



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0135/2021

November 24, 2021

OWNER(S): CARMINE BERARDELLI, 851 Corsi Hill Sudbury ON P3E 6A4  
EZIO BERARDELLI, 851 Corsi Hill Sudbury ON P3E 6A4  
PAOLO BERARDELLI, 851 Corsi Hill Sudbury ON P3E 6A4

AGENT(S): PAOLO BERARDELLI, 851 Corsi Hill Sudbury ON P3E 6A4

LOCATION: PIN 73588 0427, Parcel 6970, Lot(s) 22, Subdivision M-76, Lot Pt 8, Concession 2, Township of McKim, 13 Strudwick Avenue, Sudbury

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### SUMMARY

**Zoning:** The property is zoned R2-3 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval to permit encroachments into the side yard setbacks and front yard setback, reduced lot area per unit and stacked parking for a multiple dwelling on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

Ministry of Transportation, November 23, 2021

No Objection

CGS: Building Services Section, November 18, 2021

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

CGS: Infrastructure Capital Planning Services, November 18, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, November 18, 2021

The variances being sought would recognize and permit a multiple dwelling containing three residential dwelling units and having frontage on Strudwick Avenue in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-3", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has attended the lands and has no concerns with respect to the minimum lot area per unit, yard setbacks and encroachments variances. Staff is of the opinion that the lands are capable of supporting a multiple dwelling having three residential dwelling units provided that the laneway providing access to the rear yard parking area is maintained by the City. Staff does however have concerns with the double-parking variance that is being requested from a parking area functionality perspective. It should be noted however that recent

SUBMISSION NO. A0135/2021 Continued.

changes to those residential parking standards that are applicable within the "R2-3" Zone would result in the multiple dwelling being required to provide three parking spaces. Specifically, and within the "R2-3" Zone, where a building is being converted in order to provide additional residential dwelling units the parking rate is calculated at one parking space per residential dwelling unit. The submitted sketch would appear to demonstrate that providing three unobstructed parking spaces in the rear yard would be possible. Staff would note for clarification purposes that the residential dwelling units in question are illegal at present and through the process of legalizing said residential dwelling units a conversion is considered to be taking place. Staff is therefore of the opinion that the double-parking variance is not required and would have concerns that, if approved, the double-parking variance would give permanence to and recognize an undesirable parking layout in the rear yard of the lands. Staff recommends that the application be approved subject to the following conditions:

1. That the owner confirm that the laneway providing access to the rear yard is maintained by the City to the satisfaction of the Director of Planning Services within 30 days of the variance decision; and,
2. That the owner provide an updated sketch depicting three parking spaces in the rear yard that comply with minimum parking space dimension requirements to the satisfaction of the Director of Planning Services within 30 days of the variance decision.

The Nickel District Conservation Authority, November 17, 2021

Conservation Sudbury does not oppose Minor Variance Application A0135/2021. 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 natural features subject to Ontario Regulation 156/06.

#### Notes

Please be 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, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

Greater Sudbury Hydro Inc., November 16, 2021

No conflict.

CGS: Site Plan Control, November 16, 2021

No objection.

CGS: Development Engineering, November 12, 2021

No objection.

The applicant and their agent, Joseph Marcuccio, appeared before Committee and the applicant explained that they purchased the property as is with issues and they are trying to rectify those issues. The applicant explained that the decks are existing, and they are asking for relief to fix and repair them. Committee Member Dumont asked staff to clarify the parking requirements with the recent change in the City's parking standards. Staff confirmed that the City recently changed the parking standards and one of the changes is for the R2-3 zone. Staff explained that when a conversion is taking place a multiple dwelling would be required to provide one parking space per dwelling unit therefore this building requires one parking space per unit. Staff explained that parking spaces 4, 5 and 6, as described on the applicant's sketch, could be deleted and 1, 2 and 3 would satisfy the parking requirements for this conversion. Staff recommended, as set out in their comments, that the applicants update their drawing to remove those parking spaces and that no variance be granted for the parking area as it complies with the Zoning By-law. Committee Member Dumont asked staff to clarify that the applicant only applied for the double parking because of new parking standards being in an appeal period. Staff confirmed that was correct and is the reason why staff is recommending that if the other variances are approved that the sketch be updated to remove those other parking spaces for file keeping. Staff explained that this application came in when the new parking standard by-law had been approved by City Council but was not yet final and binding due to the appeal period, but at this time the by-law is final and binding and the relief for double parking is no longer viewed as being necessary or recommended. Committee Member Dumont asked staff why Transportation provided comments with no concerns but there is a condition of approval regarding transportation and if the road is maintained year-round by the municipality. Staff explained that at the time Planning provided their comments it was not yet determined if that laneway was maintained by the municipality and in an effort to provide Planning comments it was felt that imposing a condition rather than deferral, as the matter was being explored, would be appropriate. Staff confirmed that the laneway was maintained by the City and that a condition is no longer required if Committee opted to remove it from the resolution. Committee Member Dumont advised that he supports removing the first condition but would still like the second condition included in the decision. Committee Chair Chartrand asked Committee if they had any concerns with removing the first condition and no objections were made. Committee Chair Chartrand requested the Secretary-Treasurer to remove the second condition from the resolution and requested her to confirm that the double-parking relief would also be removed, and she advised that it would be. Committee Chair Chartrand asked the applicant if they had any concerns with the conditions and removing the variance and the applicant confirmed that they did not and they would revise the drawing to remove the additional three parking spots. The applicant asked Committee who he should be providing the revised drawing too and staff advised that it could be sent to the Planning Services division, specifically to the Secretary-Treasurer.

The following decision was reached:

DECISION:

THAT the application by:

CARMINE BERARDELLI, EZIO BERARDELLI AND PAOLO BERARDELLI  
the owner(s) of PIN 73588 0427, Parcel 6970, Lot(s) 22, Subdivision M-76, Lot Pt 8, Concession 2, Township of McKim,  
13 Strudwick Avenue, Sudbury

for relief from Part 4, Section 4.2, Table 4.1, Part 5, Section 5.2, subsection 5.2.9.1 and Part 6, Section 6.3, Table 6.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, in order to legalize an existing multiple dwelling as a triplex providing firstly, a minimum lot area of 125.0m<sup>2</sup> per unit, where 140.0m<sup>2</sup> per unit is required, secondly, to permit the front east uncovered deck to encroach 5.39m into the front yard and maintaining a 0.61m setback from the front lot line and 0.57m from the interior side lot line, where no encroachment is permitted into the required front yard and where uncovered decks may encroach 1.2m into the interior side yard but no closer than 1.2m to the interior side lot line, thirdly, to permit the north stair and landing 0.57m from the interior side lot line, where open, roofless and uncovered steps may encroach no closer than 0.6m into the interior side lot line, and fourthly, to permit the rear uncovered deck 0.91m from the interior side lot line, where uncovered decks may encroach 1.2m into the interior side yard but no closer than 1.2m to the interior side lot line, be granted, subject to following condition:

1. That the owners provide an updated sketch depicting three parking spaces in the rear yard that comply with minimum parking space dimension requirements to the satisfaction of the Director of Planning Services within 30 days of the variance decision.

SUBMISSION NO. A0135/2021 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 and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0138/2021

November 24, 2021

OWNER(S): CHANTAL ROBERT, 150 Notre Dame W PO BOX 677 Azilda ON P0M 1B0

AGENT(S): SERGIO CACCIOTTI, 289 Cedar St Sudbury ON P3B 1M8

LOCATION: PIN 73347 1084, Parcel 24179A, Lot(s) 26, Subdivision M-400, Lot Pt 5, Concession 2, Township of Rayside, 150 Notre Dame Avenue West, Azilda

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### SUMMARY

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

**Application:** Approval to construct a detached garage on the subject property providing accessory lot coverage and height at variance to the By-law.

Comments concerning this application were submitted as follows:

Ministry of Transportation, November 23, 2021

No Objection

CGS: Building Services Section, November 18, 2021

Based on the information provided, Building Services has the following comment(s):

1) The approximate lot area based on an OLS survey on record is approximately 15,429 ft<sup>2</sup> (1433m<sup>2</sup>) which results in an accessory lot coverage of 9.72%. A minor variance is not required as the amount does not exceed 10%.

Notes to Owner:

1) The building height of 6.82m does not reflect what was applied for on the Building Permit #20-0756. Please submit updated drawings to reflect an overall height of 6.82m.

CGS: Infrastructure Capital Planning Services, November 18, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, November 18, 2021

The variances being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Notre Dame Street West in Azilda. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-

SUBMISSION NO. A0138/2021 Continued.

100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that a building permit was recently issued which would facilitate the demolition of an existing shed in favour of a new detached garage. Staff further understands that the owner has subsequently decided to pursue a taller accessory building in order to accommodate storage of a recreational vehicle. With respect to the height variance, staff notes that both the subject lands and immediately abutting residential lots exceed minimum lot area, minimum lot frontage and minimum lot depth requirements of the "R1-5" Zone. The lot depth in particular allows for the owner to situate the proposed detached garage to the rear of the existing residential dwelling on the land and approximately 28 m (91.86 ft) from Notre Dame Street West. Staff is therefore confident that the proposed additional building height will not have any negative impacts on the existing residential character along this portion of Notre Dame Street West. Staff is further of the opinion that no negative impacts would result on abutting residential properties and in particular the residential dwelling to the immediate west maintains an easterly interior side yard setback of approximately 27 m (88.58 ft). Staff also have no concerns with the requested accessory building lot coverage of 10.05% whereas a maximum of 10% is permitted. It should also be noted that the proposed detached garage otherwise would appear to comply with all applicable general provisions and those specific development standards applicable in the "R1-5" Zone. Staff would however caution the owner that the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. 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.

The Nickel District Conservation Authority, November 17, 2021

Conservation Sudbury does not oppose Minor Variance Application A0138/2021. 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 natural features subject to Ontario Regulation 156/06.

#### Notes

Please be 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, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

Greater Sudbury Hydro Inc., November 16, 2021

No concerns.

CGS: Site Plan Control, November 16, 2021

No objection.

CGS: Development Engineering, November 12, 2021

No objection.

The applicant and their agent, Sergio Cacciotti, appeared before Committee and the agent explained that they applied for and received a building permit, but the owners wanted to increase the height of the garage so that they can park their motorhome in it. The agent explained that when looking at the house from main street it will still be the same height as the house because the garage is four feet below the road. Committee Member Dumont asked the agent, referring to Building Services' comments, to confirm the height. The agent explained that the permit that was provided was for ten feet and they went for the maximum of 6.2 feet so that it would fit the motorhome. The agent explained that it is the exact same building, they are just raising the height of the interior ceiling in the roof. Committee Member Dumont explained to the agent that the numbers need to be exact and asked the agent if it is 6.82m that is being requested or 6.25m. The agent said that it is 6.82m and they will be providing the new drawing as requested from Building. Committee Member Dumont asked the agent to confirm that they are seeking a height of 6.25m and the agent confirmed that that was correct. Committee Member Dumont asked staff, referring to Building Services' accessory lot coverage comments, if their comments were more accurate than what was submitted to Planning. Staff suggested that the Committee Member direct that question to the applicant and that it is staff's understanding that Building Services has an OLS survey which they relied upon and consider to be more accurate than the drawing submitted by the applicant. Committee Member Dumont asked the applicant and agent if the survey or their drawing were more accurate, and the agent advised that the survey would be more accurate. Committee Member Dumont asked the Committee Chair what direction Committee needs to go in as one item doesn't need relief and the other isn't accurate. Committee Chair Chartrand asked the agent to confirm the height relief that is being sought. The agent explained that Building is requesting a new sketch providing the correct height of the building. Committee Chair Chartrand explained to the agent that Committee needs to know the correct height for the exterior as the application and drawing do not match. The agent advised that they need 6.8m. Committee Chair Chartrand asked the agent to confirm that a new sketch would be submitted, and the agent confirmed that it would be. Committee Member Dumont confirmed that the application was for 6.82m and proposed that a condition be put in place. Committee Chair Chartrand asked Committee if they had any objection to removing the lot coverage variance and Committee Member Castanza asked what the harm was in leaving it in the decision just in case. Committee Chair Chartrand agreed with Committee Member Castanza. Committee Member Laing explained that he is fine with leaving in the variance. Committee Member Dumont agreed that it is minor but as minor variances are technical it is important to be accurate. Committee Chair Chartrand asked staff, firstly, if a condition was necessary, and secondly, his opinion on the lot coverage variance. Staff advised that a condition requiring an updated drawing would be appropriate, and with regards to the lot coverage variance, staff advised that accuracy is key with variances and there is an OLS survey that says it complies. Staff explained that they would prefer that the variance not be granted and not included because there is no need for it as the building complies. Staff explained that accuracy is important because, firstly, a building permit requires accuracy so that there are no issues with the permit being issued, and secondly, in the future it would be easier to understand what occurred. Committee Member Castanza asked staff who would absorb the cost if it is found that there was a calculation error. Committee Chair Chartrand asked the agent how confident he was with his dimensions of the garage. The agent explained that the size of the garage is not changing, the only variance they need is the height. Committee Chair Chartrand asked the agent if he would be okay if Committee removed the lot coverage variance and the agent advised that they only need the height variance and that the size of the garage will stay the same. Committee Member Dumont explained that the comments referenced an OLS survey and that OLS stands for Ontario Land Surveyor who is licensed through their profession, who deposits the survey with the Land Registry Office, so it is a legal document, and the accountability would fall on the surveyor. Committee Chair Chartrand asked the agent to confirm that there wouldn't be any human habitation or living area in the detached garage and the agent confirmed that there wouldn't be.

The following decision was reached:

DECISION:

THAT the application by:

CHANTAL ROBERT

the owner(s) of PIN 73347 1084, Parcel 24179A, Lot(s) 26, Subdivision M-400, Lot Pt 5, Concession 2, Township of  
Rayside, 150 Notre Dame Avenue West, Azilda

SUBMISSION NO. A0138/2021 Continued.

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an accessory building, being a detached garage, providing a maximum height of 6.82m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted, subject to following condition:

1. That the owner provide an update sketch depicting a maximum height of 6.82m within 30 days of the variance decision.

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

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

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0141/2021

November 24, 2021

OWNER(S): 2294542 ONTARIO INC., 378 Whittaker St Sudbury ON P3C 3X9

AGENT(S): CORRIE-JO DELWO, 63 Kevin Dr Skead ON P0M 2Y0

LOCATION: PIN 73586 0666, Lot(s) Pt 280 and Lot 281, Subdivision 4-S, Lot Pt 7, Concession 3, Township of McKim, 378 Whittaker Street, Sudbury

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### SUMMARY

**Zoning:** The property is zoned R2-3 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval to change the legal non-conforming use of the existing lot, including the building, from that of a telecommunications and electrical contracting business to a range of uses.

Comments concerning this application were submitted as follows:

Ministry of Transportation, November 23, 2021

No Objection

CGS: Building Services Section, November 18, 2021

Based on the information provided, Building Services is requesting a deferral base on the following comments:

1) There is an addition to the building on the east side that is not shown on the provided plot plan nor do we have a record of a building permit for this addition. As per Subsection 4.25.2 of the Zoning By-Law 2010-100Z, the enlargement, reconstruction, repair and/or renovation of a legal non-complying building is not to increase the gross floor area. A minor variance is required for this addition. Base on our OLS records the addition was built after 1986 and would require a building permit. Please contact building services to apply for a permit.

2) There are several parking concerns that need to be rectified.

- Any required parking space shall be unobstructed and available for parking purposes and used exclusively for that purpose at all times, unless other specified in our zoning By-Law 2010-100Z (e.g. overhead doors, exit doors, telephone/hydro poles, addition to building on the east side, etc).

- As per subsection 5.2.4.3 Parking spaces are not permitted within sight triangles, any required front yard (6m in this case) or required corner yard (4.5m in this case).

- Parking requirements cannot be determined based on the information provided. A further minor variance may be required based on the net floor

area of each occupancy and their parking space density as per Table 5.4 of our Zoning By-Law 2010-100Z.

- A barrier-free parking space may also be required as per Table 5.2 of our Zoning By-Law 2010-100Z.

SUBMISSION NO. A0141/2021 Continued.

Notes to Owner:

- 1) A Change of Use permit application must be submitted to Building Services and to the satisfaction of the Chief Building Official.
- 2) The siding on two sides of the building have been replaced without the benefit of a building permit. Please contact Building Services to apply for a permit.
- 3) A bulk fuel storage tank is seen on the south side of the building and is not permitted as per Section 4.26 of our Zoning By-Law 2010-100Z.

CGS: Infrastructure Capital Planning Services, November 18, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, November 18, 2021

This application seeks to change a legal non-conforming use from that of a tele-communications and electrical contracting business to a range of uses including an insurance adjuster, a cleaning contractor, a safety supply company, and an off-season tire storage facility. The non-residential building that is situated on the lands was originally constructed in or around 1941 and at a time when there was no zoning by-law in effect. Staff understands that the non-residential use of the lands has continued through time and most recently the Committee of Adjustment authorized a change in legal non-conforming use on August 27, 2012, from that of an automotive service shop to the current tele-communications and electrical contracting business (File # A0112/2012). There was an initial change in legal non-conforming use authorized in 1985 from that of electrical contractor and small motor repair shop to an automotive service shop (File # A0245/2985). Staff has attended the lands and is of the opinion that both the lands and existing building are suitable for the uses that are now being proposed. Staff recommends that the application be approved as the change is reasonable, not excessive in nature and no negative impacts on abutting lands are anticipated should an insurance adjuster, a cleaning contractor, a safety supply company, and an off-season tire storage facility be permitted on the lands.

The Nickel District Conservation Authority, November 17, 2021

Conservation Sudbury does not oppose Minor Variance Application A0141/2021. 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 natural features subject to Ontario Regulation 156/06.

Notes

Please be 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, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions,

SUBMISSION NO. A0141/2021 Continued.

please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).  
Greater Sudbury Hydro Inc., November 16, 2021

No conflict.

CGS: Site Plan Control, November 16, 2021

No objection.

CGS: Development Engineering, November 12, 2021

No objection.

The applicant and their agent, Corrie-Jo Delwo, appeared before Committee and the agent explained that they are asking for a change of use permit from a telecommunications and electrical contractor to the four uses that the Secretary-Treasurer described. The agent explained that the parking sketch that was provided is inaccurate and she was not aware of the addition at the rear of the building at the time of submission. The agent explained that the addition was built in 1987, and there are aerial photos showing that it was built after the survey was conducted. The agent further explained that the addition is 10x12 and was built prior to the applicant purchasing the property in 2012, and he was granted a change of use at that time. The agent explained that the parking will be less than what was required for the telecommunications and electrical contractor and they are looking at approximately eight parking spots for the new use, whereas under a service shop which the telecommunications and electrical contractor, was either a service shop or warehouse, requires 35 parking spots. The agent explained that parking has been an issue for the site since the original building was built in 1941 and they have photos prior to when the applicant purchased the property to what it looks like now. The agent requested to share the photos but was advised that they were required beforehand. The applicant explained that the parking they are asking for is far less than what was granted previously and during the last approval they made it known that there would be up to 25 service vehicles at the site daily to pick up their supplies and up to five onsite employees. The applicant explained that what they are asking for now, with the combined businesses, would be about three to five employees onsite and a reduction of up to 25 trips daily down to about 13 trips daily. Staff shared a Google streetview of the property and the applicant explained the historical parking and their efforts to be good neighbours. The applicant explained that the parking would be reduced and in the nine years they have not had a complaint about the parking. The agent further explained that a couple of years ago they had a request from a neighbour to reduce the rear lane use and they requested their employees to reduce their use of the rear lane. The applicant explained that what they are proposing will impact the neighbourhood considerably less than what they are currently granted. Anne Laakso of 372 Whittaker Street addressed Committee and agreed with the applicant that they have been very good about the parking and the traffic but asked if the parking for the eight vehicles would be off Arnley with maybe one or two off Whittaker. The applicant confirmed that would be correct as historically most of the parking would continue to be there as it is more convenient for the building and very little parking on Whittaker. Anne Laakso explained that even with the 25 vehicles there was very little interruption to her personal use at 372 Whittaker and they've been good neighbours. Anne Laakso asked if there would be any changes to the north side of the building and the applicant confirmed that there would be no changes, no physical changes to the building. Anne Laakso also asked what the hours of operation would be, if they would be daytime hours, and would the safety supply company be for storage or retail. The applicant explained that there would be very little retail as they supply customers and deliver supplies to customers and it would typical Monday to Friday, nine to five operation and very little drop-in traffic as they supply business. Sarah King-Gold of 358 Whittaker Street addressed Committee and explained that she was happy to hear that there would be less vehicles in the rear lane and hoped that would continue. She also expressed concern with the storage of tires and asked how that is being protected in the event of a fire. Committee Chair Chartrand asked the resident to clarify her concern about the tires. The resident explained that in case there was a fire than the storage of tires would pose a threat to the health of the neighbourhood more so than other things being on fire, so would like to know what precautions are being taken around the storage of tires. The applicant explained that they would always mitigate the use of the rear lane and as far as the tire storage goes the only comment he can make is that he has reached out to his insurance company and they've expressed no concerns from their end and they are covered from an insurance perspective and should anything go array they would be covered. Committee Member Dumont explained that the intent of the application is to change a legal non-conforming use and he asked staff when consideration is brought to Committee, is parking considered in those discussions. Staff advised that parking is considered when Development Approvals was reviewing the application. Staff explained that one of the tests when approving or authorizing a change in legal non-conforming use is whether or not the change is reasonable, whether or not it is excessive in nature and whether or not it would have or could be anticipated to

have any negative impacts on abutting lands and when you look at mix of uses that have occurred on these lands through time as a legal non-conforming use and the previous changes in legal non-conforming use, it was staff's opinion when they looked at the current request to change from telecommunications and electrical contractor to this new range of uses it was felt that no new parking issues would result and that the change as a whole would be reasonable and the request was not excessive in nature, so no negative impacts from a parking perspective are anticipated should this application be approved. Committee Member Dumont, referring to Building Services' comments, asked staff if Building Services is reviewing from a Building perspective rather than a legal non-complying perspective. Staff explained that in reviewing those comments, Building has compared what the 2010 current Zoning By-law would require of these types of uses, however they don't approach it from a legal non-conforming use where those different series of tests come in, as you do not need to meet today's standards when you are changing a legal non-conforming use and that seems to be the lens that was applied. Staff explained that the information can be beneficial for Committee when making a decision, but they are not required to comply with current standards because they are a legal non-conforming use and they are requesting a change in legal non-conforming use. Committee Chair Chartrand asked staff, referring to Building Services' comments, if the applicant had to apply for a minor variance for the addition. Staff advised that the application is for a change in legal non-conforming use, not to approve the expansion of the legal non-complying building. Staff advised in reviewing the comments that a building permit may be required for the addition which may lead to a future application because it is an expansion to the legal non-complying features of the building but explained that a deferral of the current application isn't necessary as it serves as a caution to the applicant. Committee Chair Chartrand asked the applicant and agent if they had any comments in relation to the addition. The agent explained to Committee that the owner is willing apply for a building permit for the addition and the siding but has already spoken with the Chief Building Official of the City who advised that because the addition was in existence in 2012 when Committee established the building as legal non-conforming and accepted the change of use, he is willing to accept the addition as a legal non-conforming use so long as a building permit is applied for. Staff explained that if a conversation has already occurred with the Chief Building Official than there is no reason to defer the application as the issue already seems to be resolved.

The following decision was reached:

DECISION:

THAT the application by:

2294542 ONTARIO INC.

the owner(s) of PIN 73586 0666, Lot(s) Pt 280 and Lot 281, Subdivision 4-S, Lot Pt 7, Concession 3, Township of McKim, 378 Whittaker Street, Sudbury

for relief under Section 45(2) of the Planning Act, R.S.O.1990, c. P.13 and from Part 4, Section 4.24, subsection 4.24.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, in order to change the legal non-conforming use of the existing lot, including the existing building, from that of a telecommunications and electrical contracting business to a range of uses including and restricted to an insurance adjuster, a cleaning contractor, a safety supply company, and an off-season tire storage facility, be granted.

Consideration was given to Section 45(2) of the Planning Act, R.S.O.1990, c. P.13, as amended, including written and oral submissions related to the application. The use of the land and structure was similar to the purpose for which it was used on the day the By-Law was passed. Further, the use for a purpose previously permitted by the Committee continued until the date of the application to the Committee. Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13, as amended. In 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. Public comment has been received, there was no effect on the Committee of Adjustment's decision.

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

<b>Member</b>	<b>Status</b>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Dan Laing	Concurring

SUBMISSION NO. A0141/2021 Continued.

Derrick Chartand Concurring

Matt Dumont Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0142/2021

November 24, 2021

OWNER(S): RICHARD ROY, 90 Breezehill Road Skead ON P0M 1L0  
HEATHER ROY, 90 Breezehill Road Skead ON P0M 1L0

AGENT(S):

LOCATION: PIN 73513 0425, Surveys Plan 53R-17405 Part(s) 12 and 24 & Plan 53R-18662 Part(s) 1, 2, and 3, Lot Pt 1, Concession 5, Township of MacLennan, 90 Breezehill Road, Skead

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### SUMMARY

Zoning: The property is zoned SLS (5) (Seasonal Limited Service) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval of a retained lot, following a severance, having a lot area at variance to the By-law.

Comments concerning this application were submitted as follows:

Ministry of Transportation, November 23, 2021

No Objection

CGS: Building Services Section, November 18, 2021

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

CGS: Infrastructure Capital Planning Services, November 18, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, November 18, 2021

The variance being sought would facilitate that severance of the subject lands by permitting the future retained lands to maintain a minimum lot area of 0.73 ha (1.80 acres) whereas 0.8 ha (1.98 acres) is required. The lands have frontage on Breezehill Road in Skead and also have water frontage on Lake Wanapitei. The lands are designated Rural in the City's Official Plan and zoned "SLS(5)", Seasonal Limited Service Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has no concerns with respect to the proposed retained lands maintaining a minimum lot area that is 0.07 ha (0.17 acres) less than what is required in the "SLS(5)" Zone. Staff is of the opinion that the reduced lot area would not have any negative land use planning impacts on abutting lands or on the existing rural residential character that exists along this portion of Breezehill Road. The lands do contain an existing residential dwelling however the creation of a new lot line in order to facilitate the severance of the lands does not appear to create any areas of non-compliance with respect to yard setback and lot coverage requirements in the "SLS(5)" Zone. It should also be noted that the proposed

SUBMISSION NO. A0142/2021 Continued.

retained lands otherwise would appear to comply with all applicable general provisions and those specific development standards applicable in the "SLS(5)" Zone. 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, November 17, 2021

Conservation Sudbury does not oppose Minor Variance Application A0142/2021. However, the proponent is advised that the approval of Minor Variance A0142/2021 is separate from, and unrelated to, the review of a subsequent application for consent to sever. Conservation Sudbury will provide comments under separate cover. Approval of Minor Variance A0142/2021 is not to be implied and/or construed as an anticipated approval of an associated consent.

Notes

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

Please be 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, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

Greater Sudbury Hydro Inc., November 16, 2021

No concerns.

CGS: Site Plan Control, November 16, 2021

No objection.

CGS: Development Engineering, November 12, 2021

No objection.

The applicant and the agent, Candace Green, appeared before Committee and the agent explained that the applicants purchased Parts 1, 2 and 3 on the sketch, as well as the 2.2ha across the road, and constructed a home. The agent explained that the 2.2ha is excessive land and the applicants are looking to sever and sell it to a neighbour. The agent explained that the applicants understand that the severance cannot be a separate piece of land that it must be amalgamated with an existing parcel land as it does not have existing road frontage. The agent explained that the applicant is seeking relief for the lot area and further explained that the existing piece of land is larger than the neighbouring lands as these lots were created before the Zoning By-law was put in place with the current minimum area.

The following decision was reached:

SUBMISSION NO. A0142/2021 Continued.

DECISION:

THAT the application by:

RICHARD ROY AND HEATHER ROY

the owner(s) of PIN 73513 0425, Surveys Plan 53R-17405 Part(s) 12 and 24 & Plan 53R-18662 Part(s) 1, 2, and 3, Lot Pt 1, Concession 5, Township of MacLennan, 90 Breezehill Road, Skead

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 a retained lot following a severance, which is subject of a proposed Consent Application, providing a minimum lot area of 0.73ha, where 0.8ha is required, be granted.

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

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

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0056/2020

November 24, 2021

OWNER(S): MANUEL CARNEIRO, 3076 ALGONQUIN RD, SUDBURY, ON P3E 5B6  
MARIA CARNEIRO, 3076 ALGONQUIN RD, SUDBURY, ON P3E 5B6

AGENT(S): CDCD ENGINEERING LTD., 303 Cedar Street Sudbury, Ontario P3B 1M8

LOCATION: PIN 73478 0469, Parcel 35034 SES, Lot(s) 1, Subdivision M-358, Lot 4, Concession 6, Township of Broder, 3076 Algonquin Road, Sudbury

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### SUMMARY

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

**Application:** For approval of the location of the existing 2-storey dwelling, detached garage and retaining walls, as well as providing a garage height and accessory lot coverage on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

Ministry of Transportation, November 23, 2021

REVISED

No Objection

CGS: Building Services Section, November 18, 2021

REVISED

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

CGS: Infrastructure Capital Planning Services, November 18, 2021

REVISED

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, November 18, 2021

REVISED

Staff has met with the owner's agent on several occasions to discuss their development proposal and is now able to support the variances that are being sought. Staff understands that further expansions and additions on the lands have been abandoned and the variances being requested would now amount to

SUBMISSION NO. A0056/2020 Continued.

recognizing existing development only on the lands. Staff has acknowledged in previous comments that the lands are irregularly shaped and as such some degree of relief from the applicable "R1-5" Zone provisions would be appropriate. 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.

The Nickel District Conservation Authority, November 17, 2021

REVISED

Conservation Sudbury does not oppose Minor Variance Application A0056/2020. 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 natural features subject to Ontario Regulation 156/06.

Notes

Please be 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, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

CGS: Site Plan Control, November 16, 2021

REVISED

No objection.

CGS: Site Plan Control, September 22, 2021

Revised  
No objections.

CGS: Infrastructure Capital Planning Services, September 22, 2021

Roads: No concerns.  
Transportation & Innovation: No concerns.  
Active Transportation: No concerns

CGS: Building Services Section, September 21, 2021

No concerns.

CGS: Development Approvals Section, September 21, 2021

REVISED

Staff remains unable to support the variances being sought as collectively the development proposal amounts to the overdevelopment of an urban residential lot. Staff recommends that the variances be denied as they are not minor, not appropriate development for the area and the intent of both the Official Plan and Zoning By-law are not maintained.

SUBMISSION NO. A0056/2020 Continued.

Ministry of Transportation, September 21, 2021

The MTO has determined that the above minor variance applications are located outside of the MTO's permit control area, therefore, the MTO does not have any comments to provide.

The Nickel District Conservation Authority, September 20, 2021

REVISED

Conservation Sudbury does not oppose Minor Variance Application A0056/2020. 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.

Notes

Please be 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, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

Greater Sudbury Hydro Inc., September 16, 2021

No objection.

CGS: Development Approvals Section, February 26, 2021

The variances being sought would recognize several existing buildings and structures on the lands which are located at the corner of Algonquin Road and Culver 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 does in general acknowledge that there are site constraints due to a sloping topography and are not opposed to certain variances that have been requested by the owner. Staff is however unable to support the application at this time and in particular have concerns with the proposed detached garage addition and resulting maximum lot coverage of 25% whereas 10% is permitted for accessory buildings and structures. Staff has no concerns with the retaining wall variances. Staff does however have land use planning concerns with respect to the yard setbacks associated with the existing shed and detached garage. It is also noted that there would appear to be an illegal use in the form of a contractor's yard operating on the premises. The owner may wish to request that the Committee defer the application in order to afford themselves the opportunity to address the above noted comments. Staff recommends that the variances be denied as they are not minor, not appropriate development for the area and the intent of both the Official Plan and Zoning By-law are not maintained.

The Nickel District Conservation Authority, February 24, 2021

Recommendation:

Conservation Sudbury does not oppose Minor Variance Application A0056/2020 as 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.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

SUBMISSION NO. A0056/2020 Continued.

CGS: Roads, February 24, 2021

No concerns.

CGS: Transportation & Innovation, February 24, 2021

No concerns.

CGS: Active Transportation, February 24, 2021

No concerns.

CGS: Building Services Section, February 24, 2021

Building Services has reviewed the above noted application for Minor Variance and recommends that the application be deferred at this time due to the following unaddressed concerns:

- 1) With respect to the relief requested of the two (2) existing retaining walls located on the east and west sides of the property, owner to provide clear plans of all retaining wall heights including the locations in which elevations change. Please also provide specifications and details on the garden block wall located on the south easterly area of the lot. Building permit and building permit documents to the satisfaction of the Chief Building Official are required for all existing and proposed retaining walls that exceed 1 m in height.
- 2) Concerning the requested side yard variance for the existing shed, the owner is required to obtain a building permit and building permit documents to the satisfaction of the Chief Building Official as the shed was built without benefit of a building permit.
- 3) Building Services has no comments regarding the height of the existing garage. However, the garage and surrounding area appear to be used for a construction business that does not conform to the requirements for Home Industry as per 4.13 for the CGS Zoning By-Law 2010-100Z.
- 4) Building Services notes that the total lot coverage calculation includes area for a future garage extension, however the proposed building footprint has not been indicated. A revised plot plan is requested to reflect the footprint of the proposed garage extension. Also, with respect to the variances for the side yard and rear yard setbacks of the proposed addition to the existing garage, building services has no comments.
- 5) With respect to the variance required for the total accessory lot coverage, Building Services has no concerns.
- 6) Regarding the requested corner side yard variance for the existing deck, the owner is required to obtain a building permit to the satisfaction of the Chief Building Official for the deck constructed without the benefit of a building permit.
- 7) Owner to be advised there remains outstanding building permits and an Order to Comply for failing to obtain building permits, which must be addressed. Please contact Building Services to proceed in closing the following outstanding projects: 01-1121, 04-1732, 06-1888, B10-0110, and B17-0158.

Greater Sudbury Hydro Inc., February 22, 2021

No conflict.

CGS: Site Plan Control, February 19, 2021

From the perspective of site plan control we've reviewed the applications for minor variance schedule in

SUBMISSION NO. A0056/2020 Continued.

the March 5 Minor Variance agenda and have no comments or concerns.

CGS: Active Transportation, October 23, 2020

No comment.

CGS: Transportation & Innovation, October 23, 2020

No comment.

CGS: Roads, October 23, 2020

No comment.

Greater Sudbury Hydro Inc., October 19, 2020

No conflict.

CGS: Site Plan Control, October 16, 2020

no comments

CGS: Active Transportation, October 13, 2020

No Comment.

The Nickel District Conservation Authority, October 09, 2020

Conservation Sudbury does not oppose minor variance A0056/2020. A permit pursuant to Section 28 of the Conservation Authorities Act will not be required as the proposal is not within any floodplains, watercourses, shorelines, wetlands, valley slopes or other regulated environmental features.

CGS: Roads, October 09, 2020

No Comment.

CGS: Transportation & Innovation, October 09, 2020

No Comment.

CGS: Building Services Section, October 06, 2020

Building Services has reviewed the above noted application for Minor Variance, and recommends that the application be deferred at this time due to the following inconsistencies and unaddressed concerns:

- The variance description indicates incorrect setback requirements for retaining walls. The permitted setback for interior side yards and rear yards is minimum 0.6m for structures less than 2.5m in height and 1.2m for structures exceeding 2.5m. The retaining wall heights have not been provided to verify the requirement. The retaining wall along the west side yard will require variance to allow 0.3m. Retaining walls along the northeast side yard and the rear yard may be in compliance. Please provide clear plans showing locations of all retaining wall structures, the retaining wall heights and clarified setback requirements.
- The variance description indicates a request for variance to the required 40% total lot coverage. It would appear from the sketch that an existing garden area has been included in the calculation, which is not required to be included. Therefore, the total lot coverage complies. However, the lot coverage of all accessory buildings appears to exceed the permitted 10% and will need to be addressed.
- The lot coverage calculation also includes area for a future garage extension. The actual building footprint has not been indicated, but would be subject to further Minor Variance if closer to the side lot

lines than 1.2m.

- Minor Variance application A0029/2017 has lapsed, therefore the corner side yard variance of 2.4m where 4.5m is required, should also be addressed.
- The setbacks to the existing garage structure have not been indicated but appear to be less than the required 1.2m. Please provide clear dimensions.

Building Services has the following comment regarding the requested side yard variance for the existing shed:

- The owner is required to obtain a building permit to the satisfaction of the Chief Building Official for the shed constructed without benefit of permit.

Building Services has no comments regarding the height of the existing garage. However, the garage and surrounding area appear to be used for a construction business that does not conform to the requirements for Home Industry as per 4.13 of the zoning by-law.

There remain outstanding building permits and an Order to Comply for failing to obtain building permits, which must be addressed.

CGS: Development Approvals Section, October 05, 2020

The variances being sought would recognize the location of an existing retaining wall and existing shed on the subject lands that have frontage on Algonquin Road and Culver 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 the height of the retaining wall has not been provided and therefore the full nature and extent of relief that is required from Section 4.2.5, Table 4.1 is unknown at this time. Staff also shares those concerns identified by Building Services with respect to lot coverage calculations provided by the agent. There is also a lapsed minor variance approval (File # A0027/2017) which approved the corner side yard setback to the existing residential dwelling provided that all outstanding building permit matters were resolved within one year of the variance decision. It is the understanding of staff that the condition that was imposed was not cleared. Staff would note that additional variances would therefore appear to be required (e.g. re-application for corner side yard setback, and new variances for maximum lot coverage for accessory buildings and structures, etc). Staff recommends that the application be deferred.

Greater Sudbury Hydro Inc., October 05, 2020

No conflict.

CGS: Development Engineering, September 30, 2020

No objection.

The agent and owners appeared virtually before the Committee. The agent described the application. During their final comments, the agent asked for clarity on the comments provided to them for the file. The agent asked if additional information was required in order to address the comment asking for clearer plans showing all retaining walls, structures, retaining wall heights and verified setbacks. Staff advised that the comment the agent was referring to were the comments that Building Services provided to the Committee, stating, "Please provide clear plans showing locations of all retaining wall structures, the retaining wall heights and clarified setback requirements." Both Building Services and the Development Approvals staff have identified issues with the application in terms of what is being applied for and would note that Development approvals is asking that the application be deferred in order to a lot time to work through the issues raised during circulation. Chair Chartrand asked the agent if they had a chance to review the comments for the file, and asked if they were prepared to comment on the issues raised by City Staff. The agent expressed that they did not want their application to be deferred, and would like to address the Committee with the comments/questions that were raised during circulation. Committee Member Dumont spoke to the Development Approvals and Building Services comments, stating that there was a reason for the request for deferral. He furthered by saying that there are inconsistencies with the site plan which need to be address prior to the variance applications being approved. Chair Chartrand stated that the comments that were received for this file were distributed on October 5, and asked the agent if they were able to go through the comments, bullet point by bullet point, and address the concerns that were

raised by City Staff.

The agent first spoke to the height of the retaining wall. She clarified that the height of the retaining wall varies from 1.1 m to 3.2 m, and the actual setback that is the closest to the property line is 0.3 m. They would like to modify the minor variance application to more clearly show the setbacks questioned in the comments. They furthered their comment by speaking to the lot coverage comments made by Building Services and would like to further modify their application to include lot coverage for accessory structures. The agent then spoke to a previous minor variance, A29/2017 – and stated that the lapsed variance is included in the current application. The agent then asked if the additional minor variances that are being identified in the comments could be encompassed by a new minor variance application, instead of revising the current application.

The Chair then commented about the request for deferral, stating that if the application was deferred, then other variance that are outstanding and required could be addressed. By deferring the application, it would give the agents time to work with staff in order to include any additional variance that is missing. The Chair then asked staff if new variances, changes to a variance or the height of the retaining wall would have to be re-advertised due to the statutory notice requirements. Staff advised that there are a number of variances and number identified in the application that may be incorrect, as well as comments by both the Building and Planning department stating that variances need to be added to the application. Because of this missing information, a deferral would be needed in order to address all of the comments received by internal City Staff. Furthermore, the agent during their final comments alluded to variances that are greater than what was originally asked on the minor variance application. Anytime a variance is adjusted with a greater variance, a new public notice is required.

The Chair then reiterated to the agent that the notice that went out did not fully encompass the extent of the variances being applied for in the variance application.

No further questions were posed by the Committee or by Staff.

March 5/2021 Meeting:

No correspondence was received by staff

Committee Member Dumont stated that he felt as though the variance should once again be deferred, as the previous comments from October were not addressed.

Chair Chartrand asked the applicant about the addition to the garage. He wanted to know if the addition would take up the remaining corner of the yard.

The agent verified this fact

Chair Chartrand also asked about the lot coverage relief that was being asked for in the variance, and if the future garage additional was included into the lot coverage.

Staff clarified that the 25% lot coverage that was applied for does indeed include the future addition. If the garage addition was not constructed, then the lot coverage number would decrease. And even if the garage addition was not constructed, it would not solve all of the issues that the Development Approvals section has with the application.

Chair Chartrand then stated that the comments mentioned that the property was being used as a contractor's yard.

When he was there today, he saw a couple of contracting trailers that were parked outside of the house.

The agent said that the existing garage and the future garage is only intended for personal use.

Chair Chartrand then re-iterated his question, asking the agent again if the property was being used as a contractor's yard.

The agent then stated that the owners were themselves contractors, but the garage was being utilized for personal use only.

Chair Chartrand then stated that he would be willing to look at a deferral, and asked the agent if they would be open to a deferral

The agent then stated that she would be willing to defer the application

Committee Member Dumont asked if the owners were able to go the Building Department to get the outstanding permits that were mentioned in the Building Services comments

Staff replied by stating that if the application was deferred, the discussions that needs to take place with both the Building Services and Planning Departments. At this point, there is nothing stopping the owners from applying for a building permit, but they would not be issued until the decision of the Committee of Adjustment was final and binding.

Committee Member Dumont then stated that the owners should consider the comments made by the city's internal departments and address the issues that were outlined. And he suggested a deferral.

Committee Member Laing then asked the agent about the 5 building permits that were opened and outstanding on the property.

The agent confirmed that there are 5 open permits.

Committee Member Laing, Castanza and Coupal then stated that he would support a deferral

Staff then commented that the issues that need to be explored by the owner and the agent needs to be discussed by

SUBMISSION NO. A0056/2020 Continued.

both Planning and Building departments – and a discussion about the over development of the land is in order.

Original Recommendation

Concurring Members: None

Non-concurring – all

Motion to Defer in order to afford the agent time to discuss the variances with city staff

Motion by Matt

Seconded by Carole

Concurring Members: All

September 29, 2021 Meeting:

The agent, Mary Jane Olipane of CDCD Engineering, appeared before Committee and explained that this is a resubmission of the previous minor variance application seeking approval for the existing structures additions and proposed structures. The agent explained that the existing structures is the shed and garage, the additions is the retaining wall, the deck and the garden retaining wall and the proposed structure is the addition of the garage as shown on the north side of the property. The agent explained that the existing structures were there when the owners bought the property. The agent explained that the owners are aware that the lot coverage does exceed the maximum required of 10% and the owners are prepared to remove the shed and will not proceed with the garage addition. Committee Member Dumont advised that comments from Development Approvals is to deny the application. Committee Member Dumont expressed two concerns, the first is regarding the comments around the use of the land possibly being a contractor's yard which is an illegal use and the second being the comments around the overdevelopment of the lands. Committee Member Dumont expressed support to staff's recommendation to deny the application and explained to the applicant that they need building permits and to comply with the Zoning By-law. Committee Member Castanza expressed concern for the lot coverage as well as the business that is being run from the property but expressed the need to resolve the matter rather than deny the application. Committee Member Dumont questioned what the resolution of the situation would be and expressed that it is difficult when situations like this occur due to residents not obtaining building permits. Committee Chair Chartrand stated that he understands what Committee Member Castanza said and that Committee is always trying to work with applicants as well and that it is unfortunate that the property was purchased the way that it is. Committee Chair Chartrand asked the agent, referring to Development Approval's comments from February, if anything changed to bring the property into compliance and if any conversations had been had between the applicant and the City, such as the contractor's yard, as it seems that more variances have been added. The agent advised that regarding the comments on the contractor's yard, the applicant has rented a property on Highway 69. The applicant spoke to Committee and explained that all the materials on the property are there to build the extension to the garage and all the storage is at Hwy. 69. Committee Chair Chartrand asked the applicant to clarify that the lot coverage has not changed since Committee last saw the application in February and neither has any of the yard setbacks. The agent explained that the only addition that the City required when they submitted for a building permit was the covered garden area which increased the lot coverage. Committee Chair Chartrand echoed Committee Member Dumont's comments and expressed support to staff's recommendation to deny as collectively it does seem like overdevelopment for the area and he does not see how this is different from what was deferred back in February. Committee Member Laing asked staff if the applicant had advised, prior to the meeting, that they would be willing to remove some of the variances. Staff advised that staff did meet with the agent and the variances that are before Committee are correct. Staff advised that Building Services latest comments state "no concerns", they've vetted the variances and are satisfied that no other variances are required. Staff advised that what is before Committee encompasses all the relief that is required. Staff advised that during conversations with the agent and the owner it came up generally what the owner could do but in terms of amending the application to remove the garage extension or removing the shed, it never got to that point and that is not what is before Committee now. Committee Member Laing expressed support for staff's recommendation to deny the application. Committee Member Castanza asked the applicant if they would amend their application and asked staff if the applicant did make those amendments would that make a difference to help the applicants. The applicant advised that he is trying to work with the City to try and get the non-conforming variances that are not in compliance with the Zoning By-law. The owner also asked what would happen if the application is denied, would he have to demolish part of the existing structure which were present when he bought the property. The owner stated that he would remove the shed and would not build the garage, but to comply, part of the home would have to be demolished and that is a dilemma. The owner asked what he would need to do apart from removing the shed and not build the garage to make the application work. Committee Member Castanza asked staff what would need to be removed to make the application work. The owner stated that if they remove the proposed garage and the shed it would bring it to about 15%. Staff showed Committee on the submitted sketch the two structures that the owner and agent had referred too in terms of removing, which would be the shed, or not proceeding with the garage addition. Staff advised that the lot coverage variance being requested is 19.5%, but staff cannot provide what that number would be if those two structures were not

included. Staff acknowledged the owner's statement that it would be 15%, but staff would need to know what that exact number is because that is what Committee would be approving if that is the avenue the owner wants to pursue. Staff advised that it is not something that they believe could be done at this meeting as if the number was incorrect the owner would have to re-apply. Staff advised that if the shed was removed and the proposed garage was removed and the lot coverage is around 14 or 15%, staff has always acknowledged that this is an irregularly shaped lot and has difficult topography, and because of those factors some degree of relief from the Zoning By-law is warranted. Staff advised that what is being applied for now, from a landuse planning perspective, does amount to overdevelopment and staff is not supportive of what is before Committee. Staff advised that if those two structures were removed that would be an amendment to the application and staff would strongly recommend that it be deferred and come back to Committee with that number reduced and another round of comments from agencies and departments. Committee Member Castanza suggested that staff sit down with the applicant to review everything and expressed that she believes it could be made to work and would rather see a deferral than a denial. Committee Member Coupal expressed support to Committee Member Castanza's suggestion. Committee Chair Chartrand asked the agent if they would be open to a deferral or would they like a decision. The agent advised that the owner would like to defer the application. Committee Member Dumont explained to the owner that the comments provided back in February are consistent with the comments provided today and explained to the owner that they need to improve the application. Committee Member Dumont explained to the owner that staff indicated no issue with the retaining walls but had concerns with the shed, attached garage and lot coverage and the owner needs to improve the application. The staff recommendation to deny the application was defeated. Committee Member Dumont put forward a motion to defer the application and Committee Member Coupal seconded the motion. The motion was supported and carried.

November 24, 2021 Meeting:

The applicants and the agent, Mary Jane Olipane of CDCD Engineering Limited, appeared before Committee and the agent explained that based on the previous Committee hearing the applicants revised the drawing and removed the addition of the garage and the shed to lower the lot coverage.

The following decision was reached:

DECISION:

THAT the application by:

MANUEL CARNEIRO AND MARIA CARNEIRO

the owner(s) of PIN 73478 0469, Parcel 35034 SES, Lot(s) 1, Subdivision M-358, Lot 4, Concession 6, Township of Broder, 3076 Algonquin Road, Sudbury

for relief from Part 4, Section 4.2, Table 4.1, subsection 4.2.3 and 4.2.4 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, for approval, firstly, for the existing north east retaining wall providing a minimum interior side yard setback of 0.0m, where an accessory structure 2.5m and less in height shall be no closer than 0.6m from the side lot line, secondly, for the existing north east corner and north west corner retaining wall as well as the north east retaining wall with concrete pad overhang providing a minimum interior side yard of 0.03m, where an accessory structure greater than 2.5m in height shall be no closer than 1.2m from the side lot line, thirdly, to permit an existing retaining wall in the corner side yard providing a minimum setback of 0.0m, where no encroachment is permitted, fourthly, providing an accessory lot coverage of 15.75%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, fifthly, providing a maximum accessory garage height of 5.28m, where the maximum height of an accessory building on a residential lot shall be 5.0m, sixthly, for an existing 2-storey dwelling providing a minimum corner side yard setback of 2.45m, where 4.5m is required, and seventhly, for an existing detached garage providing a minimum interior side yard setback of 0.67m, where 1.2m 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.

SUBMISSION NO. A0056/2020 Continued.

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