

SUBMISSION NO. B0092/2024

February 10, 2025

OWNER(S): VANNA NAUSS, 53 North Shore Black Lake Road Lively ON P3Y 1H8  
NANCY BELANGER, 53 North Shore Black Lake Road Lively ON P3Y 1H8  
ROBERT BELANGER, 53 North Shore Black Lake Road Lively ON P3Y 1H8  
EARL NAUSS, 53 North Shore Black Lake Road Lively ON P3Y 1H8

AGENT(S): TULLOCH ENGINEERING - AARON ARIGANELLO, 131 Fielding Road Sudbury ON P3Y 1L7  
TULLOCH ENGINEERING - BRANDON CORMIER, 131 Fielding Road Sudbury ON P3Y 1L7

LOCATION: PINs 73374 0037 & 73374 0122, Parcel 5686 and 5437 SEC SWS, Surveys Plan 53R-9946 Part(s) except 1 and 2 & Plan 53R-10754 Part(s) except 1 & Plan 53R-12798 Part(s) except 1, Lot Part 6 and 7, Concession 2, Township of Waters, 53 North Shore Black Lake Road, Lively

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### SUMMARY

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

Application: To sever and create a new lot from the subject property providing an approximate 9.6 ha lot area.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, February 07, 2025

The purpose and effect of the application is to sever a parcel of land with a lot frontage of +/- 45 m along North Shore Black Lake Road and an area of 9.6 ha from the subject lands, resulting in the creation of a new lot. The lands to be severed are currently vacant of any buildings and structures. The lands will need to establish adequate private servicing and vehicular access as conditions of consent. The lands to be retained will have a frontage of 184 m on North Shore Black Lake Road and a lot area of 50.2 ha. The subject lands contain a single detached dwelling that is proposed to remain with the retained lands. The single detached dwelling is serviced by a private septic system and an individual well.

The subject lands are designated 'Rural' in the City's Official Plan, are zoned 'RU' Rural in the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).

The lands were subject to a Consent Referral process as per Section 19.4.1.a. of the Official Plan. The request was brought to Planning Committee on January 20th, 2025. Planning Committee Resolution PL2025-13 permitted the creation of one lot to proceed by way of Consent Application rather than Plan of Subdivision, which was ratified by Council on January 21st, 2025 (resolution CC2025-06). It is noted that the severed lands are considered to be a through lot as it will abut both North Shore Black Lake Road and Clark Road. Building Services has determined that the shorter of the two frontages is the front lot line. A minor variance is required for the severed land to permit a lot frontage of +/- 45 m along North Shore Black Lake Road. All other standards for the severed and retained lots appear to be met. It is noted that a concept plan was not provided for the severed lands. The applicants will need to demonstrate zoning compliance including but not limited to the 30 m setback from wetland at the time of building permit.

Staff are of the opinion that the severance has regard for matters of provincial interest, is consistent with the Provincial Planning Statement, and conforms to the City of Greater Sudbury Official Plan. It is recommended that the application be granted subject to the following conditions:

1. That 5% cash in lieu of parkland dedication be provided for the severed lot to the satisfaction of the Consent Official.
2. That a Minor Variance Application be in full force and effect to the satisfaction of the Consent Official.

CGS: Strategic and Environmental Planning, February 05, 2025

Staff in Strategic and Environmental Planning do not have concerns for this application. It understood that application B0092/2024 will ensure development is a minimum of 30 metres from the identified wetland. The applicants are advised that compliance with the federal Migratory Bird Convention Act, 1994, the provincial Fish and Wildlife Conservation Act, 1997, and the provincial Endangered Species Act, 2007 is their sole responsibility.

CGS: Building Services Section, February 05, 2025

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

Owner/Applicant to be advised of the following comments:

- 1) A minor variance will be required for reduced frontage of the severed lot.
- 2) A review of the subject property and plot plan provided with this application indicates accessory structures on the retained property that are not reflected in our records. Our research indicates that the shed appears to have been built after 2014 without benefit of a building permit. With respect to sheds specifically, in accordance with the Ontario Building Code, Division C, Article 1.3.1.1. (6), a shed is exempt from the requirement to obtain a permit under Section 8 of the Act and is exempt from compliance with the Code, provided that the shed: (a) is not more than 15m<sup>2</sup> in gross area, (b) is not more than one storey in building height, (c) is not attached to a building or any other structure, (d) is used only for storage purposes ancillary to a principal building on the lot, and (e) does not have plumbing.

Hydro One Networks Inc., February 04, 2025

We are in receipt of your Application for Consent, B0092/2024 dated 2025-02-03. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at [subdivision@hydroone.com](mailto:subdivision@hydroone.com) or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: Stormcentre ([hydroone.com](http://hydroone.com))

CGS: Development Engineering, February 04, 2025

Municipal Sewer not available.

Municipal Water not available.

Potable Water Condition:

The owners/applicants must prove to the satisfaction of the General Manager of Growth & Infrastructure Services that an adequate quantity of potable water is available and, if exceedances to the O. Reg 169/03 for Aesthetic Objectives and Operation Guidelines are identified, an agreement with the City must be entered into and the owner/applicant must advise future owners of these exceedances.

CGS: Infrastructure Capital Planning Services, February 03, 2025

Roads  
No concerns.

must apply for and receive a driveway entrance permit for the proposed lot, prior to the issuance of a certificate, to the satisfaction of the General Manager of Infrastructure Services.

Active Transportation  
No concerns.

Drainage  
The subject property to be severed is within the Lower Junction Creek Watershed. Stormwater improvements are required within the watershed and cost contribution in the amount of \$1,000 is required as a condition of approval.  
The contribution is to be deposited to the Stormwater Reserve Account #36700-01.

Nickel District Conservation Authority, January 30, 2025

Conservation Sudbury has no objection to consent application B0092/2024.  
The new and retained lots both contain wetland features that are regulated by Conservation Sudbury. Future development within 30m of the wetland requires permission of Conservation Sudbury. Development includes, but is not limited to the construction of structures, addition to existing buildings, placement or removal of fill, site grading or alteration to watercourses.  
Future purchasers of the severed parcel should be made aware of the wetland features and associated constraints.

CGS: Tax Department, January 27, 2025

No objections.

CGS: Site Plan Control, January 27, 2025

No objections.

Ministry of Transportation, January 27, 2025

The subject lots are not located within the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

Greater Sudbury Hydro Inc., January 27, 2025

No comments in regards to the application B0092/2024 as it is outside of our service territory.

Reliance was placed on the public agencies and municipal departments notified for the purpose of identifying any major concerns or issues of a technical nature that would have precluded the severance. None were identified.

The following decision was reached:

**DECISION:**

THAT the application by:

VANNA NAUSS, NANCY BELANGER, ROBERT BELANGER AND EARL NAUSS  
the owner(s) of PINs 73374 0037 & 73374 0122, Parcel 5686 and 5437 SEC SWS, Surveys Plan 53R-9946 Part(s) except 1 and 2 & Plan 53R-10754 Part(s) except 1 & Plan 53R-12798 Part(s) except 1, Lot Part 6 and 7, Concession 2, Township of Waters, 53 North Shore Black Lake Road, Lively

for consent to create a new lot on the south vacant side of the subject property providing an approximate 43.0m lot frontage and 9.6 ha lot area, be approved, subject to the following conditions:

- 1) That all outstanding municipal taxes be paid.
- 2) That an administrative processing fee be paid to the City of Greater Sudbury.
- 3) That 5% of the value of the land to be transferred as of the day before the day of the giving of the consent be paid to the City of Greater Sudbury for park or other recreational purposes.

- 4) That the owners/applicants provide a digital copy of the integrated 53R plan prepared by an Ontario Land Surveyor prior to registration of the final Plan of Survey. The integrated plan must be referenced to NAD83(CSRS) with coordinates expressed in UTM Zone 17 projection or the City of Greater Sudbury's custom MTM z81 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The integrated plan must be submitted in an AutoCAD compatible digital format with the corresponding registered 53R number. The submission shall be the final integrated 53R plan in content, form and format and properly geo-referenced.
- 5) That a copy of the final Plan of Survey prepared by an Ontario Land Surveyor be submitted to the Office of the Consent Official.
- 6) That the owners/applicants provide the Consent Official with comments from the Sudbury & District Health Unit stating that both the part to be transferred and the part to be retained are capable of supporting a subsurface sewage disposal system.
- 7) The owners/applicants must prove to the satisfaction of the General Manager of Growth & Infrastructure Services that an adequate quantity of potable water is available and, if exceedances to the O. Reg 169/03 for Aesthetic Objectives and Operation Guidelines are identified, an agreement with the City must be entered into.
- 8) That the owners/applicants apply for and receive final and binding approval for any Minor Variances that may be required, including but not limited to the minimum lot frontage of the lands to be severed from Committee of Adjustment and that the necessary approvals be in full force and effect prior to the issuance of a Certificate and to the satisfaction of the Consent Official and Director of Planning Services.
- 9) That prior to the issuance of a Certificate, the owners/applicants apply for and receive a driveway entrance permit for the proposed lot, to the satisfaction of the General Manager of Growth & Infrastructure.
- 10) That the owners/applicants contribute \$1,000.00 toward the City of Greater Sudbury's future storm water management works downstream of the subject property.
- 11) That no Certificate be issued after two years from the day the Notice of Decision is sent.

Consideration was given to Section 51(24) of the Planning Act. The proposal is in conformity with the Official Plan and is consistent with the Provincial Planning Statement. As no public comment, written or oral, has been received, there was no effect on the Consent Official's decision.

Consent Official:



SUBMISSION NO. B0099/2024

February 10, 2025

OWNER(S): 1929874 ONTARIO LIMITED, 440 Falconbridge Road Sudbury ON P3A 4S4

AGENT(S): JASON FERRIGAN, 314 Countryside Drive Sudbury ON P3E 6G2

LOCATION: PIN 73570 0551, SRO, Surveys Plan 53R-20690 Part(s) 3 to 9, 11 and 12, 15 to 19, 25 and 26 & Plan 53R-21281 Part(s) 1, Lot Part 11, Concession 5, Township of Neelon, 440 Falconbridge Road, Sudbury

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SUMMARY

Zoning: The property is zoned M1(41) (Mixed Light Industrial/Service Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: To sever and create one new lot, subject to easements, on the north side of the subject property providing an approximate 41,484.0 sq. m lot area.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, February 07, 2025

The purpose and effect of the application is to sever a parcel of land with a lot frontage of +/- 55 m along Falconbridge Road and an area of 10.25 ac from the subject lands, resulting in the creation of a new lot.

Additionally, the application seeks to establish four shared access/utility easements on the retained lands in favour of the severed lands.

The lands to be severed contains an automotive sales establishment. The lands are serviced by a municipal water and sanitary connection and have access through the retained lands onto Falconbridge Road.

The lands to be retained will have a frontage of 18 m on Falconbridge Road and a lot area of 9.6 ac. The lands to be retained contains an auto body shop. The lands are serviced by a municipal water and sanitary connection and have an existing access off Falconbridge Road.

The subject lands are designated 'Mixed Use Commercial' in the City's Official Plan, are zoned 'M1(41)' Mixed Light Industrial/Service Commercial Special in the City of Greater Sudbury Zoning By-law, are located in the Ramsey Lake Intake Protection Zone within the Source Water Protection Plan, and are regulated by the Nickel District Conservation Authority (NDCA).

The lands were subject to a Zoning By-law Amendment application 751-6-23-01 and Consent Referral process as per Section 19.4.1.a. of the Official Plan. The concurrent report was brought to Planning Committee on April 24th, 2023. Planning Committee Resolution PL2023-64 permitted the rezoning to "M1(41)" with a minimum frontage of 10 m, and Resolution PL2023-65 permitted the creation of one lot to proceed by way of Consent Application rather than Plan of Subdivision. Both resolutions were ratified by Council on April 25th, 2023 (resolution CC2023-72).

Staff have evaluated the lands to be severed and the lands to be retained against the standards of the M1(41) Zone and are of the opinion that the standards are being maintained as a result of the severance.

Staff have no concerns with the proposed easements.

Staff are of the opinion that the proposed severance has regard for matters of Provincial interest, is consistent with the Provincial Planning Statement, and is conformity with the City of Greater Sudbury Official Plan. It is recommended that the application be granted subject to the following condition:

1. That 2% cash in lieu of parkland dedication be provided for the severed lot to the satisfaction of the Consent Official.

Source Water Protection Plan, February 06, 2025

No activity or activities engaged in or proposed to be engaged in on the above noted property are considered to be significant drinking water threats at this time. You may undertake the activity or activities described in your application and proceed to apply for a Building Permit or Planning Approval as they are neither prohibited nor restricted for the purpose of Part IV of the Clean Water Act, 2006.

CGS: Strategic and Environmental Planning, February 05, 2025

Staff in Strategic and Environmental Planning do not have concerns for this application. The applicant is advised that compliance with the federal Migratory Bird Convention Act, 1994, the provincial Fish and Wildlife Conservation Act, 1997, and the provincial Endangered Species Act, 2007 is their sole responsibility.

CGS: Building Services Section, February 05, 2025

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

Owner/Applicant to be advised of the following comments:

- 1) A search of our records indicates incomplete permits on the retained lands for construction of a collision centre (B17-1065) and two wall signs (B18-0683). Please contact Building Services to proceed in closing the projects.
- 2) A search of our records indicates incomplete permits on the severed lands for construction of a car dealership (B19-1565), five wall signs & one pylon sign (B20-0398) and one wall sign (B21-0208). Please contact Building Services to proceed in closing the projects.
- 3) Retaining walls measuring 1.0m or higher require a building permit application.

Hydro One Networks Inc., February 04, 2025

We are in receipt of your Application for Consent, B0099/2024 dated 2025-01-24. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at [subdivision@Hydroone.com](mailto:subdivision@Hydroone.com) or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: Stormcentre ([hydroone.com](http://hydroone.com))

CGS: Development Engineering, February 04, 2025

No objection.

CGS: Infrastructure Capital Planning Services, February 03, 2025

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Drainage  
The subject property to be severed is within the Upper Junction Creek Watershed and the Ramsey Lake Watershed. Stormwater improvements are required within the watersheds and cost contribution in the amount of \$1,000 is required as a condition of approval.  
The contribution is to be deposited to the Stormwater Reserve Account #36700-01.

Nickel District Conservation Authority, January 30, 2025

Conservation Sudbury has no objection to consent application B0099/2024.

There is a wetland to the east of the retained lot. Future development within 30m of the wetland requires permission of Conservation Sudbury. Development includes, but is not limited to the construction of structures, addition to existing buildings, placement or removal of fill, site grading or alteration to watercourses.

Ministry of Transportation, January 27, 2025

The subject lots are not located within the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

CGS: Site Plan Control, January 27, 2025

- The preferred servicing arrangement is for the shared services to be maintained and operated through a common element condominium, which will ensure a long-term funding source for maintenance and operations of the shared services and provide for equal rights of ownership. Alternatively, if the owners do not wish to enter into a common element condominium arrangement a private registered easement for access and maintenance of the services is required. The servicing easement must allow for maintenance and replacement of the shared services and storm water management facilities, jointly, with the owner of the retained lands.
- The applicant must provide an as built drawing showing the location of the existing water, sanitary, storm services and storm water management facilities that are being shared between the 2 properties. The plan must show all pipes, valve boxes, hydrants, maintenance access chambers, stormwater management facilities, etc., and their proximity to the proposed severance and easement property lines.
- Each service connection to the severed lot must contain a valve box and test maintenance access chamber so that the city can isolate the separately owned service, if required in future.
- The owners of the shared services on easement must ensure they are compliant with the Safe Drinking Water act, as outlined in Section 6A of the City's Water Supply Bylaw 2010-214, as amended.
- An ECA through the MECP is required for the shared storm water management facility (OGS unit) that outlets to Falconbridge Road.
- The ECA for the SWM pond that outlets to the adjacent wetland to the east must be provided.
- An access easement is required, outlining the shared maintenance and ownership requirements for the shared access road, entrances, and pedestrian connections.
- The registered site plan control agreement must remain registered on both the severed and retained properties. The deposits held under the registered agreement will continue to be held to ensure compliance with the site plan control agreement for both the severed and retained properties.

Greater Sudbury Hydro Inc., January 27, 2025

As a condition of consent, Greater Sudbury Hydro Inc. will require the following:

A four metre (4 m) Frontage Easement along Falconbridge Road across the entire parcel (both severed and retained lands), registered on title to the subject property and an easement to protect the existing underground infrastructure, as highlighted on attached hereto sketch, across the entire parcel (both severed and retained lands), registered on title to the subject property. The Owner/Applicant will be responsible for all legal and survey costs. The Owner/Applicant is also responsible for obtaining/providing a Postponement to be registered on title to the subject property, in favour of Greater Sudbury Hydro Inc's interest with respect to any and all existing Charge/Mortgage/Lien and or Encumbrance of Land registered on title to this property. The Owner/Applicant will be responsible for all costs associated with obtaining said Postponement.

Prior to satisfying the above condition, please contact the Energy Supply Department for further details/direction at 705-675-7536 extension 2265.

CGS: Tax Department, December 02, 2024

No objection.

The Application is deferred in order to allow the applicant the opportunity to address Site Plan Control's comments.

The following decision was reached:

DECISION:

THAT the application by:

1929874 ONTARIO LIMITED

the owner(s) of PIN 73570 0551, SRO, Surveys Plan 53R-20690 Part(s) 3 to 9, 11 and 12, 15 to 19, 25 and 26 & Plan 53R-21281 Part(s) 1, Lot Part 11, Concession 5, Township of Neelon, 440 Falconbridge Road, Sudbury

for consent to create a new lot, subject to easements, on the north side of the subject property providing an approximate 55.0m lot frontage and 41,484.0 sq. m lot area be deferred.

Consent Official:

A handwritten signature in black ink, appearing to read "Pa'Levo", is written over the "Consent Official:" label.