

Date: April 28, 2020

STAFF REPORT

On August 21, 2019, the Committee of Adjustment in considering a minor variance application (File # A0092/2019) on those lands known municipally as 2220 South Bay Road in Sudbury approved a request for relief from certain provisions of By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury in order to facilitate an addition to an existing residential dwelling and also to reconstruct an accessory structure including a deck and gazebo on the subject lands.

Staff was supportive of the variances being requested and provided the following comments to the Committee of Adjustment prior to the hearing:

“The variances being sought would generally facilitate an addition to an existing residential dwelling and also to reconstruct an accessory structure on the subject lands which have frontage on South Bay Road in Sudbury. The lands also have water frontage on Ramsey Lake. The lands are zoned “R1-1(6)”, Low Density Residential Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff recognizes that many of the lots along South Bay Road have development constraints related to the sloping topography toward Ramsey Lake. There are also a number of legal existing undersized lots of record along South Bay Road. Staff has no concerns with respect to the variances associated with the addition to the residential dwelling including the deck, stairs and landing. Staff has also reviewed aerial photography and note that the cleared lands at the water located within the shoreline buffer area required under Section 4.41 of the Zoning By-law are legal non-complying in nature. Staff was able to determine these lands were already cleared in 2009 and while changes may have occurred to the landscaping across time they have not been naturally vegetated in some time. It is on this basis that staff is supportive of the rebuilding of the accessory building at the water and further is of the opinion that a variance to recognize an increased shoreline buffer as it is today would solidify the amount of clearance that is permitted on a going forward basis. 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 owners of abutting lands known municipally as 2196 South Bay Road proceeded to appeal the decision made by the City’s Committee of Adjustment to the Local Planning Appeal Tribunal (LPAT) on September 9, 2019 and a hearing at LPAT (Case # PL190425) was held on February 12, 2020.

At the LPAT hearing, both the applicant and the appellants were self-represented. Staff notes that the appeal was a third party appeal that was filed by the owners of abutting land. The City did not attend the hearing as per Section 6 – Contributions to Appeals – Planning Applications under [By-law 2020-26](#) being the Miscellaneous User Fees for Certain Services By-law for the City of Greater Sudbury. It is further noted that the owner of the lands did not request that Legal Services attend the hearing as outlined in the above referenced Miscellaneous User Fees for Certain Services By-law.

LPAT issued their decision on April 27, 2020. LPAT allowed the appeal in part as the variances pertaining to the existing residential dwelling and the proposed additions and modifications were authorized, while the variance pertaining to the proposed replacement of an accessory structure and expansion of the existing deck with the gazebo were not authorized.

A copy of the decision from LPAT is attached to this report for reference purposes.