



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0148/2022

November 02, 2022

OWNER(S): 5026958 ONTARIO LIMITED, 320 Sixth Ave Lively ON P3Y 1M4

AGENT(S): WILLIAM DOPSON, 291 Ash St Lively ON P3Y 1M8

LOCATION: PINs 73375 0626 & 73375 0944, Parcel 31151 SEC SWS SRO, Surveys Plan 53R-20578 Part(s) 4, 5, 6, and 7 & Plan 53R-16520 Part(s) 2, Lot Pt 6, Concession 4, Township of Waters, 11 White Road, 33 White Road, Lively

SUMMARY

Zoning: The property is zoned RU(84) (Rural) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit an addition on the existing crematorium on the subject property providing a reduced railroad right-of-way setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, October 27, 2022

REVISED
Roads

No concerns.

Transportation and Innovation Support / Active Transportation

No concerns.

CGS: Strategic and Environmental Planning, October 27, 2022

REVISED
No concerns.

Greater Sudbury Hydro Inc., October 26, 2022

REVISED
Outside our service territory.

CGS: Building Services Section, October 25, 2022

REVISED
Based on the information provided, we can advise that Building Services has no concerns with this application.

Building Services has provided the following comments for the Owners information.

1. A search of our records indicated there are building permits which are not completed. Owner shall contact Building Services to discuss outstanding items. Building permit #11-2364 relating to 11 White Road and #B10-1749 relating to 33 White Road.

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CGS: Development Approvals Section, October 25, 2022

REVISED

This application was previously deferred at the request of the owner in order to afford themselves the opportunity to confirm the railroad right-of-way setback variance that would be required in order to construct an addition to the existing crematorium. Staff understands that Building Services was able to assist the owner by providing a survey plan that confirmed the variance as originally applied for was incorrect. Staff has reviewed the additional materials and notes that the existing crematorium building maintains a legal non-complying setback to the railroad right-of-way of 11.2 m (36.75 ft) whereas 30 m (98.43 ft) is required under Section 4.37.2 of the City's Zoning By-law. Staff is of the opinion that the proposed addition is not excessive or unreasonable in nature and no negative land use planning impacts are anticipated on the lands or on abutting properties should the variance be approved. For the owner's information, the railroad is owned by Canadian Pacific Railway (CPR) and it is recommended that the owner properly consider and incorporate mitigation and safety measures as it relates to the proximity of the crematorium building to the railroad right-of-way. Staff further advises that CPR was sent the variance application and typically an owner is directed to follow the 2013 Proximity Guidelines (<http://www.proximityissues.ca>) prepared by the Federation of Canadian Municipalities and the Railway Association of Canada. Staff recommends that that 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: Site Plan Control, October 20, 2022

REVISED

No objection.

The Nickel District Conservation Authority, October 19, 2022

REVISED

Conservation Sudbury does not object to Minor Variance application A0148/2022.

There appears to be wetland features on the subject property. Any future development within the wetland must comply with Conservation Sudbury's wetland guidelines. Landowner is recommended to consult with Conservation Sudbury if future development is planned.

Greater Sudbury Hydro Inc., October 12, 2022

No concerns, outside of our territory.

The Nickel District Conservation Authority, October 12, 2022

Conservation Sudbury does not object to Minor Variance application A0148/2022. There appears to be wetland features on the subject property. Any future development within the wetland must comply with Conservation Sudbury's wetland guidelines. Landowner is recommended to consult with Conservation Sudbury if future development is planned.

CGS: Infrastructure Capital Planning Services, October 12, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Approvals Section, October 12, 2022

The variance being sought would facilitate the construction of an addition to an existing crematorium having frontage on White Road in Lively. The lands are designated Rural in the City's Official Plan and

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zoned "RU(84)", Rural Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that the original building permit application included a survey plan which shows the existing building on the lands having a closer setback to the railroad right-of-way than what has been depicted on the sketch that has been submitted in support of the variance request. Staff would therefore advise that a larger variance than what has been applied for would be necessary as the proposed addition would maintain a setback that is less than 6.4 m (21.00 ft) to the railroad right-of-way. Staff would further advise that additional public notice is also required as a greater variance than what was initially advertised is being sought by the owner. Staff recommends that the application be deferred in order to afford the owner the opportunity to address those comments received from circulated agencies and departments.

CGS: Strategic and Environmental Planning, October 11, 2022

No objections.

CGS: Building Services Section, October 11, 2022

Based on the information provided, Building Services is recommending a deferral as the sketch provided for consent application B0030/2015 has the existing crematorium at a setback of 11.5m from the rear property line abutting a railway right-of-way. The sketch provided for this minor variance show the existing building setback at 14.2m.

Note to Owner(s):

1) There are two building permits on the property that have not been completed. Please contact building services to arrange for inspection(s).

Ministry of Transportation, October 06, 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, October 06, 2022

No objections.

CGS: Development Engineering, October 05, 2022

No objection.

The applicant's agent, William Dopson, appeared before Committee and provided a summary of the application. Committee had no questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

5026958 ONTARIO LIMITED

the owner(s) of PINs 73375 0626 & 73375 0944, Parcel 31151 SEC SWS SRO, Surveys Plan 53R-20578 Part(s) 4, 5, 6, and 7 & Plan 53R-16520 Part(s) 2, Lot Pt 6, Concession 4, Township of Waters, 11 White Road, 33 White Road, Lively

for relief from Part 4, Section 4.37, subsection 4.37.2 b) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an addition on the existing crematorium providing a minimum railroad setback of 4.2m, where all buildings and structures shall be setback 30.0m from any lot line abutting a railroad right-of-way, be granted.

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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
Justin Sawchuk	Concurring
Matt Dumont	Concurring