk through the queuing lanes to access either the anchor tenant or the restaurant. The agent also explained that he believes the queuing backing up onto Edward Street is not a concern as there are a large amount of parking spaces available on the subject property as well that if 8 queuing spaces are approved there is sufficient driving aisles to accommodate any temporary overflow of the queuing lane. The agent further explained that Chelmsford does not have the same level of activity and traffic as other areas of the City. The agent also mentioned that Planning Committee recently granted a reduction in the number of queuing spaces required for a fairly significant development on Lasalle Boulevard. The franchisee, Suzanne Gaudreault, explained to Committee that COVID has put pressure on drive-thrus however A&W is significantly faster and is currently trailing at 60 seconds at the drive-thru. The franchisee explained that typically an A&W restaurant does not have more than 8 cars in the que as they try to process orders as fast as possible. The franchisee also expressed hope that once COVID comes to an end that the restaurant would go back to eat-in dining as typically A&W is 50/50 with drive-thru and eat-in dining. The franchisee also advised that compared to the Val Caron location, this location would be lower volume. The franchisee also explained that the only anticipated high-volume time would be lunch and dinner and they do not expect the queuing to back-up onto Edward Avenue. Toivo Rukholm spoke in support of the application and explained the WSP study done on the Kitchener A&W locations which was circulated with the application and finalized his comments with the statement that 8 queuing spaces should be more than sufficient. The agent explained that the developer is requesting the variances to make this site as functional as possible. Committee Member Dumont asked staff to clarify Development Approval's comments regarding the change in the application. Staff advised that in the first Committee meeting that this application was heard a drawing was submitted and circulated that depicted 11 queuing spaces which showed compliance with the by-law where the applicant is seeking a variance for 8 queuing spaces. Staff advised that nothing has changed other than providing Committee with another drawing depicting 8 queuing spaces and more information. Committee Member Dumont asked the agent to explain what the changes were in the application compared to the original application submitted before deferral and also expand, based on Transportation and Innovation's comments, potential future tenants. The agent explained that 11 queuing spaces impedes the anchor tenant as it extends across the property and the developer found that to be objectionable from a functional perspective. The agent also explained that from a safety point of view 8 queuing spaces is preferred so that pedestrians are not required to cross through the queuing lane. The agent further explained that future uses are not known at this time however they don't expect a high volume of traffic at this location that would require more than 8 queuing spaces. Committee Member Dumont asked the agent to confirm that A&W is the only tenant currently being built and also if there was room on the subject property to have another tenant. The agent explained that there are no other facilities in the form of restaurants or other retail development being built and

suggested that there was insufficient parking for any other retail development. The franchisee advised Committee that A&W has a food exclusive clause in their lease. Committee Member Dumont expressed that the degree of demand, even if there were future restaurants, wouldn't be impacted by the reduction of queuing lanes. Committee Member Castanza expressed that she does not have any issue with the variances being sought. Committee Chair Chartrand asked the agent, referring to Building Services' comments, to address the accessible parking spaces and the size of one of the queuing spaces. The agent explained that both issues are minor drafting issues and can be modified to address those comments through site plan control. Committee Chair Chartrand asked staff to explain where the queuing lane began on the drawing that was submitted by the applicant and whether it could be expanded to include one additional queuing space. Staff clarified where the queuing lane began and also explained that the drawing did not depict an option for an additional queuing space and was open to the rest of the parking lot. Committee Chair Chartrand commented on Transportation and Innovation's comments and also stated that Committee has to consider a potential change in tenant, however the location being Chelmsford with the lower traffic volume should also be considered. Staff clarified Development Approvals and Transportation and Innovation's comments in that applications are being looked at with a land use perspective and not a user perspective. Staff advised that although A&W may feel that they only need 8 queuing spaces, staff is reviewing the application as a drive-thru restaurant and what that requires under the zoning by-law. Committee Member Castanza expressed that she was fine with the application. Committee Member Dumont expressed that based on A&W being the tenant and that they are required to go through site plan control he was fine with the application. Committee Chair Chartrand expressed concern that if the tenant were to change and what was being advised by staff, he had concerns with the application. Committee Member Dumont expressed that the decision was not easy based on the land use perspective, however based on the tenant and that it would be a big investment in the community, he was fine with the application. The franchisee added that they have signed a 20 year franchise agreement and have no intention of having a short-term investment at the subject property. The staff recommendation to defer the application was defeated. Committee Member Dumont put forward a motion to support the application and Committee Member Castanza seconded the motion. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

CHEMY DEVELOPMENT INC.

the owner(s) of PIN 73349 2060, Parcel 31468, Survey Plan 53R-18073 Part(s) 1 to 3, Lot 3, Concession 1, Township of Balfour, 3672 144 Highway, Chelmsford

for relief from Part 5, Section 5.7.2 and Table 5.9 of By-law 2010-100Z, as amended, for approval to provide a minimum of eight (8) queueing spaces in the queueing lane on the subject property, where a minimum of eleven (11) queueing spaces are required for the proposed restaurant use, 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.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0051/2021

May 12, 2021

OWNER(S): DANIEL BOURGOIN, 53 Berkley Ct Sudbury ON P3A 4B5
GISELE BOURGOIN, 53 Berkley Ct Sudbury ON P3A 4B5

AGENT(S):

LOCATION: PIN 73366 0116, Parcel 19657, Survey Plan SR-1090 Part(s) 1, Lot 9, Concession 2, Township of Fairbank, 643 Fairbank Road North, Whitefish

SUMMARY

Zoning: The property is zoned SLS(4)(Seasonal Limited Service) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to enlarge a legal existing non-complying building and attached deck providing a gross floor area, setback from the high water mark and required length of cleared area at the high water mark at variance to the By-law.

Comments concerning this application were submitted as follows:

The Nickel District Conservation Authority, May 07, 2021

Conservation Sudbury does not oppose Minor Variance A0051/2021 as the setback for the addition is not proposed to be greater than the existing legal non-conforming setback.

The proponent is advised that a permit pursuant to Section 28 of the Conservation Authorities Act is required. 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.

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
No concerns.

Active Transportation
No concerns.

SUBMISSION NO. A0051/2021 Continued.

CGS: Development Approvals Section, May 06, 2021

This application seeks to enlarge an existing legal non-complying seasonal dwelling and attached deck on the subject lands that have water frontage on Fairbank Lake in Whitefish. The lands are also accessible via a private road to the east known as Fairbank Road North. The lands are zoned "SLS(4)", Seasonal Limited Service Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The new seasonal dwelling and deck would be situated generally where the former seasonal dwelling is located and an opportunity therefore exists to maintain existing vegetated buffering to abutting residential properties. Staff is of the opinion that the additional gross floor area amounting to approximately 47 m² (505.90 ft²) is not excessive and is reasonable in nature. Staff is therefore satisfied that disruption to the shoreline buffer would be minimal as the development proposal in combination would utilize an existing cleared area and the expansion in terms of gross floor area is reasonable. It should also be noted that an existing water spring, compost toilet and hydro line to the east of the existing seasonal dwelling does present some constraints around alternative locations for the new seasonal dwelling. Staff recommends that the application be approved as the enlargement of the legal non-complying seasonal dwelling is reasonable, not excessive and no negative impacts would be generated on abutting lands.

CGS: Environmental Planning Initiatives, May 05, 2021

This correspondence is for information only. Shoreline property owners are encouraged to continue adopting lake-friendly practices.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. There are no records of the confirmed presence of cyanobacterial blooms in Fairbank Lake according to Public Health Sudbury & Districts.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments and holding soil in place. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the lot. Imported soil can introduce considerable quantities of phosphorus.

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

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

SUBMISSION NO. A0051/2021 Continued.

far from the lake as possible.

7. Private sewage systems should be inspected and pumped at least every three years.

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

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

CGS: Building Services Section, May 05, 2021

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

However, Owner to be advised of the following comments:

1) Owner to be advised that any structure 10m² (108 ft²) in area or more requires a building permit. A search of our records reflects a shed built on the subject property under permit #90-1320 with the dimensions of 4.27m (14 ft) x 6.10 m (20 ft). In review of the submitted plot plan, it appears an addition has been added to the existing shed with the dimensions of 2.74 m (8.98 ft) x 6.10 m (20 ft). Building permits and building permit documents to be submitted for the addition to the shed to the satisfaction of the Chief Building Official.

2) A review of the submitted plot plan reflects a shed with the dimensions of 3 m (9.8 ft) x 3 m (9.8 ft) totaling 9 m² (96.87 ft²). Although the reflected shed does not require a building permit as it is under 10m² (108 ft²), the shed is shown as 1.5 m (4.9 ft) from the interior side yard where 3 m (9.8 ft) is required in accordance with the CGS Zoning By-Law 2010-100Z. Owner to be informed the shed is to be moved outside of the required setbacks or a minor variance will be required.

CGS: Development Engineering, April 28, 2021

No objection.

The applicants appeared before Committee and explained that they purchased the subject property in 1998 and last year the applicants consulted with Building Services and two contractors on where to build the new seasonal dwelling. The applicants explained that the existing seasonal dwelling was situated within the required shoreline setback of Fairbank Lake and it was therefore determined, after the consultation that the best location was to build in the existing building footprint. The applicants explained that the seasonal dwelling would be increasing in gross floor area towards the road and the applicants are therefore requesting a variance. The applicants also explained that in accordance with the submitted diagram they are unable to build further back due to the lot fabric of the subject property as well as existing accessory buildings. The applicants further explained that they are unable to build on the south side of the subject property due to a spring, which would cause issues with the foundation of the proposed seasonal dwelling, and also the existing hydro line. The applicants also explained that they are replacing the deck and stairs in the same location but will wrap around the south side of the new proposed seasonal dwelling. The applicants also explained that the length of the cleared shoreline was existing when they purchased the subject property and they do not propose to make any changes however they were advised that due to the amount that has been cleared they require a variance. The applicants further advised that they are aware of Building Services' comments regarding the additional variance for the 3x3 shed and they are willing to make a separate minor variance application for the same so that they can proceed with their building permit to construct the new proposed seasonal dwelling. The applicants requested a waiver of fees for the new application. The applicants further advised that their neighbours are aware of their plans and have no objections. Committee Chair Chartrand asked the applicant if they are willing to move the shed into compliance. The applicants explained that the shed was built on a slab of cement blocks and would be very difficult to move. Committee Chair Chartrand asked staff to explain the deferral process compared to applying for a new variance in relation to the shed as well as what would be required to bring the shed into compliance. Staff advised that if the applicants were to defer the application in order to add additional variances a deferral fee would be payable which Committee has the ability to return, however the applicants would need to request that. Staff advised that the alternative to a deferral is a new application with the full application fee payable and Committee does not have the ability to waive application fees however a request could be made to Planning Services division to consider a return of application fees. Committee Chair Chartrand asked the applicants, based on what staff advised, how they wish to proceed. The applicants advised that after speaking with Building Services earlier they would like to proceed to a decision on the current application and apply for the shed separately so that they can remain on schedule. Committee Member Dumont asked staff whether or not the building permit would be issued with the variance on the shed still outstanding. Staff advised that it is staff's understanding that the applicants have spoken with Building Services and Building Services has advised that the applicants are able to obtain a building permit for the proposed seasonal dwelling with the variances that would be approved tonight and that the status of the shed would have no impact on the building permit for the proposed seasonal dwelling. Staff further encouraged the applicants to reach out to Planning Services division regarding the shed.

The following decision was reached:

DECISION:

THAT the application by:

DANIEL BOURGOIN AND GISELE BOURGOIN

the owner(s) of PIN 73366 0116, Parcel 19657, Survey Plan SR-1090 Part(s) 1, Lot 9, Concession 2, Township of Fairbank, 643 Fairbank Road North, Whitefish

for relief from Part 4, Section 4.25.2, 4.41.2 and 4.41.3 of By-law 2010-100Z, as amended, to enlarge a legal existing non-complying building and attached deck on the subject property, where enlargement of a legal existing non-complying building is permitted if the enlargement does not increase the gross floor area of the building, providing a minimum 9.0m setback from the high water mark of a navigable waterbody, where a minimum 25.0m setback from the high water mark is required, and also providing 36% of the shoreline length measured at the high water mark to be cleared of natural vegetation, where a maximum of 25% of the length of the cleared area at the high water mark may be cleared of natural vegetation, be granted.

SUBMISSION NO. A0051/2021 Continued.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0054/2021

May 12, 2021

OWNER(S): IVAN FLORES, 23 Normandy Court Sudbury ON P3A 2E9
NATALIE FLORES, 23 Normandy Court Sudbury ON P3A 2E9

AGENT(S):

LOCATION: PIN 02121 0099, Parcel 49681, Survey Plan 53R-13237 Part(s) 4 & 15, Lot 2, Concession 6, Township of McKim, 23 Normandy Court, Sudbury

SUMMARY

Zoning: The property is zoned R1-5 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a second-storey addition providing a side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, May 12, 2021

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

- 1) The Public Notice requests relief from Part 6, Section 6.3, Table 6.3 rather than Part 6, Section 6.3, Table 6.2 for an "R1-5" Low Density Residential One zone.
- 2) With respect to the proposed construction, building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.
- 3) Owner to be advised that our records indicate an incomplete permit for the property for a deck (B20-1158). Please contact Building Services to proceed in closing this project.

CGS: Development Approvals Section, May 12, 2021

REVISED: Staff have no concerns with the height variance being proposed. Staff is satisfied that no negative impacts on abutting residential properties would result should the variance be approved. Staff is further satisfied that the resulting interior side yard will remain functional and access to the rear yard will not be compromised. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, May 07, 2021

Conservation Sudbury does not oppose Minor Variance Application A0054/2021. 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

SUBMISSION NO. A0054/2021 Continued.

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: Development Approvals Section, May 06, 2021

The variance being sought would facilitate the construction of a second-storey addition to the existing single-detached dwelling that has frontage on Normandy Crescent in Sudbury. 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 understands that Building Services is concerned that the addition may result in a three-storey building versus a two-storey building, which would have the effect of requiring an interior side yard setback of 2.4 m (7.87 ft) versus the 1.8 m (5.91 ft) interior side yard setback that has been applied for by the owners. Staff recommends that the variance be deferred in order to afford the owners the opportunity to address those comments received by circulated agencies and departments.

CGS: Building Services Section, May 05, 2021

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

1) The Public Notice requests relief from Part 6, Section 6.3, Table 6.3 rather than Part 6, Section 6.3, Table 6.2 for an "R1-5" Low Density Residential One zone.

2) The Public Notice indicates construction of a second-storey addition requiring a minimum 1.2 m side yard setback, where a minimum 1.8 m side yard setback is required. A review of sketch #8 reflects a drop in grade and 3 storey's from finished grade. In accordance with the definitions of "storey" detailed in Part 3, Line items 321-323 of the CGS Zoning By-Law 2010-100Z, we recommend deferral of this application until such time that clarification can be provided with respect to the number of storey's the proposed addition will generate. Should the proposed addition be that of a third-storey, the required setback will be 2.4 m.

3) With respect to the proposed construction, building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.

4) Owner to be advised that any structure 10m² (108 ft²) in area or more requires a building permit. A search of our records indicates a shed on the subject property that is not reflected on the plot plan that may have been built without benefit of a building permit. Should the shed be 10m² (108 ft²) in area or more, building permits and building permit documents to be submitted to the satisfaction of the Chief Building Official.

Owner to also be informed that accessory structures are required to abide by the setback requirements as detailed in Section 4.2.5., Table 4.1 of the CGS Zoning By-Law 2010-100Z. A minor variance may be required for the setbacks of the shed.

5) Owner to be advised that our records indicate an incomplete permit for the property for a deck (B20-1158). Please contact Building Services to proceed in closing this project.

Greater Sudbury Hydro Inc., May 03, 2021

If breaking soil surface, locates would be required contact: Ontario One Call at 1-800-400-2255.

CGS: Site Plan Control, April 30, 2021

No concerns.

SUBMISSION NO. A0054/2021 Continued.

CGS: Development Engineering, April 28, 2021

No objection.

The applicants appeared before Committee and explained the application. The applicants advised that their surrounding neighbours are aware of their application and one neighbor had provided a letter of support to staff. Staff confirmed that a letter had been received and the letter was read to Committee. Committee Chair Chartrand, referring to Building Services' comments, asked the applicants about the shed located at the rear of the subject property. The applicants explained that staff from Building Services attended the property prior to the hearing and confirmed that the shed was under 10 feet and was more than 2 feet away from the property line on each side. Committee Chair Chartrand asked staff to confirm the applicant's explanation. Staff advised that the numbers provided by the applicants appear to address Building Services' comments.

The following decision was reached:

DECISION:

THAT the application by:

IVAN FLORES AND NATALIE FLORES

the owner(s) of PIN 02121 0099, Parcel 49681, Survey Plan 53R-13237 Part(s) 4 & 15, Lot 2, Concession 6, Township of McKim, 23 Normandy Court, Sudbury

for relief from Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, as amended, in order to facilitate the construction of a second-storey addition to the existing dwelling maintaining a minimum 1.2m side yard setback, where a minimum 1.8m side yard setback 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.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0057/2021

May 12, 2021

OWNER(S): ASHLEIGH SHARON CONLEY-CAYER, 38 Old Skead Rd Garson ON P3L 1N1
SHAWN GILBERT JOSEPH CAYER, 38 Old Skead Rd Garson ON P3L 1N1

AGENT(S):

LOCATION: PIN 73492 0483, Parcel 42680, Survey Plan 53R-5697 Part(s) 1 & 2, Lot 3, Concession 4, Township of Garson, 38 Old Skead Road, Garson

SUMMARY

Zoning: The property is zoned R1-2 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

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

Comments concerning this application were submitted as follows:

The Nickel District Conservation Authority, May 07, 2021

Conservation Sudbury does not oppose Minor Variance Application A0057/2021 as the proponent is requesting a variance in the height.

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 a permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

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
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, May 06, 2021

The variance being sought would facilitate the construction of a detached garage on the subject lands that have frontage on Old Skead Road in Garson. The lands also have frontage on Skead Road. The lands are zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff also did attend the lands and are satisfied that existing mature vegetation would provide an appropriate buffering from nearby residential properties to the detached garage from both Old Skead Road and Skead Road. The detached garage would also maintain a front yard setback of approximately 24.2 m (79.40 ft) whereas a minimum front yard setback of 6 m (19.69 ft) is required. There are also a number of larger lots in the immediate area that provide opportunities for buildings to maintain yard larger setbacks and in this regard the additional height is not expected to have any negative impacts on the residential character and relationships that exist between main buildings and accessory buildings along Old Skead Road. Staff is satisfied then that the additional 2.6 m (8.53 ft) in height that is being sought is reasonable in this particular context. Staff notes however that there would appear to be sufficient area to shift the detached garage 0.5 m (1.64 ft) to west in order to comply with the minimum required 4.5 m (14.76 ft) rear yard setback that is required to Skead Road. If the owners do not wish to shift the location of the detached garage, a deferral would then be appropriate in order to afford them the opportunity to add an additional minor variance to their application. Staff would also caution the owner that the detached garage may not be used as the habitable living space unless the provisions of City's Zoning By-law with respect to secondary dwelling units is complied with accordingly. 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 submit an amended sketch depicting a rear yard setback to the detached garage that complies with rear yard setback requirements for an accessory building in this location within 60 days of the variance decision and to the satisfaction of the Director of Planning Services.

CGS: Building Services Section, May 05, 2021

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

However, Owner to be advised of the following comments:

- 1) Owner to be informed that in accordance with Part 4, Table 4.1 of the CGS Zoning By-law 2010-100Z, any accessory building or structure greater than 2.5 m (8 ft) in height is required to have a rear yard setback of 4.5 m (15 ft) where the rear lot line is a streetline of a road having a width of more than 10 m (32.8 ft). Owner to adjust the location of the detached garage to meet the above by-law requirement or a minor variance will be required.
- 2) With respect to the proposed construction of a detached garage, building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.
- 3) A search of our records indicates the existing shed reflected on the submitted plot plan may have been built without benefit of a building permit. Owner to be informed that any structure 10m² (108 ft²) in area or more requires a building permit. Building permits and building permit documents to be submitted to the satisfaction of the Chief Building Official.
- 4) A search of our records indicates an above ground pool and deck was built without benefit of a building permit. Building permits and building permit documents to be submitted for the swimming pool enclosures and deck to the satisfaction of the Chief Building Official.

CGS: Site Plan Control, April 30, 2021

SUBMISSION NO. A0057/2021 Continued.

No concerns.

CGS: Development Engineering, April 28, 2021

No objection.

The applicants appeared before Committee and explained that the variance was being requested in order to build a garage with a height at variance to the by-law. Committee Chair Chartrand, referring to Building Services' comments, asked the applicants if they had reviewed the same. The applicants confirmed that they would be changing the rear yard setback of the garage to 4.5m and were comfortable with the condition that was being imposed. Committee Member Dumont explained to the applicants that they would have 60 days to revise the sketch and submit the same to the Development Approval's section. The applicants advised that they have already made the changes to the sketch to address the condition but are unsure as to how they should be submitting it. Staff advised the applicant that the drawing should be submitted to the Planning Services division to the attention of Nia Lewis, Secretary-Treasurer for Committee of Adjustment and the same would be reviewed by staff.

The following decision was reached:

DECISION:

THAT the application by:

ASHLEIGH SHARON CONLEY-CAYER AND SHAWN GILBERT JOSEPH CAYER
the owner(s) of PIN 73492 0483, Parcel 42680, Survey Plan 53R-5697 Part(s) 1 & 2, Lot 3, Concession 4, Township of Garson, 38 Old Skead Road, Garson

for relief from Part 4, Section 4.2.4 of By-law 2010-100Z, as amended, in order to facilitate the construction of a detached garage having a maximum height of 7.6m, where 5m is permitted, be granted, subject to the following condition:

1) That the Owner submit an amended sketch depicting a rear yard setback to the detached garage that complies with the rear yard setback requirements for an accessory building in this location within 60 days of the variance decision and to the satisfaction of the Director of Planning Services.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0060/2021

May 12, 2021

OWNER(S): JENNIFER HARKINS, 4812 Long Lake Road Sudbury ON P3G 1K6

AGENT(S): KEN O'MALLEY, 1276 Paquette St Sudbury ON P3A 3Y2

LOCATION: PIN 73476 0502, Parcel 17154, Lot 6, Concession 3, Township of Broder, 4812 Long Lake Road, Sudbury

SUMMARY

Zoning: The property is zoned R1-2 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a garage providing a height and corner side yard setback at variance to the By-law.

PREVIOUSLY SUBJECT TO CONSENT APPLICATION B466/1990 (SEP 17/90)

Comments concerning this application were submitted as follows:

The Nickel District Conservation Authority, May 07, 2021

Conservation Sudbury does not oppose Minor Variance Application A0060/2021. 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: Infrastructure Capital Planning Services, May 07, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, May 06, 2021

The variances being sought would facilitate the construction of a detached garage on the subject lands that are situated at the corner of Chief Lake Road and Long Lake Road in Sudbury. The lands are

SUBMISSION NO. A0060/2021 Continued.

zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed location would allow for the existing driveway access from Chief Lake Road to be utilized for the purposes of accessing the detached garage. Staff also notes that the proposed detached garage would not be situated within the required sight triangle at the corner of Chief Lake Road and Long Lake Road. The lands are also well vegetated and staff has no concerns with respect to any negative impacts being generated on abutting residential properties should the variances be approved. Staff advises that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building in this particular residential area. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, May 05, 2021

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

However, Owner to be advised of the following comments:

1) With respect to the proposed detached garage, Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.

Greater Sudbury Hydro Inc., May 03, 2021

If breaking soil surface, locates would be required contact: Ontario One Call at 1-800-400-2255. All structures, equipment and personnel must maintain proper clearance from energized electrical conductors and apparatus as per the latest edition of the Ontario Electrical Code.

CGS: Site Plan Control, April 30, 2021

No concerns.

CGS: Development Engineering, April 28, 2021

No objection.

The agent appeared before Committee and described the application and requested a height variance of 5.5m rather than what was submitted in the application of 5.4m. Committee Chair Chartrand asked the agent to clarify the height variance requested as the height variance that Committee would be approving would be for a height of 5.4m. Committee Chair Chartrand further advised the applicant that if a greater height was required than the applicant would be better off deferring the application. The agent advised that they would proceed with the variance being requested and would not like to defer the application.

The following decision was reached:

DECISION:

THAT the application by:

JENNIFER HARKINS

the owner(s) of PIN 73476 0502, Parcel 17154, Lot 6, Concession 3, Township of Broder, 4812 Long Lake Road, Sudbury

for relief from Part 4, Section 4.2.4 and Part 6, Table 6.2 of By-law 2010-100Z, as amended, in order to facilitate the construction of a detached garage having firstly, a maximum height of 5.4m, where 5m is permitted and, secondly, providing a minimum 3.0m corner side yard setback, where a minimum 4.5m setback is required, be granted.

SUBMISSION NO. A0060/2021 Continued.

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

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