



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0058/2021

May 27, 2021

OWNER(S): SHERRILL MCCALL, 1663 O'Neil Drive West GARSON ON P3L 1L6

AGENT(S):

LOCATION: PIN 73496 0479, Survey Plan 53R-17790 Part(s) 1, Lot Part 9, Concession 1, Township of Garson, 1663 O'Neil Drive West, Garson

SUMMARY

Zoning: The property is zoned R1-1(7) Low Density Residential One according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct an accessory structure providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

The Nickel District Conservation Authority, May 21, 2021

Conservation Sudbury does not oppose Minor Variance A0058/2021 as the proposed accessory structures appears to be outside of areas regulated by Ontario Regulation 156/06.

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 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: Environmental Planning Initiatives, May 21, 2021

No concerns.

CGS: Infrastructure Capital Planning Services, May 21, 2021

Roads

No comments received.

Transportation & Innovation

SUBMISSION NO. A0058/2021 Continued.

No comments received.

Active Transportation

No comments received.

CGS: Development Approvals Section, May 19, 2021

The variance being sought would facilitate construction of an accessory building being a swimming pool cabana with attached deck having a maximum accessory building height of 6.71 m (22.01 ft) whereas a maximum accessory building height of 5.0 m (16.40) is permitted. The subject lands have frontage on O'Neil Drive West in Garson. The lands are zoned "R1-1(7)", Low Density Residential One Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff did attend the lands and note that the lands are well vegetated and sufficient buffering would exist between the proposed swimming pool cabana and abutting residential properties. The swimming pool cabana is also proposed to be situated approximately 41.68 m (136.75 ft) from the front lot line. Staff is satisfied that the additional 1.71 m (5.61 ft) height will not have any negative impacts on the residential character that exists along O'Neil Drive West given the proposed setback to the road allowance. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, May 18, 2021

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

CGS: Development Engineering, May 12, 2021

No objection.

The applicant appeared before Committee and provided a brief explanation of the application. Committee Members and staff had no questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

SHERRILL MCCALL

the owner(s) of PIN 73496 0479, Survey Plan 53R-17790 Part(s) 1, Lot Part 9, Concession 1, Township of Garson, 1663 O'Neil Drive West, Garson

for relief from Part 4, Section 4.2.4 of By-law 2010-100Z, as amended, in order to facilitate construction of an accessory structure being a pool cabana with attached deck where the roof will extend from the cabana over the pool deck having a maximum accessory structure height of 6.71 m whereas a maximum accessory building height of 5.0 m is permitted, 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.

Member

Status

Carol Ann Coupal

Concurring

SUBMISSION NO. A0058/2021 Continued.

Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0061/2021

May 27, 2021

OWNER(S): LYNN RIOPEL, 2342 Lasalle Blvd Sudbury ON P3A 2B1

AGENT(S):

LOCATION: PIN 73565 0794, Parcel 12867, Survey Plan 53R-16021 Part(s) 3 & 4, Lot 10, Concession 6, Township of Neelon, 2342 Lasalle Boulevard, Sudbury

SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to increase the height of the existing residential building from one and a half-storeys to two-storeys providing an interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 25, 2021

Roads
No comments received.

Transportation & Innovation
No comments received.

Active Transportation
No comments received.

The Nickel District Conservation Authority, May 21, 2021

Conservation Sudbury does not oppose Minor Variance A0061/2021. 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: Environmental Planning Initiatives, May 21, 2021

No concerns.

CGS: Development Approvals Section, May 19, 2021

The variance being sought would facilitate the construction of a renovation, as well as an addition to, an

SUBMISSION NO. A0061/2021 Continued.

existing residential dwelling from one and a half-storeys to two-storeys providing an interior side yard setback of 1.22 m (4.00 ft) where 1.8 m (5.91 ft) is required. The subject lands have frontage on Lasalle Boulevard in Sudbury. The lands are zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that there is an existing two-storey residential dwelling to the west and the existing residential dwelling to the east has long abutted the one and a half-storey residential dwelling that is now proposed to be a two-storey residential dwelling. Staff is satisfied that in this context the additional half-storey in building height will not have any negative impacts on abutting residential properties. Staff also notes that the functional interior side yard for the residential dwelling to the east is on the opposite side of said lot and not where the building addition and height increase is proposed. Staff is also satisfied that the interior side yard will remain functional on the subject lands in terms of providing access to the rear yard. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Greater Sudbury Hydro Inc., May 18, 2021

No conflict.

CGS: Building Services Section, May 18, 2021

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

However, Owner to be advised of the following comments:

1) A search of our records indicates incomplete permits for the property for an exterior alteration (siding - B17-0421) and a rear entry addition (B17-1834). Please contact Building Services to proceed in closing these projects.

CGS: Development Engineering, May 12, 2021

No objection.

The applicant appeared before Committee and provided a brief explanation of the application. The applicant explained, with regards to Building's comments, that she does not know how to close the open Building Permit. Staff advised the applicant to contact Building Services regarding the open permit and further advised that the applicant would need a Building Permit for the new building.

The following decision was reached:

DECISION:

THAT the application by:

LYNN RIOPEL

the owner(s) of PIN 73565 0794, Parcel 12867, Survey Plan 53R-16021 Part(s) 3 & 4, Lot 10, Concession 6, Township of Neelon, 2342 Lasalle Boulevard, Sudbury

for relief from Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, as amended, in order to facilitate the construction of an addition increasing the height of the existing residential building from one and a half-storeys to two-storeys providing an interior side yard setback of 1.22m where 1.8 m is required, be granted.

SUBMISSION NO. A0061/2021 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 variance is minor in nature and is desirable for the appropriate development and use of the land and building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0062/2021

May 27, 2021

OWNER(S): 2779349 ONTARIO INC., 114 Gold St Sudbury ON P3E 5Z3

AGENT(S): PETER LAVALLE, 114 Gold St Sudbury ON P3E 5Z3

LOCATION: PIN 73588 1034, Parcel 9954, Survey Plan 53R-18916 Part(s) 1 & 3, Lot(s) 8, Subdivision M160, Lot Part 8, Concession 2, Township of McKim, 64 Copper Street, Sudbury

SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: For approval to permit the expansion of a legal non-conforming multiple dwelling containing three dwelling units to include covered stairs with a gross floor area and minimum side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

The Nickel District Conservation Authority, May 21, 2021

Conservation Sudbury does not oppose Minor Variance A0062/2021. 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: Environmental Planning Initiatives, May 21, 2021

No concerns.

CGS: Infrastructure Capital Planning Services, May 21, 2021

Roads
No comments received.

Transportation & Innovation
No comments received.

Active Transportation
No comments received.

SUBMISSION NO. A0062/2021 Continued.

CGS: Development Approvals Section, May 19, 2021

This application seeks to expand a legal non-conforming multiple dwelling containing three residential dwelling units by adding covered stairs to the rear of the building, which has the effect of increasing the gross floor area of the multiple dwelling to 491.0 m² (5,285.08 ft²) and extending the existing westerly minimum interior side yard setback of 0.60m where a minimum side yard setback of 2.4m is required. The subject lands have frontage on Copper Street in Sudbury. The lands are zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has reviewed the request and have no concerns with respect to the development proposal resulting in any negative impacts on abutting residential properties. The development proposal also does not result in any additional residential dwelling units being permitted on the lands. Staff is also of the opinion that the covered stairs will have a positive impact on the lands from a functionality perspective in terms of providing safe access to the residential building. Staff recommends that the application be approved as the expansion is reasonable, not excessive and no negative land use planning impacts would be generated on abutting lands or within the general area.

Greater Sudbury Hydro Inc., May 18, 2021

No conflict.

CGS: Building Services Section, May 18, 2021

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

However, Owner to be advised of the following comments:

1) A review of the Public Notice indicates relief of Part 6, Section 6.3 for a westerly minimum side yard setback of 0.60 m where a minimum side yard setback of 2.4 m is required rather than a required setback of 1.2 m in accordance with Part 6, Section 6.3.

As per Minor Variance application A0057/2013, we acknowledge that a westerly minimum side yard setback of 0.6 m (2 ft) was granted for the three storey triplex dwelling.

2) A review of the submitted plot plan and drawings has conflicting information with respect to the dimensions of the proposed porch. The plot plan indicates a dimension of 6.15 m (20.2 ft) by 2.44 m (8 ft) whereas the submitted drawings dated January 14, 2021 indicate a dimension of 7.05 m (23.16 ft) by 2.4 m (8 ft). It should also be noted that the most recent set of drawings dated March 8, 2021 submitted under permit no. B11-2351 indicates a proposed measurement of 6.15 m (20.2 ft) x 1.98 m (6.5 ft). Owner to verify dimensions of the proposed porch.

3) A search of our records indicates an incomplete permit for the property to demolish a triplex (B11-1823). Please contact Building Services to proceed in closing this project.

CGS: Development Engineering, May 12, 2021

No objection.

The applicant appeared before Committee and provided a brief explanation of the application. Committee Members and staff had no questions or comments.

The following decision was reached:

DECISION:

SUBMISSION NO. A0062/2021 Continued.

THAT the application by:

2779349 ONTARIO INC.

the owner(s) of PIN 73588 1034, Parcel 9954, Survey Plan 53R-18916 Part(s) 1 & 3, Lot(s) 8, Subdivision M160, Lot Part 8, Concession 2, Township of McKim, 64 Copper Street, Sudbury

for relief from Part 4, Section 4.25, subsection 4.25.1 and Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, as amended, to permit the expansion of a legal non-conforming multiple dwelling containing three dwelling units to include covered stairs, with a gross floor area of 491.0m² and also, providing a westerly minimum side yard setback of 0.60m where a minimum side yard setback of 2.4m 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 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.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0065/2021

May 27, 2021

OWNER(S): CHRISTIAN GUILLOT, 1231 PEEL STREET SUDBURY ON P3A 1S1
SONIA GUILLOT, 1231 PEEL STREET SUDBURY ON P3A 1S1

AGENT(S):

LOCATION: PIN 02125 0162, Parcel 24352, Lot(s) 28, Subdivision M-286, Lot 1, Concession 5, Township of McKim,
1231 Peel Street, 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: For approval to demolish and reconstruct an attached garage with a rear yard setback at variance to the by-law.

Comments concerning this application were submitted as follows:

The Nickel District Conservation Authority, May 21, 2021

Conservation Sudbury does not oppose Minor Variance A0065/2021. 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: Environmental Planning Initiatives, May 21, 2021

No concerns.

CGS: Infrastructure Capital Planning Services, May 21, 2021

Roads
No comments received.

Transportation & Innovation
No comments received.

Active Transportation
No comments received.

CGS: Development Approvals Section, May 19, 2021

SUBMISSION NO. A0065/2021 Continued.

The variance being sought would to permit the demolition and reconstruction of an attached garage having a rear yard setback of 4.5 m (14.76 ft) whereas a minimum rear yard setback of 7.5 m (24.61 ft) is required. The subject lands have frontage on Peel Street 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 previously supported a minor variance to facilitate the demolition and reconstruction of an attached garage in this general location and remain supportive of the development proposal (File # A0035/2021). Staff notes that the previous variance granted relief with respect to a reduced interior side setback, but no rear yard setback relief was requested by the owner. The relief is however required as the reconstruction of the new attached garage would further reduce the legal non-complying rear yard setback that the existing attached garage has previously maintained. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Greater Sudbury Hydro Inc., May 18, 2021

If disconnect reconnect is required contact Greater Sudbury Hydro Inc. Energy Supply Department.

CGS: Building Services Section, May 18, 2021

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

However, Owner to be advised of the following comments:

1) With respect to the proposed attached garage, Building Services acknowledges an associated Minor Variance application (A0035/2021) whereby relief of a side yard setback of 0.0 m was requested and granted by the Committee of Adjustment.

2) A search of our records indicates the rear deck may have been built without benefit of a building permit. A review of the plot plan indicates a portion of the deck was removed in 2019. With respect to the remaining portion, Owner to be advised that a deck greater than 24" (2 ft) in height and greater than 10 m² (108 ft²), requires a building permit. Building permits and building permit documents, to be submitted to the satisfaction of the Chief Building Official. Should the intention be to remove the remaining portion of deck, a Demolition permit would be required.

CGS: Development Engineering, May 12, 2021

No objection.

The applicant appeared before Committee and explained the application using a PowerPoint presentation wherein he advised that the exact rear yard setback required was 4.515m. The applicant explained that through Minor Variance Application A0035/2021, Committee granted a side yard setback of 0.0m, however the rear yard setback through miscommunication was overlooked. Committee Chair Chartrand asked the Secretary-Treasurer to confirm the rear yard setback as set out in the application and the Secretary-Treasurer confirmed the same. Committee Chair Chartrand asked staff to confirm that the rear yard setback that the applicant was seeking would be sufficient. Staff advised that as staff understood the applicant, the applicant rounded the rear yard setback down to 4.5m which would meet the requirements under the Building Permit however staff advised that Committee Chair Chartrand direct the question to the applicant to confirm. The applicant explained that he did not want to have any issues with his Building Permit so through his presentation advised Committee of the exact rear yard setback that he requires. Staff advised that the minimum of 4.5m would be sufficient. Committee Member Castanza asked staff to explain why the rear yard setback was missed in Minor Variance Application A0035/2021. Staff advised that it was not applied for in the previous application and through the full Building Permit review process the second variance was identified and that triggered the need for a second application. The applicant explained that the previous application did include the side yard and the rear yard setback and believed that the miscommunication was on the part of Committee and that the wrong application was submitted the first time around. The applicant explained that he did submit for the rear and the side yard setback but only the side yard setback was brought before Committee and unfortunately the applicant did not notice that the rear yard setback was missing in the first meeting. Committee Chair Chartrand explained that Committee can only hear applications that are brought before it and he believed the last application was only for the side yard setback and Committee wouldn't have known of the rear yard setback. The applicant stated that he believes that to be a false statement. Committee Members and staff had no further questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

CHRISTIAN GUILLOT AND SONIA GUILLOT
the owner(s) of PIN 02125 0162, Parcel 24352, Lot(s) 28, Subdivision M-286, Lot 1, Concession 5, Township of McKim,
1231 Peel Street, Sudbury

for relief from Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, as amended, to permit the demolition and reconstruction of an attached garage with a rear yard setback of 4.5m where a minimum rear yard setback of 7.5m is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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.

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