



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0150/2022

November 16, 2022

OWNER(S): LYNN VIS, 770 Dominion Drive, Hanmer, ON P3P 0A7
RYAN VIS, 770 Dominion Drive, Hanmer, ON P3P 0A7

AGENT(S): RYAN VIS, 770 Dominion Drive, Hanmer, ON P3P 0A7

LOCATION: PIN 73503 0122, Parcel 20201A SEC SES SRO, Surveys Plan 53R-16848 Part(s) 1 & Plan 53R-4833 Part (s) 1, Lot Pt 3, Concession 2 except, Township of Hanmer, 770 Dominion Drive, Hanmer

SUMMARY

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

Application: Approval of a lot to be retained, subject to a future Consent Application, providing a lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, November 15, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Approvals Section, November 08, 2022

Staff notes that the lands were recently the subject of an application to amend the City's Official Plan in order to permit the creation of a new lot within the Urban Expansion Reserve (UER) by allowing for a site-specific policy exception to those UER lot creation policies set out under Section 20.3.1(3) of the City's Official Plan (File # 701-7/21-2). The City's Planning Committee approved the application and Council subsequently enacted Official Plan Amendment #115 on May 31, 2022. OPA #115 provides a lot creation policy exception on the lands with respect to lot creation, however staff notes that the severed and retained lands would provide for 71 m (232.94 ft) and 85 m (278.87 ft) respectively whereas a minimum lot frontage of 90 m (295.28 ft) is required under the applicable "RU" Zone. Staff notes that the Committee of Adjustment recently authorized a minor variance on October 5, 2022, for a reduced minimum lot frontage on the severed lands (File # A0138/2022). Staff advised at that time that a second minor variance was necessary in order to allow for a reduced minimum lot frontage on the retained lands. The owner subsequently filed this second application for consideration by the Committee. Staff is supportive of the variance to permit a reduced minimum lot frontage on the retained lands on the basis that they are implementing the policy exception provided under OPA #115.

CGS: Building Services Section, November 08, 2022

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

Owner to also be informed of the following information:

1) A search of our records indicates there are multiple permits which are not completed. Owner shall

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contact Building Services to discuss outstanding items. Building permit No. B17-2040 and B21-0614.
2) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the existing accessory structure (coverall) built without benefit of building permit. Owner to be advised further minor variance may be required. Alternatively, the building shall be removed.

Greater Sudbury Hydro Inc., November 08, 2022

No concerns - outside our territory.

The Nickel District Conservation Authority, November 03, 2022

Conservation Sudbury does not object to Minor Variance application A0150/2022, as the width of lot frontage is not a concern of the Conservation Authority.

As part of the Consent process for this subject property, Conservation Sudbury will require that the wetlands be mapped by a qualified professional (OWES certified). The site plan submitted for the consent application must show the delineated wetlands, with a 12m and 30m buffer, and the building envelope including the limits of fill. All development will be directed outside of the wetland as per Conservation Sudbury's wetland guidelines. Any development within 30m of the wetland will require a permit from Conservation Sudbury. Any road improvements to the existing driveway will require a permit from Conservation Sudbury.

Ministry of Transportation, November 03, 2022

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, November 03, 2022

No objections.

CGS: Development Engineering, November 02, 2022

No objection.

The applicant, Ryan Vis, appeared before Committee and provided a summary of the application. Committee had no comments or questions.

The following decision was reached:

DECISION:

THAT the application by:

LYNN VIS AND RYAN VIS

the owner(s) of PIN 73503 0122, Parcel 20201A SEC SES SRO, Surveys Plan 53R-16848 Part(s) 1 & Plan 53R-4833 Part(s) 1, Lot Pt 3, Concession 2 except, Township of Hanmer, 770 Dominion Drive, Hanmer

for relief from Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the lot to be retained subject to a future Consent Application, providing a minimum lot frontage of 85.31m, where 90.0m is required, be granted.

SUBMISSION NO. A0150/2022 Continued.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0151/2022

November 16, 2022

OWNER(S): SONIA GONCALVES, 24 Jeanine St Sudbury ON P3B 0E5
DANIEL SANTOS, 24 Jeanine St Sudbury ON P3B 0E5

AGENT(S): SONIA GONCALVES, 24 Jeanine St Sudbury ON P3B 0E5

LOCATION: PIN 73572 0539, Lot(s) 7, Subdivision 53M-1388, Lot Pt 11, Concession 4, Township of Neelon, 24 Jeanine 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: Approval to permit an existing gazebo on the subject property to maintain a setback from the rear lot line and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, November 15, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Engineering, November 09, 2022

No objection.

CGS: Building Services Section, November 09, 2022

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

1) A search of our records indicates there are multiple permits which are not completed. Owner shall contact Building Services to discuss outstanding items. Building permit No. B10-1316, B22-0857 and B22-1830

2) A revised plot plan is required. The submitted plot plan does not reflect property dimensions on record. There is a 3m wide easement along the rear of the property which has not been identified and it appears the gazebo, which was built without benefit of building permit, is encroaching onto the easement.

As a condition, a letter of tolerance shall be obtained for the gazebo.

CGS: Development Approvals Section, November 08, 2022

The variance being sought would recognize the location of an existing accessory structure being a gazebo in the rear yard of the subject lands having frontage on Jeanine Street in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One

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under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the existing gazebo is askew to the rear lot line maintaining a 0.61 m (2.00 ft) setback at its closest point whereas 1.2 m (3.94 ft) is required under Section 4.2.5, Table 4.1 of the City's Zoning By-law. Staff further notes in this regard that the southerly extent of the gazebo provides for a rear yard setback of 2.44 m (8.01 ft) which exceeds the minimum required setback noted above. Staff has no concerns with respect to the location of the gazebo and would note that the setback provided being askew to the rear lot line will allow for continued access and maintenance of the gazebo building. Staff does not anticipate that any negative land use planning impacts would be generated on abutting residential properties should the variances be approved. Staff also notes that the gazebo would otherwise appear to comply with all other applicable development standards for an accessory building situated within the "R1-5" Zone. Staff also has no concerns with respect to the eaves variance. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the City's Official Plan and Zoning By-law are maintained.

Greater Sudbury Hydro Inc., November 08, 2022

No conflict.

The Nickel District Conservation Authority, November 03, 2022

Conservation Sudbury does not object to Minor Variance application A0151/2022.

Ministry of Transportation, November 03, 2022

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, November 03, 2022

No objections.

The applicants appeared before Committee and provided a summary of the application. Committee Member Dumont asked staff, referring to Building Services' comments, to explain what a letter of tolerance was and would an encroachment agreement be required. Staff explained to Committee what a letter of tolerance was, its purpose, how it is different from an encroachment agreement and how it is facilitated. Committee Member Dumont asked staff if additional variances would be required due to the revisions made to the sketch to depict the easement and staff advised that the letter of tolerance would not impact the variances being requested. Committee Chair Chartrand asked staff if the letter of tolerance would be obtained through Building Services and staff confirmed that it would be and the condition that was requested would be cleared by the Chief Building Official. Committee Chair Chartrand asked the applicants if they understood the condition that would be imposed and the applicants advised that they have already been in communication with Building Services. Committee Member Dumont asked the applicants if they had an opportunity to review the comments from Building Services and the applicants confirmed they have rectified the sketch and been in communication with Building Services.

The following decision was reached:

DECISION:

THAT the application by:

SONIA GONCALVES AND DANIEL SANTOS

the owner(s) of PIN 73572 0539, Lot(s) 7, Subdivision 53M-1388, Lot Pt 11, Concession 4, Township of Neelon, 24 Jeanine Street, Sudbury

SUBMISSION NO. A0151/2022 Continued.

for relief from Part 4, Section 4.2, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing gazebo to maintain a setback of 0.6096m from the rear lot line with eaves encroaching 0.09m into the proposed 0.609m rear yard setback, where accessory buildings and structures greater than 2.5m in height shall be no closer than 1.2m from the rear lot line and where eaves may encroach 1.2m into the required rear yard but not closer than 0.6m to the lot line, be granted, subject to the following condition:

1. That the owners obtain a letter of tolerance for the encroachment of the gazebo onto the 3.0m wide easement along the rear of the property within six months of the variance decision and to the satisfaction of the Chief Building Official.

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.

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