



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0023/2022

April 22, 2022

OWNER(S): ROBERT SAUNDERS, 3495 Bancroft Drive Sudbury ON P3B 4J7

AGENT(S):

LOCATION: PIN 02132 0320, Parcel 3342, Lot(s) 13, Subdivision M-125, Lot Pt 4, Concession 4, Township of McKim, 298 Leslie Street, Sudbury

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 construct a single detached dwelling providing a front yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 19, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Building Services Section, April 19, 2022

No concerns.

CGS: Development Approvals Section, April 19, 2022

The variances being sought would facilitate construction of a single-detached dwelling on the subject lands that have frontage on Leslie Street 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 notes from the submitted sketch that the former residential dwelling on the lands has been demolished and that the proposed new one-storey, single-detached dwelling does not propose to further reduce the front yard setback that historically existed on the lands. Staff notes that the minor variance is required however because the new residential dwelling would add gross floor area within the required front yard setback of 6 m (19.69 ft). Staff also notes that the proposed new residential dwelling would demonstrate compliance with respect to the required minimum interior side yard setback of 1.2 m (3.94 ft) whereas the former residential dwelling maintained a legal non-complying interior side yard setback of approximately 0.33 m (1.08 ft). Staff would note that the proposed new residential dwelling would otherwise appear to comply with all applicable development standards under the "R2-3" Zone. Staff did attend the lands and note that the east side of Leslie Street contains a number of residential dwellings that maintain similar front yard setbacks. The lands are also situated within an older residential neighbourhood containing a mix of residential built-forms and a range of front yard setbacks. Staff has no concerns with respect to the variances generating any negative land use planning impacts on abutting lands. Staff also has no concerns with the eaves variance. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

SUBMISSION NO. A0023/2022 Continued.

CGS: Site Plan Control, April 14, 2022

No objection.

The Nickel District Conservation Authority, April 13, 2022

Conservation Sudbury does not object to Minor Variance A0023/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca

Greater Sudbury Hydro Inc., April 13, 2022

No Conflict.

CGS: Development Engineering, April 12, 2022

Eaves Encroachment Condition: The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 0.6 m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

The applicant appeared before Committee and provided a summary of the application. Anie Fleury of 285 Mountain Street attended the hearing expressing concern about the lot coverage and noise by tenants. She advised that she had no issue with the front yard but had issue with the location of the garage and her privacy. She referred to someone on her phone, Patsy, who asked Committee if the applicant was being permitted to build an addition on the garage. Committee Chair Chartrand clarified to the residents that Committee was only deciding on the front yard setback and not about what could be done in relation to the apartment. Ms. Fleury described her property and expressed concern about fairness. The applicant provided clarification to Committee on the comments by Ms. Fleury. Committee Member Dumont expressed support for the application.

The following decision was reached:

DECISION:

THAT the application by:

ROBERT SAUNDERS
the owner(s) of PIN 02132 0320, Parcel 3342, Lot(s) 13, Subdivision M-125, Lot Pt 4, Concession 4, Township of McKim,
298 Leslie Street, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 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, to facilitate the construction of a single detached dwelling providing, firstly, eaves to encroach 3.59m into the required front yard, where eaves may encroach 1.2m into the required front yard but not closer than 0.6m to the lot line, and secondly, a minimum front yard setback of 2.87m, where 6.0m 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.

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

SUBMISSION NO. A0023/2022 Continued.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0027/2022

April 22, 2022

OWNER(S): DARCY LANGELLA, 1095 Carmen St Sudbury ON P3A 3H2

AGENT(S): SAM LANGELLA, 2340 Josephine St Sudbury ON P3A 2N2

LOCATION: PIN 02124 0030, Parcel 27176 SEC SWS, Lot(s) Pt 15, Subdivision M-208, Lot Pt 2, Concession 5, Township of McKim, 1095 Carmen Street, Sudbury

SUMMARY

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

Application: Approval to permit the existing addition and single detached dwelling on the subject property providing an interior and corner side yard setback and eaves all at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, April 19, 2022

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

1) A building permit will be required complete with an OLS survey as per Order To Comply.

CGS: Infrastructure Capital Planning Services, April 19, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Approvals Section, April 19, 2022

The variances being sought would recognize an existing single-detached dwelling and permit a new addition to such on the subject lands at the north-west corner of Carmen Street and Chapman Street in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff advises that the original residential dwelling was constructed in the 1960s with benefit of a building permit and as such the existing corner side yard setback is legal non-complying. Staff is not supportive of recognizing this existing corner side yard setback given that in the future there would appear to be sufficient opportunity to comply with current development standards. Staff confirms however that the northerly building addition that was constructed in the 1980s without benefit of a building permit does require a minor variance to permit a reduced interior side yard setback and eaves encroachment. Staff also notes that there is an active Order To Comply (OTC) associated with the building addition and if permitted the variances being sought would resolve this matter. Staff notes that the northerly interior side yard setback would remain functional with a setback of 0.91 m (2.99 ft) whereas 1.2 m (3.94 ft) is required. Staff also notes that the one-storey building addition immediately abuts a hedgerow along the shared lot line with those lands known municipally as 1101 Carmen Street. The building addition is also separated from the residential dwelling on said abutting lands by a driveway providing access to a detached garage. Staff has no concerns with respect to any negative

SUBMISSION NO. A0027/2022 Continued.

land use planning impacts being generated on abutting residential properties should the interior side yard setback variance be approved. Staff has no concerns with the eaves variance. Staff recommends that the application be deferred in order to afford the owner the opportunity to remove the exterior side yard variances from their application.

CGS: Site Plan Control, April 14, 2022

No objection.

The Nickel District Conservation Authority, April 13, 2022

Conservation Sudbury does not object to Minor Variance A0027/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

Greater Sudbury Hydro Inc., April 13, 2022

No Conflict.

CGS: Development Engineering, April 12, 2022

Eaves Encroachment Condition: The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 0.6 m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

The applicant had difficulty logging into the hearing and Committee unanimously voted to move the application to the end of the agenda to provide the applicant an opportunity to attend the hearing. The applicant appeared before Committee and provided a summary of the application. Committee Member Dumont expressed support for Development Approval's comments in that the corner side yard setback was not required. Committee Member Castanza agreed with Committee Member Dumont. Staff advised that the corner side yard setback is legal non-complying and that there are provisions under the City's Zoning By-law that assist in reconstruction of a legal non-complying buildings. Committee Member Castanza asked staff to clarify their comments and staff provided that clarification. The resolution was amended to remove the corner side yard setback and related eaves and for the balance of the variances be approved by way of a motion put forward by Committee Member Dumont and seconded by Committee Member Coupal. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

DARCY LANGELE

the owner(s) of PIN 02124 0030, Parcel 27176 SEC SWS, Lot(s) Pt 15, Subdivision M-208, Lot Pt 2, Concession 5, Township of McKim, 1095 Carmen Street, Sudbury

for relief from 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, to permit the existing single detached dwelling and addition to provide an interior side yard setback of 0.914m, where 1.2m is required, be granted.

SUBMISSION NO. A0027/2022 Continued.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0028/2022

April 22, 2022

OWNER(S): 241 LLOYD STREET HOLDINGS CORP, 237 Chartwell Road Oakville ON L6J 3X7

AGENT(S): KARIM OMRI, 166 Douglas St, Unit 2 Sudbury ON P3E 1G1

LOCATION: PIN 73584 0134, Survey Plan 53R-4821 Part(s) 1, Lot(s) 1 and 2, Subdivision 2SB, Lot Pt 5, Concession 3, Township of McKim, 241 Lloyd Street, Sudbury

SUMMARY

Zoning: The property is zoned C4(1)(Office Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit the existing multiple dwelling on the subject property to provide a reduced number of parking spaces at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 19, 2022

The variance being sought would facilitate the reconstruction of a parking lot which proposes a reduced number of required parking spaces to the rear of the existing multiple dwelling that is situated on the subject lands at the south-east corner of Lloyd Street and Red Cross Boulevard in Sudbury. The lands are also accessible via Brian McKee Lane. The lands are designated Downtown in the City's Official Plan and zoned "C4(1)", Office Commercial Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that the existing two-level parking structure is structurally unsafe and is to be removed in favour of a new surface parking area containing a total of 14 parking spaces including 2 accessible parking spaces whereas it is understood that 29 parking spaces for the 59 residential dwelling units existed within the structurally unsafe parking structure that is to be removed. Staff is of the opinion then that the number of parking spaces provided on the lands is legal non-complying given that the existing multiple dwelling legally contains 59 residential dwelling units. Staff understands that an additional two residential dwelling units have been added over time without benefit of a building permit for a total of 61 residential dwelling units at present within the existing multiple dwelling. Staff acknowledges that some degree of relief from the minimum number of required parking spaces is appropriate given the sloping topography that exists on the lands. Staff would also note that the lands do have good access to public transportation (ie. GOVA) that immediately abuts the lands along Lloyd Street and to the west at the Downtown Transit Hub. 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.

CGS: Infrastructure Capital Planning Services, April 19, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
City Staff notes that this is a significant reduction in parking spots, however this multiple dwelling building is located on a GOVA route and there appears to be a new paid parking located at the end of Red Cross Blvd.

CGS: Building Services Section, April 19, 2022

SUBMISSION NO. A0028/2022 Continued.

No concerns.

CGS: Site Plan Control, April 14, 2022

No objection. A site plan control agreement is not registered for the existing building.

The Nickel District Conservation Authority, April 13, 2022

Conservation Sudbury does not object to Minor Variance A0028/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

CGS: Development Engineering, April 13, 2022

No objection.

Greater Sudbury Hydro Inc., April 13, 2022

No Conflict.

The agent, Karim Omri of Komri Engineering, appeared before Committee and provided a summary of the application. Jennifer Gauthier of 236 Cedar Street attended the hearing and asked Committee if the parking was being moved closer to her property. The agent explained that there is no change in the parking footprint. Ms. Gauthier expressed that she had no further questions or issues. Committee Member Dumont expressed support for the application. Committee Chair Chartrand asked staff if further variances would be required in relation to the two additional units that were being legalized. The agent advised that he could provide context on that question and advised Committee that a building permit was submitted to legalize the two additional units. Staff advised that Building Services confirmed that no additional variances should be required in relation to the two additional units.

The following decision was reached:

DECISION:

THAT the application by:

241 LLOYD STREET HOLDINGS CORP
the owner(s) of PIN 73584 0134, Survey Plan 53R-4821 Part(s) 1, Lot(s) 1 and 2, Subdivision 2SB, Lot Pt 5, Concession 3, Township of McKim, 241 Lloyd Street, Sudbury

for relief from Part 5, Section 5.5, Table 5.5 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing multiple dwelling to provide a total of 14 parking spaces, where 29 legal non-complying are 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 and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

<u>Member</u>	<u>Status</u>
Carol Ann Coupal	Concurring

SUBMISSION NO. A0028/2022 Continued.

Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0029/2022

April 22, 2022

OWNER(S): LOUISE FRANCE FOISY, 4759 HWY 69 N Val Therese ON P3P 1S7

AGENT(S): DAVID CAMPBELL, 1968 Fire Road 4 Hanmer ON P3P 0B7

LOCATION: PIN 73504 1939, Parcel 26054 SEC SES, Lot Pt 6, Concession 2, Township of Hanmer, 4759 Highway 69 N, Val Therese

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:

CGS: Development Engineering, April 22, 2022

REVISED
No objection.

CGS: Development Approvals Section, April 19, 2022

The variances being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Municipal Road #80 in Val Therese. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands have a total lot area of approximately 733.22 m² (8,000.00 ft²) which exceeds the required minimum lot area of 465 m² (5005.22 ft²) in the "R1-5" Zone. The lands also have a lot depth of approximately 60.96 m (200.00 ft) which exceeds the minimum required lot depth of 30 m (98.43 ft) in the "R1-5" Zone. Staff further notes that the proposed detached garage would maintain a setback of approximately 48 m (157.48 ft) from the street-line of Municipal Road #80. The abutting residential properties to both the south and the west would also be buffered by mature vegetation along the westerly interior side lot line and the rear lot line. Staff also notes that the proposed detached garage would otherwise appear to comply with all applicable yard setbacks for an accessory building in the "R1-5" Zone. Staff has no concerns in this particular residential context with the additional 2.4 m (7.87 ft) in maximum building height for the proposed detached garage. Staff is satisfied that no negative land use planning impacts would be generated on the lands or on abutting residential properties should the variance be approved. The owner has indicated that the additional height is required in order to accommodate a hoist within the proposed detached garage. Staff would caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also 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.

CGS: Building Services Section, April 19, 2022

Based on the information provided, Building Services has the following comment on this application.

SUBMISSION NO. A0029/2022 Continued.

1) It appears that a side addition (driveway side) has been constructed and we have no record of a building permit for the work. A building permit will be required for the addition.

CGS: Infrastructure Capital Planning Services, April 19, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Site Plan Control, April 19, 2022

No objections.

The Nickel District Conservation Authority, April 13, 2022

Conservation Sudbury does not object to Minor Variance A0029/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

CGS: Development Engineering, April 13, 2022

Lot Grading & Drainage Condition:

That the owner/applicant provide a grading and drainage plan, designed by a consulting civil engineer with a Valid Certificate of Authorization from the Association of Professional Engineers of Ontario or an Ontario Land Surveyor specialized in this work. Said plan shall deal with the lot being created, the retained lot and abutting properties, to the satisfaction of the General Manager of Growth and Infrastructure. The owner/applicant will also be responsible for the construction of any drainage outlet that may be required. The owner/applicant shall be responsible for the legal and survey costs.

The owner/applicant shall provide such drainage easements as may be required for drainage purposes on the lot to be created and the lot to be retained to the satisfaction of the General Manager of Growth and Infrastructure/City Solicitor. All legal and survey costs shall be borne by the owner/applicant.

The applicant had difficulty logging into the hearing and Committee unanimously voted to move the application to the end of the agenda to provide the applicant an opportunity to attend the hearing. The applicant appeared before Committee and provided a summary of the application. Committee Member Dumont asked the applicant what they were using the garage for, and the applicant explained. Committee Member Castanza asked the applicant if the sheds would be removed, and the applicant confirmed that they would be removed. Committee Chair Chartrand asked the applicant to confirm that the garage was not for human habitation or to run a business from and the applicant confirmed that it was only going to be used for her hobbies.

The following decision was reached:

DECISION:

THAT the application by:

LOUISE FRANCE FOISY

the owner(s) of PIN 73504 1939, Parcel 26054 SEC SES, Lot Pt 6, Concession 2, Township of Hanmer, 4759 Highway 69 N, Val Therese

SUBMISSION NO. A0029/2022 Continued.

for relief from Part 4, Section 4.2, subsections 4.2.3 and 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 a detached garage providing, firstly, an accessory lot coverage of 15%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and secondly, a maximum height of 7.4m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, 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.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0030/2022

April 22, 2022

OWNER(S): KRISTI SMITH, 1095 Sunnyside Road Sudbury ON P3G 1J2

GREG SMITH, 1095 Sunnyside Road Sudbury ON P3G 1J2

AGENT(S): ERIC FLEMING, 14 Walford Road Sudbury ON P3E 2H4

LOCATION: PINs 73476 0149 & 73476 0138, Parcels 8673 & 8281 SEC SES, Lot Pt 8, Concession 4, Township of Broder, 1095 Sunnyside Road, Sudbury

SUMMARY

Zoning: The property is zoned R1-2 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit a sunroom to the existing residential building on the subject property providing a setback from the high water mark and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, April 19, 2022

No concerns.

CGS: Infrastructure Capital Planning Services, April 19, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Approvals Section, April 19, 2022

The variances being sought would permit an existing uncovered deck on the second-storey and at the rear of an existing residential dwelling to be converted to a fully enclosed sunroom on the subject lands that have frontage on Sunnyside Road in Sudbury. The lands also have water frontage on Long Lake. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff is supportive of the variances on the basis that the existing setback between the uncovered deck that is to be converted to a sunroom and the high-water mark of Long Lake is not being further reduced. Staff would also note that the existing residential dwelling maintains a legal non-complying setback amounting to less than 30 m (98.43 ft) to the high-water mark of Long Lake. 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.

CGS: Environmental Planning Initiatives, April 19, 2022

This application is for relief from Part 4, Section 4.41, subsections 4.41.2 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the addition of a sunroom to the existing residential building, firstly, providing an 18.89m setback from the high water mark of a lake or river, where no person shall erect any residential building closer than 30.0m to the

high water mark of a lake or a river, and secondly, to be 18.89m setback from the high water mark of a lake or a river, where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3.

The proposed sunroom addition will occupy 25.8 square metres of a two-level deck that currently runs along the entire south face of the legal non-complying residence and within a portion of the Shoreline Buffer Area (i.e., area within 20 metres from the high-water mark of the lake). Re-naturalizing all or a portion of the Shoreline Buffer Area, which is currently mostly a lawn, with native plants would benefit the shoreline ecosystem and compensate for the relatively limited encroachment by the building.

This application is recommended for approval pursuant to the following condition being met:

1. A portion of the 20-metre Shoreline Buffer Area will need to be re-naturalized by planting a mix of native woody and herbaceous plants following a landscape plan prepared and stamped by a landscape architect (full member Ontario Association of Landscape Architects) within 12 months of the variance decision and to the satisfaction of the Director of Planning Services. The portion to be planted will be at least three times the area of the proposed sunroom addition.

Additional points are offered below for the benefit of the property owners and the Committee of Adjustment:

Shoreline property owners are encouraged to continue adopting lake-friendly practices to protect the integrity of the lake ecosystem.

Shoreline property owners should improve their shoreline buffer wherever possible. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the property, which can introduce considerable quantities of phosphorus to the lake through erosion.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have confirmed the presence of cyanobacterial blooms in Long Lake in 2008, 2011 to 2014 inclusive, 2016, 2019, and 2021.

Shoreline and stream bank residents can help reduce phosphorus levels or maintain them at low levels by following a few guidelines:

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or river bank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.

SUBMISSION NO. A0030/2022 Continued.

4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.
6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

Property owners are encouraged to contact the City's Lake Water Quality Program at (705) 674-4455 ext. 4604 to book a free, confidential and non-regulatory shoreline home visit. During the visit, qualified staff will provide ideas and advice on shoreline management techniques to maintain and improve lake water quality.

The owner must contact Conservation Sudbury at (705) 674-5249 before starting any work in water or on the shoreline or stream bank (retaining walls, etc).

CGS: Site Plan Control, April 14, 2022

No objection.

The Nickel District Conservation Authority, April 13, 2022

Conservation Sudbury does not object to Minor Variance A0030/20221 as the proposed sunroom is located outside the regulated area of the Conservation Authority.

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 to determine the need for a permit.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

CGS: Development Engineering, April 13, 2022

No objection.

Greater Sudbury Hydro Inc., April 13, 2022

No Conflict.

The agent, Eric Flemming, appeared before Committee and provided a summary of the application. Philip Zylberberg of 1141 Sunnyside Road on behalf of the Long Lake Stewardship Committee attended the hearing and expressed the Stewardships concern with the variance. The Secretary-Treasurer advised that an email of support was received from Richard Whitham and Audrey Anderson of 1081 Sunnyside Road. The agent explained that if a condition was imposed for revegetating the buffer that the applicants would be willing to meet the condition. Committee Member Dumont explained that he did not support the imposing of a condition. Committee Chair Chartrand asked the Secretary-Treasurer if the resolution contained the condition requested by Strategic and Environmental Planning and she confirmed that it did. Committee Member Dumont explained that he would be open to putting forth a motion to remove the condition and Committee Member Castanza expressed support for a motion. Committee Chair Chartrand expressed support of his fellow Committee Member's opinions. The resolution was amended to delete the condition of approval by way of a motion put forward by Committee Member Dumont and seconded by Committee Member Castanza. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

KRISTI SMITH AND GREG SMITH

the owner(s) of PINs 73476 0149 & 73476 0138, Parcels 8673 & 8281 SEC SES, Lot Pt 8, Concession 4, Township of Broder, 1095 Sunnyside Road, Sudbury

for relief from Part 4, Section 4.41, subsections 4.41.2 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the addition of a sunroom to the existing residential building, firstly, providing an 18.89m setback from the high water mark of a lake or river, where no person shall erect any residential building closer than 30.0m to the high water mark of a lake or a river, and secondly, to be 18.89m setback from the high water mark of a lake or a river, where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3, 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.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0031/2022

April 22, 2022

OWNER(S): LINDA GAUDREAU, 4473 RR35 PO Box 1478 Azilda ON P0M 1B0
GILLES GAUDREAU, 4473 RR35 PO Box 1478 Azilda ON P0M 1B0

AGENT(S): GILLES GAUDREAU, 4473 RR35 PO Box 1478 Azilda ON P0M 1B0

LOCATION: PIN 73498 0452, Parcel 17468 SEC SES SRO, Lot Pt 7, Concession 4, Township of Blezard, 1675 Guillet Street, Val Caron

SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) 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 a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 19, 2022

The variance being sought would facilitate the construction of a detached garage in the rear yard of the subject lands that have frontage on Guillet Street in Val Caron. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands are situated at the boundary of a Living Area 2 and Rural designation in the City's Official Plan. Staff further notes that the lands also immediately abut a watercourse and wetlands associated with McCrea Lake. The proposed detached garage would provide for a front yard setback of approximately 12.19 m (40.00 ft) whereas 6 m (19.68 ft) is required in the "R1-2" Zone. The proposed detached garage would be screened from residential dwellings to the west by mature vegetation. Staff is therefore of the opinion that in this particular context that the requested maximum height of 7.32 m (24.02 ft) is reasonable and not excessive in nature. Staff would also note that the proposed detached garage would appear to otherwise comply with all other applicable development standards for an accessory building in the "R1-2" Zone. Staff notes in particular that the overall lot coverage for both the existing residential dwelling and the proposed detached garage would amount to approximately 8.9% whereas a maximum lot coverage for all buildings and structures of 25% is permitted in the "R1-2" 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 variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Infrastructure Capital Planning Services, April 19, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Building Services Section, April 19, 2022

SUBMISSION NO. A0031/2022 Continued.

Owner should be advised that building height is measured from finished grade to the highest point of the structure. The submitted sketch references the finished floor line. Care must be given to ensure the building height as approved is met.

CGS: Site Plan Control, April 14, 2022

No objection.

The Nickel District Conservation Authority, April 13, 2022

Conservation Sudbury does not object to Minor Variance A0031/2022 as the height of the garage is not relevant to the responsibilities of Conservation Sudbury. Garage is not to contain habitable space. Development, including the removal or placement of fill, must occur within the area contained by the existing chain link fence. The fence cannot be removed until after construction, if removed at all. No fill can be placed beyond the location of the fence even after its removal.

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 to determine the need for a permit.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

CGS: Development Engineering, April 12, 2022

No objection.

The applicant appeared before Committee and provided a summary of the application. Committee Member Dumont asked that applicant if they reviewed the comments from Building Services in relation to the height measurements. The applicant explained that it was a mistake and that he was aware of the By-law. Committee Member Dumont asked staff if there was any further information on those comments. Staff suggested that Committee could explore a condition of approval requiring the owner to provide a revised drawing showing the correct dimension strings. Committee Member Dumont asked staff if the height could be greater than what was provided. Staff explained that the applicant advised that the dimension string was incorrect and that the intention was to have a maximum height of 7.3m but advised that the question may be more suited to the applicants. Committee Member Dumont directed the question to the applicant. The applicant confirmed that the maximum height that they are seeking was 7.3m. Committee Chair Chartrand reiterated the question to the applicant to ensure their understanding and the applicant confirmed that they understood. Committee Chair Chartrand asked the applicant if there was any intention of having a shop, run a business or have anyone live there and the applicant confirmed that there was not. The resolution was amended to impose a condition that the applicant provide a revised sketch within 30 days of the decision showing 7.32m from the peak to finished grade by way of a motion put forward by Committee Member Dumont and seconded by Committee Member Coupal. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

LINDA GAUDREAU AND GILLES GAUDREAU

the owner(s) of PIN 73498 0452, Parcel 17468 SEC SES SRO, Lot Pt 7, Concession 4, Township of Blezard, 1675 Guillet Street, Val Caron

SUBMISSION NO. A0031/2022 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 a detached garage providing a maximum height of 7.32m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted, subject to the following condition:

1. That the owner provide an updated sketch depicting a maximum building height of 7.32 metres that is measured from finished grade to the highest peak of the detached garage within thirty (30) days of the variance decision and to the satisfaction of the Director of Planning Services.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0032/2022

April 22, 2022

OWNER(S): WALDEN LANDS INC. , PO BOX 913 STATION B SUDBURY ON P3E 4S4

AGENT(S): NICOLA MITCHINSON RRP MCIP, 19 Baycrest Drive Barrie ON L4M 7C7

LOCATION: PIN 73378 0338, Parcel 30316 SEC SWS SRO, Survey Plan 53R-8730 Part(s) 1, Lot Pt 8, Concession 4, Township of Waters, 1 Castlefield Court, Lively

SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: To allow proposed Lot 1, being Parts 1 and 2 on the preliminary reference plan, in Draft Approved Plan of Subdivision File No. 780-8/04-008, to provide a corner side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 19, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Building Services Section, April 19, 2022

No concerns.

CGS: Development Approvals Section, April 19, 2022

The above noted applications were submitted concurrently and would facilitate the construction of residential dwellings on four draft approved lots having frontage currently on Municipal Road #55 in Lively. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes are currently being described as Lots 1, 6, 7 and 11 within a draft plan of subdivision (File # 780-8/04008) and alternatively as Parts 1 and 2 (ie. Lot 1), Parts 30 to 32 (ie. Lot 6), Parts 33 and 34 (ie. Lot 7) and Parts 57 to 59 (ie. Lot 11) on an unregistered reference plan. Staff has reviewed the sketch depicting building envelopes associated with each of the four lots seeking a reduced corner side yard setback to Municipal Road #55 and has no land use planning concerns. Staff notes that the submitted sketch demonstrates that the four draft approved lots can support a semi-detached dwelling on each of the four lots that otherwise appears to demonstrate compliance with other applicable yard setbacks in the "R2-2" Zone. Staff would also caution the owner that any decision made by the Committee of Adjustment is based upon all information that was available (eg. application form, drawings, photos, etc.) at the time of said decision having been made. Staff would therefore note that further applications for minor variance be required in the future should the owner pursue development that materially departs from the building envelopes depicted on the submitted sketches.

Staff recommends that the variance be approved as it is minor, appropriate development for the area

SUBMISSION NO. A0032/2022 Continued.

and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Site Plan Control, April 14, 2022

No objection.

CGS: Development Engineering, April 13, 2022

No objection.

The Nickel District Conservation Authority, April 13, 2022

Conservation Sudbury previously permitted the development on this property. The permit is set to lapse July 17, 2022. Proponent has requested an extension to this permit and review is underway by staff.

Conservation Sudbury is requesting the following condition of approval:

1. That the proponent successfully obtain a section 28 permit from Conservation Sudbury within one year of the conditional approval.

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 to determine the need for a permit.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

Committee Member Castanza declared a pecuniary interest with the applications and left the meeting. The agent, Nicola Mitchinson, appeared before Committee and requested that Committee hear all four applications at the same time. Committee Chair Chartrand asked the Secretary-Treasurer to provide clarification on the procedure. The Secretary-Treasurer advised that all four hearings could be heard at the same time, but individual resolutions would have to be voted on. Committee unanimously decided to consolidate all four applications into one hearing. The agent provided a summary of the applications. Committee Member Dumont asked if the resolution contained the condition from the Nickel District Conservation Authority and the Secretary-Treasurer advised that the resolutions did not contain the condition.

The following decision was reached:

DECISION:

THAT the application by:

WALDEN LANDS INC.

the owner(s) of PIN 73378 0338, Parcel 30316 SEC SWS SRO, Survey Plan 53R-8730 Part(s) 1, Lot Pt 8, Concession 4, Township of Waters, 1 Castlefield Court, Lively

for relief from Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to allow proposed Lot 1 in Draft Approved Plan of Subdivision File No. 780-8/04-008, being Parts 1 and 2 on the preliminary reference plan, to provide a minimum corner side yard setback of 4.5m, where 7.5m is required, be granted.

SUBMISSION NO. A0032/2022 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0033/2022

April 22, 2022

OWNER(S): WALDEN LANDS INC. , PO BOX 913 STATION B SUDBURY ON P3E 4S4

AGENT(S): NICOLA MITCHINSON RRP MCIP, 19 Baycrest Drive Barrie ON L4M 7C7

LOCATION: PIN 73378 0338, Parcel 30316 SEC SWS SRO, Survey Plan 53R-8730 Part(s) 1, Lot Pt 8, Concession 4, Township of Waters, 2 Castlefield Drive, Lively

SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: To allow proposed Lot 6, being Parts 30, 31 and 32 on the preliminary reference plan, in Draft Approved Plan of Subdivision File No. 780-8/04-008, to provide a corner side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 19, 2022

The above noted applications were submitted concurrently and would facilitate the construction of residential dwellings on four draft approved lots having frontage currently on Municipal Road #55 in Lively. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes are currently being described as Lots 1, 6, 7 and 11 within a draft plan of subdivision (File # 780-8/04008) and alternatively as Parts 1 and 2 (ie. Lot 1), Parts 30 to 32 (ie. Lot 6), Parts 33 and 34 (ie. Lot 7) and Parts 57 to 59 (ie. Lot 11) on an unregistered reference plan. Staff has reviewed the sketch depicting building envelopes associated with each of the four lots seeking a reduced corner side yard setback to Municipal Road #55 and has no land use planning concerns. Staff notes that the submitted sketch demonstrates that the four draft approved lots can support a semi-detached dwelling on each of the four lots that otherwise appears to demonstrate compliance with other applicable yard setbacks in the "R2-2" Zone. Staff would also caution the owner that any decision made by the Committee of Adjustment is based upon all information that was available (eg. application form, drawings, photos, etc.) at the time of said decision having been made. Staff would therefore note that further applications for minor variance be required in the future should the owner pursue development that materially departs from the building envelopes depicted on the submitted sketches.

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.

CGS: Building Services Section, April 19, 2022

No concerns.

CGS: Infrastructure Capital Planning Services, April 19, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation

SUBMISSION NO. A0033/2022 Continued.

No concerns.

CGS: Site Plan Control, April 14, 2022

No objection.

CGS: Development Engineering, April 13, 2022

No objection.

The Nickel District Conservation Authority, April 13, 2022

Conservation Sudbury previously permitted the development on this property. The permit is set to lapse July 17, 2022. Proponent has requested an extension to this permit and review is underway by staff.

Conservation Sudbury is requesting the following condition of approval:

1. That the proponent successfully obtain a section 28 permit from Conservation Sudbury within one year of the conditional approval.

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 to determine the need for a permit.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

Committee Member Castanza declared a pecuniary interest with the applications and left the meeting. The agent, Nicola Mitchinson, appeared before Committee and requested that Committee hear all four applications at the same time. Committee Chair Chartrand asked the Secretary-Treasurer to provide clarification on the procedure. The Secretary-Treasurer advised that all four hearings could be heard at the same time, but individual resolutions would have to be voted on. Committee unanimously decided to consolidate all four applications into one hearing. The agent provided a summary of the applications. Committee Member Dumont asked if the resolution contained the condition from the Nickel District Conservation Authority and the Secretary-Treasurer advised that the resolutions did not contain the condition.

The following decision was reached:

DECISION:

THAT the application by:
WALDEN LANDS INC.

the owner(s) of PIN 73378 0338, Parcel 30316 SEC SWS SRO, Survey Plan 53R-8730 Part(s) 1, Lot Pt 8, Concession 4, Township of Waters, 2 Castlefield Drive, Lively

for relief from Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to allow proposed Lot 6 in Draft Approved Plan of Subdivision File No. 780-8/04-008, being Parts 30, 31 and 32 on the preliminary reference plan, to provide a minimum corner side yard setback of 4.5m, where 7.5m is required, be granted.

SUBMISSION NO. A0033/2022 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0034/2022

April 22, 2022

OWNER(S): WALDEN LANDS INC. , PO BOX 913 STATION B SUDBURY ON P3E 4S4

AGENT(S): NICOLA MITCHINSON RRP MCIP, 19 Baycrest Drive Barrie ON L4M 7C7

LOCATION: PIN 73378 0338, Parcel 30316 SEC SWS SRO, Survey Plan 53R-8730 Part(s) 1, Lot Pt 8, Concession 4, Township of Waters, 1 Pinecrest Court, Lively

SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: To allow proposed Lot 7, being Parts 33 and 34 on the preliminary reference plan, in Draft Approved Plan of Subdivision File No. 780-8/04-008, to provide a corner side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 19, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Building Services Section, April 19, 2022

No concerns.

CGS: Development Approvals Section, April 19, 2022

The above noted applications were submitted concurrently and would facilitate the construction of residential dwellings on four draft approved lots having frontage currently on Municipal Road #55 in Lively. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes are currently being described as Lots 1, 6, 7 and 11 within a draft plan of subdivision (File # 780-8/04008) and alternatively as Parts 1 and 2 (ie. Lot 1), Parts 30 to 32 (ie. Lot 6), Parts 33 and 34 (ie. Lot 7) and Parts 57 to 59 (ie. Lot 11) on an unregistered reference plan. Staff has reviewed the sketch depicting building envelopes associated with each of the four lots seeking a reduced corner side yard setback to Municipal Road #55 and has no land use planning concerns. Staff notes that the submitted sketch demonstrates that the four draft approved lots can support a semi-detached dwelling on each of the four lots that otherwise appears to demonstrate compliance with other applicable yard setbacks in the "R2-2" Zone. Staff would also caution the owner that any decision made by the Committee of Adjustment is based upon all information that was available (eg. application form, drawings, photos, etc.) at the time of said decision having been made. Staff would therefore note that further applications for minor variance be required in the future should the owner pursue development that materially departs from the building envelopes depicted on the submitted sketches.

Staff recommends that the variance be approved as it is minor, appropriate development for the area

SUBMISSION NO. A0034/2022 Continued.

and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Site Plan Control, April 14, 2022

No objection.

CGS: Development Engineering, April 13, 2022

No objection.

The Nickel District Conservation Authority, April 13, 2022

Conservation Sudbury previously permitted the development on this property. The permit is set to lapse July 17, 2022. Proponent has requested an extension to this permit and review is underway by staff.

Conservation Sudbury is requesting the following condition of approval:

1. That the proponent successfully obtain a section 28 permit from Conservation Sudbury within one year of the conditional approval.

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 to determine the need for a permit.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

Committee Member Castanza declared a pecuniary interest with the applications and left the meeting. The agent, Nicola Mitchinson, appeared before Committee and requested that Committee hear all four applications at the same time. Committee Chair Chartrand asked the Secretary-Treasurer to provide clarification on the procedure. The Secretary-Treasurer advised that all four hearings could be heard at the same time, but individual resolutions would have to be voted on. Committee unanimously decided to consolidate all four applications into one hearing. The agent provided a summary of the applications. Committee Member Dumont asked if the resolution contained the condition from the Nickel District Conservation Authority and the Secretary-Treasurer advised that the resolutions did not contain the condition.

The following decision was reached:

DECISION:

THAT the application by:

WALDEN LANDS INC.

the owner(s) of PIN 73378 0338, Parcel 30316 SEC SWS SRO, Survey Plan 53R-8730 Part(s) 1, Lot Pt 8, Concession 4, Township of Waters, 1 Pinecrest Court, Lively

for relief from Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to allow proposed Lot 7 in Draft Approved Plan of Subdivision File No. 780-8/04-008, being Parts 33 and 34 on the preliminary reference plan, to provide a minimum corner side yard setback of 3.0m, where 7.5m is required, be granted.

SUBMISSION NO. A0034/2022 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0035/2022

April 22, 2022

OWNER(S): WALDEN LANDS INC. , PO BOX 913 STATION B SUDBURY ON P3E 4S4

AGENT(S): NICOLA MITCHINSON RRP MCIP, 19 Baycrest Drive Barrie ON L4M 7C7

LOCATION: PIN 73378 0338, Parcel 30316 SEC SWS SRO, Survey Plan 53R-8730 Part(s) 1, Lot Pt 8, Concession 4, Township of Waters, 2 Pinecrest Court, Lively

SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: To allow proposed Lot 11 being Parts 57, 58 and 59 on the preliminary reference plan, in Draft Approved Plan of Subdivision File No. 780-8/04-008, to provide a corner side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 19, 2022

The above noted applications were submitted concurrently and would facilitate the construction of residential dwellings on four draft approved lots having frontage currently on Municipal Road #55 in Lively. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes are currently being described as Lots 1, 6, 7 and 11 within a draft plan of subdivision (File # 780-8/04008) and alternatively as Parts 1 and 2 (ie. Lot 1), Parts 30 to 32 (ie. Lot 6), Parts 33 and 34 (ie. Lot 7) and Parts 57 to 59 (ie. Lot 11) on an unregistered reference plan. Staff has reviewed the sketch depicting building envelopes associated with each of the four lots seeking a reduced corner side yard setback to Municipal Road #55 and has no land use planning concerns. Staff notes that the submitted sketch demonstrates that the four draft approved lots can support a semi-detached dwelling on each of the four lots that otherwise appears to demonstrate compliance with other applicable yard setbacks in the "R2-2" Zone. Staff would also caution the owner that any decision made by the Committee of Adjustment is based upon all information that was available (eg. application form, drawings, photos, etc.) at the time of said decision having been made. Staff would therefore note that further applications for minor variance be required in the future should the owner pursue development that materially departs from the building envelopes depicted on the submitted sketches.

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.

CGS: Infrastructure Capital Planning Services, April 19, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Building Services Section, April 19, 2022

SUBMISSION NO. A0035/2022 Continued.

No concerns.

CGS: Site Plan Control, April 14, 2022

No objection.

CGS: Development Engineering, April 13, 2022

No objection.

The Nickel District Conservation Authority, April 13, 2022

Conservation Sudbury previously permitted the development on this property. The permit is set to lapse July 17, 2022. Proponent has requested an extension to this permit and review is underway by staff.

Conservation Sudbury is requesting the following condition of approval:

1. That the proponent successfully obtain a section 28 permit from Conservation Sudbury within one year of the conditional approval.

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 to determine the need for a permit.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

Committee Member Castanza declared a pecuniary interest with the applications and left the meeting. The agent, Nicola Mitchinson, appeared before Committee and requested that Committee hear all four applications at the same time. Committee Chair Chartrand asked the Secretary-Treasurer to provide clarification on the procedure. The Secretary-Treasurer advised that all four hearings could be heard at the same time, but individual resolutions would have to be voted on. Committee unanimously decided to consolidate all four applications into one hearing. The agent provided a summary of the applications. Committee Member Dumont asked if the resolution contained the condition from the Nickel District Conservation Authority and the Secretary-Treasurer advised that the resolutions did not contain the condition.

The following decision was reached:

DECISION:

THAT the application by:

WALDEN LANDS INC.

the owner(s) of PIN 73378 0338, Parcel 30316 SEC SWS SRO, Survey Plan 53R-8730 Part(s) 1, Lot Pt 8, Concession 4, Township of Waters, 2 Pinecrest Court, Lively

for relief from Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to allow proposed Lot 7 in Draft Approved Plan of Subdivision File No. 780-8/04-008, being Parts 33 and 34 on the preliminary reference plan, to provide a minimum corner side yard setback of 3.0m, where 7.5m is required, be granted.

SUBMISSION NO. A0035/2022 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Carol Ann Coupal	Concurring
Derrick Chartand	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0037/2022

April 22, 2022

OWNER(S): 1039512 ONTARIO LIMITED, 49 Dean Ave Sudbury ON P3C 3B8

AGENT(S): WILLIAM AUGER, 1159 Bancroft Drive Sudbury ON P3B 1R6

LOCATION: PIN 73580 0176, Parcel 33542 SEC SES, Survey Plan SR-1850 Part(s) 2 and 3, Lot(s) M-132, Subdivision Pt 197, Lot Pt 2, Concession 4, Township of McKim, 1159 Bancroft Drive, Sudbury

SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to convert the existing single detached dwelling from one-storey to two-storeys providing an interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 19, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Building Services Section, April 19, 2022

Owner should be advised that a Building Permit to the satisfaction of the Chief Building Official will be required for all proposed construction and renovation work to the existing building. Owner should also be advised that permits issued for the detached garage and pool are required to have final inspections and completion.

CGS: Development Approvals Section, April 19, 2022

The variances being sought would facilitate the conversion of an existing one-storey residential dwelling to a two-storey residential dwelling on the subject lands that have frontage on Bancroft Drive in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the existing residential dwelling is askew to the westerly interior side lot line having a minimum interior side yard setback of 1.2 m (3.94 ft) and a maximum interior side yard setback of 2.6 m (8.53 ft). The existing interior side yard setback to the one-storey residential dwelling is not proposed to be further reduced once the second-storey addition is added. The variance is to some degree technical in nature as the second-storey has the effect of increasing the minimum side yard setback from 1.2 m (3.94 ft) to 1.8 m (5.91 ft). The existing residential dwelling also immediately abuts a driveway providing access to those lands known municipally as 1157 Bancroft Drive. The driveway does provide some spatial buffering and separation between the proposed two-storey residential dwelling and the one-storey residential dwelling situated at 1157 Bancroft Drive. Staff is of the opinion that the westerly interior side yard would remain functional and there would be no negative land use planning impacts generating on abutting residential properties should the reduced interior side yard setback variance be approved. Staff would also note there are a number of two-storey residential dwellings in

SUBMISSION NO. A0037/2022 Continued.

the immediate area. Staff also has no concerns with the eaves variance. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Site Plan Control, April 14, 2022

No objection.

The Nickel District Conservation Authority, April 13, 2022

Conservation Sudbury does not object to Minor Variance A0037/2022 as the proposed development is outside of the regulated area of the Conservation Authority.

Notes

The proponent is advised that future development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at 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 Melanie.Venne@ConservationSudbury.ca.

Greater Sudbury Hydro Inc., April 13, 2022

All structures, equipment and personnel must maintain proper clearance from energized electrical conductors and apparatus as per the latest edition of the Ontario Electrical Safety Code.

Source Water Protection Plan, April 13, 2022

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: Development Engineering, April 12, 2022

Eaves Encroachment Condition: The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 0.6 m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

The agent, Bill Auger, appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

SUBMISSION NO. A0037/2022 Continued.

THAT the application by:

1039512 ONTARIO LIMITED

the owner(s) of PIN 73580 0176, Parcel 33542 SEC SES, Survey Plan SR-1850 Part(s) 2 and 3, Lot(s) M-132, Subdivision Pt 197, Lot Pt 2, Concession 4, Township of McKim, 1159 Bancroft Drive, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the conversion of the existing one-storey single detached dwelling to two-storeys providing, firstly, a minimum interior side yard setback of 1.2m, where 1.8m is required, and secondly, eaves to encroach 1.22m into the required interior side yard, where eaves may encroach 0.6m into the required interior side yard, but not closer than 0.6m to the lot line, 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.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0001/2022

April 22, 2022

OWNER(S): NORMAN DOUCET, 1140 Ramsey Lake Road Sudbury ON P3E 6J7
CAROLINA BOHRER, 1140 Ramsey Lake Road Sudbury ON P3E 6J7

AGENT(S):

LOCATION: PIN 73592 0187, Parcel 33662, Surveys Plan SR-1228 Part(s) 3 & Plan SR-2515 Part(s) 1, Lot Pts 2 and 3, Concession 2, Township of McKim, 1140 Ramsey Lake Road, Sudbury

SUMMARY

Zoning: The property is zoned R1-3 Low Density Residential One according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a single detached dwelling on the subject property providing eaves, rear yard setback, height and high water mark setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 19, 2022

REVISED

This application was previously deferred in order to afford the owner the opportunity to address those comments received from agencies and departments. Staff would note that a significant portion of the proposed residential dwelling remains situated within the required shoreline setback for residential buildings. Staff would advise that the intent of the above noted development standard is to protect surface water quality through the restriction and management of development on the shorelines of lakes, rivers and streams. Staff again would note that these areas represent the interface between land and water being shorelines that are particularly important to water quality and fish and wildlife habitat. Staff has acknowledged and recognizes that some constraints may exist on the lands given their irregular shape in the form of a "dog-leg" between Ramsey Lake and Ramsey Lake Road. Staff remains unable though to support the variances as proposed given the extent and magnitude to which the minimum shoreline setback to a residential building is proposed to be reduced. The owner may again however wish to defer the application ahead of the public hearing at Committee in order to consider those comments provided by both Environmental Planning Initiatives and the Development Approvals Section. 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.

CGS: Building Services Section, April 19, 2022

REVISED

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

However, Owner to be advised of the following comments:

- 1) A building permit is required for any retaining wall greater than 1m.

CGS: Infrastructure Capital Planning Services, April 19, 2022

REVISED
Roads

SUBMISSION NO. A0001/2022 Continued.

No concerns.

Transportation and Innovation Support / Active Transportation

No concerns.

CGS: Site Plan Control, April 14, 2022

No objection.

The Nickel District Conservation Authority, April 13, 2022

REVISED

Conservation Sudbury does not object to Minor Variance A0001/2022 as the proposed development has been reviewed and has been accepted as complying with the development standards of our agency.

Notes

The proponent is advised that future development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at 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 Melanie.Venne@ConservationSudbury.ca.

Greater Sudbury Hydro Inc., April 13, 2022

REVISED

No conflict.

CGS: Environmental Planning Initiatives, April 13, 2022

Approval of this application is not recommended for the following reasons:

1. For the purposes of lake protection, the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry recommend a minimum of a 30-metre setback or a 30-metre non-development zone from water bodies. Lake protection is enhanced if most of the setback area remains as undisturbed natural vegetation. In light of these lake-protective, science-based provincial recommendations, the degree of disturbance proposed in the setback area cannot be considered minor.

2. The lot configuration permits the option of constructing a dwelling without encroaching into the 30-metre setback area.

Additional points are offered below for the benefit of the property owners and the Committee of Adjustment:

Shoreline property owners are encouraged to continue adopting lake-friendly practices to protect the integrity of the lake ecosystem.

Shoreline property owners should improve their shoreline buffer wherever possible. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the property, which can introduce considerable quantities of phosphorus to the lake through erosion.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of

phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have confirmed the presence of cyanobacterial blooms in Ramsey Lake in 2008 and 2010 to 2020 inclusive.

Shoreline and stream bank residents can help reduce phosphorus levels or maintain them at low levels by following a few guidelines:

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or river bank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.
6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

Property owners are encouraged to contact the City's Lake Water Quality Program at (705) 674-4455 ext. 4604 to book a free, confidential and non-regulatory shoreline home visit. During the visit, qualified staff will provide ideas and advice on shoreline management techniques to maintain and improve lake water quality.

The owner must contact Conservation Sudbury at (705) 674-5249 before starting any work in water or on the shoreline or stream bank (retaining walls, etc).

SUBMISSION NO. A0001/2022 Continued.

CGS: Site Plan Control, February 18, 2022

No objections.

CGS: Environmental Planning Initiatives, February 16, 2022

Approval of this application is not recommended for the following reasons:

1. For the purposes of lake protection, the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry recommend a minimum of a 30-metre setback or a 30-metre non-development zone from water bodies. Lake protection is enhanced if most of the setback area remains as undisturbed natural vegetation. In light of these lake-protective, science-based provincial recommendations, the degree of disturbance proposed in the setback area cannot be considered minor.
2. The proposed development is not in keeping with the intent of the Official Plan and the Zoning By-law in terms of protecting lake water quality and natural shoreline vegetation buffers. Removal of a natural vegetative shoreline buffer (20-metre buffer) or construction of structures closer than the required setback (30 metres) will generally negatively affect a lake. Shoreline property owners should improve their shoreline buffer wherever possible regardless of a particular development application. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. Shoreline property owners are encouraged to continue adopting lake-friendly practices to protect the integrity of the lake ecosystem.
3. The lot configuration permits the option of constructing a dwelling without encroaching into the 30-metre setback area.

Additional points are offered below for the benefit of the property owners and the Committee of Adjustment:

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have confirmed the presence of cyanobacterial blooms in Ramsey Lake in 2008 and 2010 to 2020 inclusive.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments and holding soil in place. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the lot. Imported soil can introduce considerable quantities of phosphorus.

Shoreline and stream bank residents can help reduce phosphorus levels or maintain them at low levels by following a few guidelines:

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or river bank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more

available for uptake by the turf grass.

4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.

5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.

6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.

7. Private sewage systems should be inspected and pumped at least every three years.

Property owners are encouraged to contact the City's Lake Water Quality Program at (705) 674-4455 ext. 4604 to book a free, confidential and non-regulatory shoreline home visit. During the visit, qualified staff will provide ideas and advice on shoreline management techniques to maintain and improve lake water quality.

The applicant or owner must contact Conservation Sudbury at (705) 674-5249 before starting any work in water or on the shoreline or stream bank (retaining walls, etc).

All future planning-related applications relating to the subject lands will be reviewed in light of applicable official plan policies, by-laws and guidelines in place at the time of receipt of the applications.

Source Water Protection Plan, February 16, 2022

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: Development Approvals Section, February 16, 2022

The variances being sought would facilitate construction of a single-detached dwelling having frontage on Ramsey Lake Road in Sudbury. The lands also have water frontage on Ramsey Lake. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-3", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff would note that the proposed new residential dwelling with attached deck would be situated partially within the required shoreline buffer area with the majority of the residential dwelling itself being situated within the required shoreline setback for residential buildings. Staff would advise that the intent of the above noted development standards is to protect surface water quality through the restriction and management of development on the shorelines of lakes, rivers and streams. Staff further notes that these areas represent the interface between land and water being shorelines that are particularly important to water quality and fish and wildlife habitat. Staff did attend the lands and recognizes that some constraints may exist on the lands given their irregular shape in the form of a "dog-leg" between Ramsey Lake and Ramsey Lake Road. Staff is unable though to support the variances as proposed given the extent and magnitude to which both development standards would be reduced. The owner may however wish to defer the application ahead of the public hearing at Committee in order to consider those comments provided by both Environmental Planning Initiatives and the Development Approvals Section. 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.

CGS: Infrastructure Capital Planning Services, February 16, 2022

Roads
No Concerns

Transportation and Innovation Support
No Concerns

SUBMISSION NO. A0001/2022 Continued.

Active Transportation
No Concerns

CGS: Building Services Section, February 16, 2022

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

However, Owner to be advised of the following comments:

1) A building permit is required for any retaining wall greater than 1m.

The Nickel District Conservation Authority, February 15, 2022

Conservation Sudbury does not object to Minor Variance A0001/2022 as the proposed development has been reviewed and has been accepted as complying with the development standards of our agency.

Notes

The proponent is advised that future development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at 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 Melanie.Venne@ConservationSudbury.ca.

Greater Sudbury Hydro Inc., February 14, 2022

No Conflict.

CGS: Development Engineering, February 10, 2022

(Revised Application) Eaves Encroachment Condition:

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 0.6 m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

February 24, 2022

The applicant requested a deferral of the application before appearing before Committee of Adjustment in order to address staff's comments.

April 22, 2022

The applicant, Norman Doucet, appeared before Committee and provided a summary of the application including a summary of his building permit application and interactions with staff. The applicant explained that he would like to remain in the existing house during the construction of the new house and provided Committee with reasons why his family does not want to vacate the existing house, and, explained that the house was designed with the previous standard of 12.0m for the shoreline setback and southern exposure. Committee Member Dumont asked staff to provide context as to the timelines for the application. Staff explained that the applicant applied for a building permit and minor variance during a time when the Zoning By-law was changing in terms of the standards for shoreline development and advised that it was phased in to come into effect on February 1, 2022. Staff explained that applicants were required to have a full building permit issued by that date. Staff explained that if applicants were not able to obtain a full building permit by February 1, 2022, then they would be subject to the new development standards. The Secretary-Treasurer reiterated staff's comments and explained Committee of Adjustment's scheduling, submission deadlines, and the appeal period. She confirmed when the applicant submitted a fully commissioned application and why the new shoreline setback had to be included in the submission. Committee Member Dumont asked staff what the original shoreline setback request was, and staff advised that it was 12.6m and that the new request was 20.176m. Committee Member Dumont expressed support for the application. Committee Member Castanza expressed support for the application. Committee Chair Chartrand requested the applicant to provide clarification on the timelines and the applicant provided clarification. Committee Chair Chartrand asked staff what the phasing period was. Staff explained that February 1, 2022, was when the new shoreline development standards came into full force and effect but there was a phasing period between that time and when the by-law was approved by Planning Committee and by Council to give residents an opportunity to apply for building permits. Committee Chair Chartrand asked staff how long the phasing period was, and staff advised that they didn't have the exact date but would find it and respond shortly. Committee Chair Chartrand asked staff how the change was communicated to the public. Staff advised that the changes were done through a public process and staff did prepare and distribute information to the community to advise that the changes were coming as well as provided information on the City's website. Committee Member Dumont asked the applicant if he reached out to his surveyor and architect when he received comments back from his building permit and the applicant confirmed that he did. The applicant explained that his architect he was not aware of the new shoreline standard. Committee Member Dumont commended staff for the turnaround in providing comments back to the applicant. The applicant explained that if he was aware of the new standard, he would have tried to have a minor variance application submitted in time. Committee Chair Chartrand expressed support for the application. Staff advised that the by-law that enacted the changes to the shoreline development standards was August 17, 2021, and the phasing period was from that date to when it came into effect on February 1, 2022. Staff clarified Strategic and Environmental Planning's comments in that the shoreline standard was a recommendation from the Province but that it was adopted by the City and is now a development standard. The resolution was amended to approve the application by way of a motion put forward by Committee Member Dumont and seconded by Committee Member Castanza. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

NORMAN DOUCET AND CAROLINA BOHRER

the owner(s) of PIN 73592 0187, Parcel 33662, Surveys Plan SR-1228 Part(s) 3 & Plan SR-2515 Part(s) 1, Lot Pts 2 and 3, Concession 2, Township of McKim, 1140 Ramsey Lake Road, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Section 4.41, subsections 4.41.2 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, to facilitate the construction of a single detached dwelling on the subject property, firstly, to permit eaves to encroach 5.59m into the required yard, where eaves may only encroach 1.2m into the required yard but not closer than 0.6m to the lot line, secondly, providing a 20.17m setback from the high water mark of a lake or river, where no person shall erect any residential building closer than 30.0m to the high water mark of a lake or a river, thirdly, a minimum rear yard setback of 2.32m, where 7.5m is required, and fourthly, a maximum height of 12.82m, where 11.0m is permitted, be granted.

SUBMISSION NO. A0001/2022 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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.

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