



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0013/2023

April 26, 2023

OWNER(S): THIRD AMEN HOLDINGS INC., Attn: MILAD MANSOUR

AGENT(S): TULLOCH ENGINEERING - VANESSA SMITH, 1942 Regent Street Unit L, Sudbury, On P3E 5V5

LOCATION: PIN 73592 0232, Parcel 26765 SEC SES, Lot(s) 3 except south 50 feet, 4, Part 5, as in LT170616, Subdivision M-124, Lot Part Broken 2, Concession 2 as in LT170616, subject to, Township of McKim, 745 Kirkwood Drive, 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 no frontage onto an assumed road, shoreline setback and maximum height at variance to the By-law

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 19, 2023

REVISED
Roads
No concerns

Transportation and Innovation Support
No concerns

Active Transportation
No concerns.

CGS: Strategic and Environmental Planning, April 19, 2023

REVISED
The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 745 Kirkwood Drive, Sudbury. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

After reviewing the proposed revised development SEP staff do not oppose for the following reasons:

- 1. Sufficient lot depth is not available to ensure that the development is outside of the 30 metres highwater mark setback; and,
- 2. The proposed development is not encroaching into the mature 20 metre vegetative buffer and the buffer is remaining and appears to comply with 4.41.3a)i) and 4.41.3a)ii) of the Zoning By-law.

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.

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.

Shoreline 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. 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. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank 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

Greater Sudbury Hydro Inc., April 18, 2023

REVISED
No conflict.

The Nickel District Conservation Authority, April 18, 2023

REVISED
Conservation Sudbury does not oppose Minor Variance A0013/2023. The successful obtainment of a Section 28 permit from Conservation Sudbury will be required at the building permit stage.

Proponent previously applied for a permit from the Conservation Authority. However, the plans submitted with this minor variance are not in conformity with the plans on file with the Conservation

Authority. Proponent is advised to reach out to our organization to continue the review of the development.

CGS: Building Services Section, April 18, 2023

REVISED

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

- 1) No development is permitted on the property until a Right of Way is registered on Title.

Ministry of Transportation, April 14, 2023

REVISED

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, April 13, 2023

REVISED

No objection.

Greater Sudbury Hydro Inc., February 27, 2023

No Conflict.

CGS: Infrastructure Capital Planning Services, February 23, 2023

Roads

No concerns.

Transportation and Innovation Support

We have no concerns with this application. However, we note that the owner has no legal access to the property from the public road.

Active Transportation

No concerns.

CGS: Building Services Section, February 23, 2023

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

- 1- No development is permitted on the property until a Right of Way is registered on Title.

CGS: Development Approvals Section, February 23, 2023

The variances being sought would facilitate construction of a single-detached dwelling on the subject lands that have water frontage on Ramsey Lake. The lands are also proposed to be accessed from Kirkwood Drive via an easement across lands owned by the municipality. 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 notes that the submitted sketch depicts a swimming pool within the shoreline setback whereas a swimming pool is not a permitted accessory structure within the minimum required 30 m (98.43 ft) shoreline setback. Staff further notes from a review of aerial photography and the submitted sketch that additional variances may be required as it relates to applicable shoreline buffer area development standards set out under Sections 4.41.3 and 4.41.4 of the City's Zoning By-law. Staff is also concerned with respect to the timing of the application as it relates to the variance that would recognize the lands not having access onto an assumed road. The owner's agent has indicated in a covering letter that they are currently in the process of acquiring an easement across lands owned by the municipality in order to obtain proper access to Kirkwood Drive. Staff recommends that the application be deferred in order to afford the owner the opportunity to address comments received from circulated agencies and department.

CGS: Site Plan Control, February 22, 2023

No objections.

The Nickel District Conservation Authority, February 22, 2023

Conservation Sudbury does not oppose Minor Variance A0013/2023. The successful obtainment of a Section 28 permit from Conservation Sudbury will be required at the building permit stage.

Proponent previously applied for a permit from the Conservation Authority. However, the plans submitted with this minor variance are not in conformity with the plans on file with the Conservation Authority. Proponent is advised to reach out to our organization to continue the review of the development.

CGS: Strategic and Environmental Planning, February 22, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 745 Kirkwood Drive, Sudbury. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

After reviewing the proposed development SEP staff are requesting a deferral for the following reasons:

1. It is unclear the extent of natural vegetation buffer removal and whether there is compliance with provisions 4.41.3a)i) and 4.41.3a)ii) pertaining to shoreline buffer areas.

Given the subject site appears to be general vegetated with trees, SEP staff are interested in ensuring that the provisions of 4.41.3a)i) and 4.41.3a)ii) of the Zoning By-law are considered by the proponent.

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.

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.

Shoreline 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. 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. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank 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).

Source Water Protection Plan, February 22, 2023

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.

Ministry of Transportation, February 17, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Development Engineering, February 15, 2023

No objection.

The Applicant's agent, Vanessa Smith of Tulloch Engineering, appeared before Committee and provided a summary of the application.

Ian Berdusco, concerned neighbour, expressed concerns with respect to height of the building being higher than the vegetation in the area where the existing zoning by-law height restrictions would be below the existing vegetation in the area, it would not keep the same park-like esthetic of the neighbouring area and would oppose the spirit of the Official Plan in the area.

Pat Dubreuil, concerned neighbour, expressed a wish to have some questions answered prior to providing concerns. He asked if the matter was being deferred. Staff clarified that the recommendation was a deferral, but that Committee only makes a decision once all submissions have been heard. Mr. Dubreuil also wanted clarification regarding how the property will be accessed. Chair Dumont made note of the question to be directed to the Agent once the public portion of the hearing was closed.

David Burrows, concerned neighbour, expressed concerns with respect to access, how it will be achieved and how it will impact to the other residents who access their properties through a right-of-way and leads to the Kirkwood Dock. He also had concerns regarding the drainage plans during the build as the drainage will likely all drain into a small river between his property and the subject property that leads to and under the Kirkwood Dock.

The Secretary-Treasurer confirmed that one letter of concern was received from Pat Dubreuil, concerned resident and on behalf of Kirkwood Dock Group, dated April 24, 2023.

The agent confirmed that a lot grading plan will have to be provided to show the drainage of the property to be approved by an engineer. She clarified that they do not propose accessing the property through the existing laneway but through an easement over City property at the rear of the subject property and is working with the City legal department in order to attempt to obtain rights for an easement from the City Council. Chair Dumont asked the agent to confirm that they would not be able to receive a building permit if the easement for access was not obtained. The agent confirmed. The agent also confirmed that they are staying well below the 25% clearance of the vegetative buffer permitted by the zoning by-law.

Staff clarified for Committee that comments were not amended with respect of this application and that the recommendation remains for a deferral, but that they had heard from the agent and through discussions had prior to the hearing it was discussed that should Committee wish to entertain a condition to allow the variance to pass this evening, that a condition would have to be clear that an easement has to be in place in order for this variance to be acted upon. Chair Dumont asked the Committee's thoughts on a six month period for such a condition. The resolution to defer the application was defeated. A motion was brought by Chair Dumont and Committee Member Murray to grant the application with a condition. The motion was carried.

The following decision was reached:

DECISION:

THAT the application by:

THIRD AMEN HOLDINGS INC.

the owner(s) of PIN 73592 0232, Parcel 26765 SEC SES, Lot(s) 3 except south 50 feet, 4, Part 5, as in LT170616, Subdivision M-124, Lot Part Broken 2, Concession 2 as in LT170616, subject to, Township of McKim, 745 Kirkwood Drive, Sudbury

for relief from Part 4, Section 4.3, Section 4.41, subsection 4.41.2 a) and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, in order to facilitate the construction of a single-detached dwelling with attached garage, covered porches, pool, hot tub and mechanical room providing, firstly, no frontage onto an assumed road, whereas no person shall erect any building on any lot that does not have frontage on an assumed road, secondly, providing a high water mark setback of 20.0m for the single family dwelling and accessory structures where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, and thirdly, a maximum height of 14.6m, where 11.0m is permitted, be granted, subject to the following condition:

1. That the access easement be acquired and finalized to the satisfaction of the Director of Planning Services within 365 days of the Minor Variance decision.

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

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>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0029/2023

April 26, 2023

OWNER(S): DAVID COLUSSI, 2728 South Shore Road, Sudbury P3G 1M2

AGENT(S): ADRIAN BORTOLUSSI, 144 ELM STREET, SUDBURY ON P3C 1T7

LOCATION: PIN 73472 0134, Parcel 25684 SEC SES SRO, Lot(s) 43, Subdivision M - 480 SUBJECT LT123422, Lot 12, Concession 2, Township of Broder, 2728 South Shore Road, Sudbury

SUMMARY

Zoning: The property is zoned R1-1 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct an addition with attached garage and two decks to the existing single detached dwelling on the subject property, providing an increase in gross floor area within the interior side yard setback, setback from the high water mark, interior side yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Strategic and Environmental Planning, April 20, 2023

REVISED

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 2728 South Shore Road, Sudbury. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

SEP staff do not oppose the application for the following reasons:

1. The proposed addition is no closer to the highwater mark than the existing dwelling and is not within the 20 metre vegetative buffer 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.

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.

Shoreline 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. 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. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank 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)

CGS: Development Approvals Section, April 20, 2023

REVISED

Staff understands that this application was previously deferred as the owner and agent were unavailable to attend the Committee of Adjustment meeting on April 13, 2023. Staff has reviewed previous comments provided on the application and has no further comments

CGS: Infrastructure Capital Planning Services, April 19, 2023

REVISED

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

SUBMISSION NO. A0029/2023 Continued.

Greater Sudbury Hydro Inc., April 18, 2023

REVISED

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. Contact GSHI energy supply department if disconnect/reconnect is required.

The Nickel District Conservation Authority, April 18, 2023

REVISED

Conservation Sudbury does not oppose Minor Variance A0029/2023. Part of the subject property contains areas regulated by Conservation Sudbury (see attached map). Any development within 20m of the shoreline, including lot grading, requires a permit from Conservation. Please note that the septic system must be on the road side of the house.

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. '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.

CGS: Building Services Section, April 18, 2023

REVISED

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

Ministry of Transportation, April 14, 2023

REVISED

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The Nickel District Conservation Authority, April 05, 2023

Conservation Sudbury does not oppose Minor Variance A0029/2023. Part of the subject property contains areas regulated by Conservation Sudbury (see attached map). Any development within 20m of the shoreline, including lot grading, requires a permit from Conservation. Please note that the septic system must be on the road side of the house.

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. '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.

CGS: Infrastructure Capital Planning Services, April 05, 2023

Roads

SUBMISSION NO. A0029/2023 Continued.

No Concerns.
Transportation and Innovation Support
No concerns.
Active Transportation
No concerns.

CGS: Building Services Section, April 05, 2023

No objections.

CGS: Strategic and Environmental Planning, April 05, 2023

SEP staff do not oppose the application for the following reasons:

1. The proposed addition is no closer to the highwater mark than the existing dwelling and is not within the 20 metre vegetative buffer 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. 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.

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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

SUBMISSION NO. A0029/2023 Continued.

on the shoreline or stream bank (retaining walls, etc).

CGS: Development Approvals Section, April 05, 2023

The variances being sought would facilitate construction of an addition to an existing residential dwelling having frontage on South Shore Road in Sudbury. The lands also have water frontage on Long Lake. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-1", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the additions to the existing residential dwelling would add gross floor area almost entirely outside of the minimum required shoreline setback. The proposed decks are reasonable and not excessive in nature and would be situated at its closest point approximately 2.5 m (8.20 ft) from the high watermark of Long Lake than the legal non-complying setback that exists today to the residential dwelling. Staff have also reviewed the requested encroachments and resulting setbacks to interior side lot lines and have no concerns. Staff are satisfied that access to the rear yard remains functional should the reduce interior side yard setbacks be approved. Staff also do not anticipate that the proposed addition and decks would generate any negative land use planning impacts on abutting residential properties should the variances be approved. Staff would note that the existing residential dwelling maintains a legal non-complying setback of 26 m (85.30 ft) and therefore a minor variance recognizing such is not necessary. Staff however have no concerns should the Committee wish to proceed with authorizing a variance that recognizes the existing setback noted above. 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.

Greater Sudbury Hydro Inc., April 04, 2023

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.

CGS: Development Engineering, March 30, 2023

No objection.
No objection (April 20, 2023)

CGS: Site Plan Control, March 30, 2023

No objection.

Ministry of Transportation, March 30, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The Applicant's agent, Adrian Bortolussi, appeared before Committee and provided a summary of the application. The Secretary-Treasurer confirmed that one letter of concern was received from the Long Lake Stewardship Committee dated April 6, 2023.

Committee had no comments or questions.

The following decision was reached:

DECISION:

THAT the application by:
DAVID COLUSSI

the owner(s) of PIN 73472 0134, Parcel 25684 SEC SES SRO, Lot(s) 43, Subdivision M - 480 SUBJECT LT123422, Lot 12, Concession 2, Township of Broder, 2728 South Shore Road, Sudbury

for relief from Part 4, Section 4.2.5, Table 4.1, Section 4.25.1, Section 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 permit an addition with attached garage and two decks to the existing single detached dwelling on the subject property providing, firstly, an uncovered deck to encroach 0.13m into the required interior side yard, where uncovered decks greater than 1.2m in height may encroach 1.2 m into the required interior side yard but no closer than 1.2m to the interior side lot line, secondly, an increase in gross floor area of a legally existing building of 142.3 sq.m., where enlargement, reconstruction, repair and/or renovation shall not increase the gross floor area of a legal non-complying building located within the minimum required interior side yard setback, thirdly, providing a 29.25m high water mark setback for the two storey addition and maintaining the 26.0m highwater mark setback for the existing single detached dwelling, where no person shall erect any residential building closer than 30.0m to the high water mark of a lake or a river, fourthly, a minimum interior side yard setback of 1.13m for the two storey addition and 0.87m for the two storey covered deck with eaves encroaching 0.6m into the proposed 0.87m interior side yard setback, where 1.8m is required, and where eaves may encroach 0.6m into the required interior 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.

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>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0037/2023

April 26, 2023

OWNER(S): TRACY COYNE , 1879 West Bay Road, Garson P3L 1V3
ROBERT HALLETT, 1879 West Bay Road, Garson P3L 1V3

AGENT(S): TRACY COYNE , 1879 West Bay Road, Garson P3L 1V3

LOCATION: PIN 73511 0144, Parcel 18369 SEC SES , Lot(s) 13, Subdivision M-561 except LT1069730, Lot Part 10 ,
Concession 7, Township of MacLennan, 1879 West Bay Road, Garson

SUMMARY

Zoning: The property is zoned R1-1 (12) (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval for an existing sauna and addition on the single detached dwelling and to construct a detached garage on the subject property providing height, interior side yard setback, high water mark setback, shoreline buffer area and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 20, 2023

The variances being sought would recognize an existing addition to a single-detached dwelling along with an existing sauna and also to permit construction of a detached garage on the subject lands that have frontage on West Bay Road in Skead. The lands also have water frontage on Lake Wanapitei. The lands are designated Rural in the City's Official Plan and zoned "R1-1(12)", Low Density Residential One Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that the addition to the residential dwelling was completed in 1982 and without benefit of a building permit. The owner is now seeking to obtain a building permit and minor variance that would allow for the addition to remain in its present location without further development and/or encroachment into the shoreline setback and buffer area. Staff has reviewed aerial photography and notes that the shoreline buffer area in this location was cleared as far back as 1975 with the addition appearing afterwards in or around 1982 as the owner suggests. Staff is of the opinion that the variances related to the addition are reasonable and not excessive in nature given that the original residential dwelling was built at a time when there were no requirements for shoreline setbacks and buffer areas. Staff has no concerns with recognizing the location of the sauna. Staff also has no concerns with respect to the maximum accessory building height variance and would note that the proposed detached garage would be screened by mature vegetation and maintain a front yard setback of 13.72 m (45.01 ft). Staff is of the opinion that the proposed distance to the street line of West Bay Road mitigates the increased height being sought and the proposed detached garage is not expected to negatively impact the residential character that exists along this portion of West Bay Road. Staff would however 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 also notes that the submitted sketch depicts a "seacan" to the west of the residential dwelling which is not a permitted accessory structure under Section 4.34 of the City's Zoning By-law. Staff is of the opinion that the "seacan" should be removed from the lands given that in part the variances being sought would facilitate construction of a detached garage which will provide indoor accessory storage space in a built-form that is permitted on the lands going forward. 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 subject to the following condition:

1. That the owner removes the "seacan" from the lands to the satisfaction of the Chief Building Official and the Director of Planning Services within one year of the variance decision.

CGS: Infrastructure Capital Planning Services, April 19, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Strategic and Environmental Planning, April 19, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 1879 West Bay Road, Garson. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

After reviewing the proposed development SEP staff do not support the application for the following reasons:

1. The proposed addition further encroaches into an already reduced setback where there appears to be other options for an extension that would not be closer to the highwater mark.

The proponent is advised that it is their sole responsibility to ensure compliance with the Endangered Species Act.

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.

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.

Shoreline 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. 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. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank 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).

The Nickel District Conservation Authority, April 18, 2023

Conservation Sudbury does not oppose Minor Variance A0037/2023. Part of the subject property is located in area regulated by the Conservation Authority. The proposed garage is located sufficiently far from the shoreline, and landowner has already applied for a permit for the remaining development near the shoreline.

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. '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.

Greater Sudbury Hydro Inc., April 18, 2023

No conflict - outside of our territory.

CGS: Building Services Section, April 18, 2023

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

However, Owner to be advised of the following comments:

1) Seacans / Shipping Containers are not permitted on this property as per section 4.34 of the City of Greater Sudbury Zoning Bylaw 2010-1 OOz.

Ministry of Transportation, April 14, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, April 13, 2023

No objection.

CGS: Development Engineering, April 13, 2023

No objection.

The agent/owner, Tracy Coyne, appeared before the Committee and provided a summary of the Application. Robert Gallinger, concerned neighbour, appeared before committee with concerns regarding the side yard setback for the existing sauna. He stated that the sauna is currently on the lot line and found the sketch provided misleading. The Secretary-Treasurer confirmed that one letter of concern was received from Robert Gallinger dated April 24, 2023. The agent/owner confirmed that when the property was built there were no issues or encroachments identified. The sketch provided by the agent/owner was provided by Centreline. Committee Member Goswell inquired about the second sauna on the property. The agent/owner confirmed that the second sauna is a temporary structure until the first sauna has been repaired. Committee Member Goswell asked how complaints such as that of Mr. Gallinger are adjudicated. Staff suggested that the Committee look at the variances being sought. If the variance is granted and the sauna is closer than 0.61m, a further variance would have to be sought or the sauna moved. Committee Member Murray asked the agent/owner to confirm that the temporary sauna is not part of the variance relief. Committee Member Castanza advised the agent/owner that the sea cans would have to be removed from the property as a condition of approval if the variance is approved as recommended by Development Approvals.

The following decision was reached:

DECISION:

THAT the application by:

TRACY COYNE AND ROBERT HALLETT

the owner(s) of PIN 73511 0144, Parcel 18369 SEC SES , Lot(s) 13, Subdivision M-561 except LT1069730, Lot Part 10 , Concession 7, Township of MacLennan, 1879 West Bay Road, Garson

for relief from Part 4, Section 4.2, subsection 4.2.4 a) and Table 4.1, Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate an existing addition on the single detached dwelling and to construct a detached garage providing, firstly, a garage height of 7.01m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, secondly, an interior side yard setback of 0.61m for the existing sauna, where an accessory building greater than 2.5m in height shall be no closer than 1.2m from the side lot line, thirdly, a high water mark setback for the existing addition of 10.0m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, and fourthly, to permit the existing addition to be 10.0m setback from the high water mark of a lake, 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, for relief from Part 4, Section 4.2, subsection 4.2.4 a) and Table 4.1, Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate an existing addition on the single detached dwelling and to construct a detached garage providing, firstly, a garage height of 7.01m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, secondly, an interior side yard setback of 0.61m for the existing sauna, where an accessory building greater than 2.5m in height shall be no closer than 1.2m from the side lot line, thirdly, a high water mark setback for the existing addition of 10.0m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, and fourthly, to permit the existing addition to be 10.0m setback from the high water mark of a lake, 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, subject to the following condition:

1. That the owner removes the "seacan" from the lands to the satisfaction of the Chief Building Official and the Director of Planning Services within one year of the variance decision.

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

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>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0040/2023

April 26, 2023

OWNER(S): VITO LAROSA , 33 Copper Street, Sudbury P3E 2C4
DENISE LAROSA , 33 Copper Street, Sudbury P3E 2C4

AGENT(S):

LOCATION: PIN 73588 0651, Parcel 14737 SEC SES, Lot(s) 58, Subdivision M-57, Lot Part 8 , Concession 2 as in LT191769, Township of McKim, 9 Laurentian Street, 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 construct a gazebo and carport, providing parking space width and a reduced minimum corner side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Strategic and Environmental Planning, April 20, 2023

No concerns

CGS: Development Approvals Section, April 20, 2023

The variances being sought would facilitate construction of a carport and gazebo on the subject lands that have frontage on Laurentian Street 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 lands form a corner lot and as such there is a corner side lot line which abuts an unopened road allowance. It is noted that the unopened road allowance contains rocky topography and mature vegetation. Staff would advise that it is unlikely that Laurentian Street would be extended to connect to Gino Street given that the lands are situated within an older, established urban residential neighbourhood abutting a large tract of land zoned for open space and an existing light industrial/service commercial use. Staff has reviewed the location of the proposed carport and gazebo and has no concerns with respect to any negative land use planning impacts on the abutting unopened road allowance or surrounding residential properties. Staff notes however that compact car parking spaces under Section 5.2.34 of the City's Zoning By-law require a minimum dimension of 2.5 m (8.20 ft) by 5.5 m (18.04 ft) whereas the variance being sought for the parking space inside the carport would provide for a parking space measuring 2.48 m (8.15 ft) by 5.7 m (18.70 ft). Staff has no concerns with the dimension proposed but would caution the owner that most vehicles will not fit in the carport unless it is of a compact design. The owner might also wish to explore reducing the width of the side entrance into the residential dwelling. 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: Infrastructure Capital Planning Services, April 19, 2023

Roads
No concerns.

Transportation and Innovation Support
We note that the width of the proposed parking space abutting the wall barrier is narrow and does not meet the minimum dimension, thus, impacting the Ingress and Egress from vehicles. It could be a challenge to open vehicle doors without nudging the adjacent wall.

Active Transportation

No concerns

Greater Sudbury Hydro Inc., April 18, 2023

No conflict.

The Nickel District Conservation Authority, April 18, 2023

Conservation Sudbury does not object to Minor Variance A0040/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development

CGS: Building Services Section, April 18, 2023

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

Owner to be advised no eaves are permitted within 3.3m of the southeast property line without an additional minor variance.

Ministry of Transportation, April 14, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, April 13, 2023

No objection.

CGS: Development Engineering, April 13, 2023

No objection.

The Applicants, Vito Larosa and Denise Larosa, appeared before Committee and provided a summary of the application. Committee had no comments or questions.

The following decision was reached:

DECISION:

THAT the application by:

VITO LAROSA AND DENISE LAROSA

the owner(s) of PIN 73588 0651, Parcel 14737 SEC SES, Lot(s) 58, Subdivision M-57, Lot Part 8 , Concession 2 as in LT191769, Township of McKim, 9 Laurentian Street, Sudbury

for relief from Part 4, Section 4.2, Table 4.1, Part 5, Section 5.2.3.1 a) 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 approve the construction of a gazebo and carport, providing, firstly, to permit a gazebo to encroach 3.3m into the required corner side yard, where accessory buildings and structures greater than 2.5m in height are not permitted to encroach into the corner side yard, secondly, a reduced parking space size of 2.48m by 5.7m inside the carport, where the width of a parking space when the length abuts a wall or barrier shall be 3.0m and a length of 6.0m and thirdly, a minimum corner side yard setback of 0.61m, where 4.5m is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land 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>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0041/2023

April 26, 2023

OWNER(S): MONIQUE A. BERTHIAUME, 43 Alder St Sudbury ON P3C 4J9

AGENT(S): PETER VANDERKOOY, 2-897 Westmount Ave Sudbury ON P3A 1C3

LOCATION: PIN 02135 0294, Survey Plan 53R-16609 Part(s) 1 as in LT892365, Subdivision 49-SB, Lot Part 6 , Concession 4, Township of McKim, 43 Alder Street, 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 of a lot to be retained subject of Consent Application B0003/2023, providing a reduced minimum lot area at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Strategic and Environmental Planning, April 20, 2023

No concerns

CGS: Development Approvals Section, April 20, 2023

The variance being sought would facilitate a lot boundary re-alignment between two urban residential lots having frontage on Alder Street 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 there is a related consent application (File # B0003/2023) for which a decision has been deferred in order to afford the owner the opportunity to obtain a minor variance that would permit the retained lands to have a reduced minimum lot area. Staff has expressed support for the related consent application provided that a variance is obtained. For the information of Committee, the following comments were provided on the related consent application:

"... Staff notes that the subject lands currently form a legal existing undersized lot of record having a lot area of approximately 408 m² (4,391.68 ft²) whereas the "R2-2" Zone requires a minimum lot area of 460 m² (4,951.40 ft²) or larger depending on the residential built-form (ie. single-detached dwelling, semi-detached dwelling or duplex dwelling). The development proposal amounts to a lot boundary re-alignment that would further reduce the lot area of a legal existing undersized lot of record and a minor variance for a further reduced minimum lot frontage on the retained lands is required prior to proceeding with the transfer of the severed lands to the benefitting lands. Staff has no concerns however with respect to the development proposal and understand that the lot boundary re-alignment is intended to address the location of an existing driveway providing access to 47 Alder Street. Staff also notes there is an existing approval (File # B0098/1999) that appears to provide 47 Alder Street with an easement for access purposes across Part 1 on Plan 53R-16609. The owner may want to consider if the existing easement is sufficient for their purposes."

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, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., April 18, 2023

No conflict.

The Nickel District Conservation Authority, April 18, 2023

Conservation Sudbury does not oppose Minor Variance A0041/2023. The subject property is not located in any area regulated by the Conservation Authority.

Please note that Conservation Sudbury is currently completing a new floodplain study for the Junction Creek watershed and results are expected within the next few months. The floodplain elevation at this location may change. The landowner is encouraged to consult with our office prior to the planning of future development for an update, and for direction regarding required approvals from our office.

CGS: Building Services Section, April 18, 2023

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

Ministry of Transportation, April 14, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, April 13, 2023

No objection.

CGS: Development Engineering, April 13, 2023

No objection.

The Applicant's agent, Peter Vanderkooy, appeared before Committee and provided a summary of the application. Dan Chartrand, concerned neighbour, expressed concerns regarding the storage of snow on the property in relation to the Consent Application of B0003/2023. The Secretary-Treasurer confirmed that one letter of concern was received from Dan Chartrand and Robin Orban dated April 25, 2023.

The agent stated that he was unsure of how snow would affect the concerned neighbour as he has been storing snow there for years. Committee Member Murray clarified that there are by-laws in place with respect to snow storage and that this application was to decide upon the variance in front of them. Committee Member Goswell inquired whether Committee should be concerning themselves with the snow storage concern. Staff confirmed that snow storage issue was not a variance before the Committee this evening and that it was a by-law issue.

The following decision was reached:

DECISION:

THAT the application by:

MONIQUE A. BERTHIAUME

the owner(s) of PIN 02135 0294, Survey Plan 53R-16609 Part(s) 1 as in LT892365, Subdivision 49-SB, Lot Part 6 , Concession 4, Township of McKim, 43 Alder Street, Sudbury

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 approve the lands to be retained subject of Consent Application B0003/2023, providing a reduced minimum lot area of 369.0 sq.m., where 465.0 sq.m is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land 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>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0042/2023

April 26, 2023

OWNER(S): ERIN DANYLIW, 162 McNaughton Street, Sudbury P3E 1V3
BRENDAN ROY , 162 McNaughton Street, Sudbury P3E 1V3

AGENT(S):

LOCATION: PIN 73584 0829, Lot(s) 223, Subdivision 6S, Lot 5, Concession 3, Township of McKim, 162 McNaughton 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 construct an addition on the existing single detached dwelling on the subject property providing a front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Strategic and Environmental Planning, April 20, 2023

No concerns

CGS: Development Approvals Section, April 20, 2023

The variance being sought would facilitate construction of an addition to the front of an existing single-detached dwelling having frontage on McNaughton 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 notes that the existing residential dwelling is askew to the front lot line and the minimum front yard setback being sought would be 5 m (16.40 ft) at the easterly-most point of the proposed addition and a maximum front yard setback of approximately 6.25 m (20.51 ft) at the westerly-most point. Staff notes that similar front yard setbacks accommodating similar additions and/or entrance structures exist along this portion of McNaughton Street. Staff is also of the opinion that the proposed front yard setback is not excessive or unreasonable in nature and no negative land use planning impacts are expected on abutting residential properties should the variance be approved. The addition itself would not appear out of character given the existing urban residential development that exists along McNaughton Street. 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, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Source Water Protection Plan, April 19, 2023

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.

Greater Sudbury Hydro Inc., April 18, 2023

No structures shall encroach upon GHSI easements. For clarification, please contact GSHI Engineering Department. Maintain proper clearance from energized apparatus and conductors as per latest edition of Ontario Electrical Safety Code.

The Nickel District Conservation Authority, April 18, 2023

Conservation Sudbury does not object to Minor Variance A0042/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Building Services Section, April 18, 2023

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

Ministry of Transportation, April 14, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, April 13, 2023

No objection.

CGS: Development Engineering, April 13, 2023

No objection.

One of the Applicants, Brendan Roy, appeared before Committee and provided a summary of the application. Committee had no comments or questions.

The following decision was reached:

DECISION:

THAT the application by:

ERIN DANYLIW AND BRENDAN ROY
the owner(s) of PIN 73584 0829, Lot(s) 223, Subdivision 6S, Lot 5, Concession 3, Township of McKim, 162 McNaughton Street, Sudbury

for relief from Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, as amended, for approval to construct an addition on the existing single detached dwelling on the subject property providing a minimum front yard setback of 5.0m, where a minimum 6.0m setback is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land 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>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0043/2023

April 26, 2023

OWNER(S): REGENT PROPERTY INVESTMENT CORPORATION , 44 Saint Georges Rd, Etobicoke M9A 3T4

AGENT(S): TULLOCH ENGINEERING - KEVIN JARUS, Attention: Kevin Jarus, 1942 Regent Street, Unit L, Sudbury, ON, P3E 5V5

LOCATION: PINs 73596 0834 & 73596 0610 & 73596 0615, Parcels 15281 SEC SES & 28361 SEC SES & 20436 SEC SES , Survey Plan 53R-10610 Part(s) 40,41 and 42, Subdivision M-998, Lot Part 276,277, Township of McKim, 1661,1673 and 1695 Regent Street , Sudbury

SUMMARY

Zoning: The property is zoned R3-1 (Medium Density Residential) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a six storey, 114 unit multiple dwelling complex with commercial space providing location of refuse storage area, outdoor parking area location, number of parking spaces, height and minimum lot area per unit at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, April 26, 2023

REVISED

Staff understand that the owner's agent has deleted the variance that would increase the amount of commercial net floor area from 150 m² (1,614.59 ft²) to 220 m² (2,368.06 ft²). Staff notes for clarification purposes that no parking spaces are required for the permitted commercial net floor area for a convenience store and/or a personal service shop under the "R3-1" Zone provided that said land uses are internal to the multiple dwelling and accessible only to tenants living in the building (eg. behind a secure access door). If the commercial uses are accessible to the general public (eg. directly from an open foyer inside the building) then a parking rate of one parking space per 33m² (355.21 ft²) is required. The owner's agent has advised that no parking variance is being sought for the commercial uses and if additional parking is required the site plan control and/or building permit processes will address this at a later time. Staff will not support a parking variance in the future as it relates to the commercial uses given that a variance is already being sought for the number of residential parking spaces made available on the lands. Staff have also further reviewed the proposed grading work on the lands that would be completed in order to accommodate a six-storey multiple dwelling on the lands as opposed to the five-storeys permitted as of right under the applicable "R3-1" Zone. Staff are of the opinion that the transitioning between the proposed medium-density residential use and the low-density residential uses to the west along Moonrock Avenue is appropriate provided the grading and blasting work is completed as shown on the cross-sections depicted in the elevation plans provided in support of the application. Staff notes for the benefit of the Committee and for the owner that any decision made by the Committee of Adjustment is based on all information (ie. elevation plans) provided in support of variances being requested. If approved, the owner will be required to grade the site in accordance with the information provided in support of their application which will ensure that an appropriate transition is provided for between the proposed multiple dwelling and nearby low-density residential dwellings. 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: Strategic and Environmental Planning, April 20, 2023

No concerns

CGS: Development Approvals Section, April 20, 2023

The variances being sought would facilitate construction of a six-storey multiple dwelling containing 114 residential dwelling units at the corner of Regent Street and Telstar Avenue in Sudbury. The lands are designated Living Area 1 and Mixed Use Commercial in the City's Official Plan and zoned "R3-1", Medium Density Residential under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff noted during pre-consultation (File # PC2023-013) that a parking analysis should be prepared if seeking a reduction in parking requirements which must include an analysis of parking demand and mitigation measures that can be utilized to prevent overflow parking onto nearby surrounding local streets. Staff acknowledges that the covering letter submitted with the variance application addresses the parking space reduction from a land use planning perspective however there does not appear to be any further analysis provided by a qualified traffic and/or parking engineering perspective. The parking analysis provided in the covering letter also does not consider the impacts that increased commercial floor space within the multiple dwelling would have on overall parking demands. Staff is also concerned that the increased commercial floor space within the multiple dwelling being sought is excessive given that the "R3-1" Zone limits accessory commercial uses to one convenience store and one personal service shop. The covering letter submitted in support of the development proposal also suggests no additional parking for accessory commercial uses is required, however this is not the case as parking space requirements of 1 parking space per 33 m² (355.21 ft²) net floor area is required for both a convenience store and a personal service shop. It is also unclear at this time if further variance(s) are required for the commercial uses as it related to parking requirements. Staff is also concerned with respect to the intensity of the development in relation to nearby low density urban residential uses. It is understood that grading will be utilized to lessen the impact of the multiple dwelling having an additional sixth-storey on abutting single-detached dwellings to the west. Staff is of the opinion however that the transition from medium to low density in this setting would benefit from the grade difference being utilized to offset the transition from a five-storey building that is presently already permitted in the "R3-1" Zone. Staff would note that using the grade difference to transition a five-storey, permitted as-of-right, medium density use to single-detached dwellings on Moonrock Avenue would result in a transition that "feels" more like a four-storey building abutting low density residential uses having a maximum height of one or two storeys.

Staff has no concerns with respect to the refuse storage area and corner side yard parking area variances being sought given that site plan control is applicable to the lands and both matters can be adequately screened and buffered appropriately during the site planning process. Staff would also caution the owner that in the absence of a site plan application it is possible that elements of the development proposal will change and additional variances or re-application for similar variances may be required. Staff recommends that the application be deferred in order to afford the owner the opportunity to address those comments received from agencies and departments.

CGS: Infrastructure Capital Planning Services, April 19, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Greater Sudbury Hydro Inc., April 18, 2023

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. No structures shall encroach upon GHSI easements. For clarification, please contact GSHI Engineering Department.

The Nickel District Conservation Authority, April 18, 2023

Conservation Sudbury does not object to Minor Variance A0043/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the

proposed development.

CGS: Building Services Section, April 18, 2023

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

Ministry of Transportation, April 14, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, April 13, 2023

The proposed development is subject to site plan control. A pre-consultation meeting was held for this development on February 23, 2023 and to date we have not received an application for site plan control. The owner should be advised that through the site plan control review process additional variances may become apparent.

CGS: Development Engineering, April 13, 2023

No objection.

The Applicant's agent, Kevin Jarus of Tulloch Engineering, appeared before Committee and provided a summary of the application.

Sandra Mark, concerned neighbour, expressed concerns with respect to reduced property values, reduced sun exposure on her property and potential for noise.

Jack Tessorolo, concerned neighbour, expressed concerns with respect to wildlife living on the subject property, trees that were planted by residents on the subject property, infringement of privacy on his own property and impact on traffic flow and safety.

Atulya Verma, concerned neighbour, expressed concerns with respect to reduced property values in the area, loss of privacy and reduced sunlight exposure due to the proposed development of the subject property. He requested a schematic to show what the sight lines would be to each individual house in the neighbourhood.

Toni Tessaralo, concerned neighbour, expressed concerns regarding privacy, loss of property value, additional noise and traffic. She asked if the existing mature trees would be removed and seedlings put in to replace as a buffer to the parking area.

George Ansell, concerned neighbour, expressed concerns regarding the increased height. He requested that the owner address the concerns outlined in his letter provided.

Tara Einoff, concerned neighbour, expressed concerns regarding the impact on landscape from blasting and a steep cliff being created by construction, as well as privacy. She expressed concern for the potential tenants having less parking spaces and smaller units.

Councillor Signoretti appeared before Committee to express concerns of the area residents. He reiterated concerns for safety, privacy and traffic impact. He expressed concerns about blasting impacting existing properties and what safety measures will be put in place to protect people from the difference in elevation between the proposed development and neighbouring properties.

The Secretary-Treasurer confirmed that letters of concern were received from Hazel Neilson, George Ansell and Renee Corbeil, along with 13 signatures, all concerned neighbours, all dated April 20, 2023.

The agent spoke in response to blasting impact, natural features not being impacted as confirmed through Pre-Consultation with the City, a sun shadow study had been provided to Committee which shows only impact on sun exposure to the yards but does not eliminate any sun exposure on the buildings themselves on the properties abutting the subject property. He addressed the property value concern as not being included in the four tests for a minor variance. He confirmed that tenants would access the property through an existing intersection with traffic lights which would not affect traffic on Telstar. The agent also advised that this application does not request relief for smaller unit sizes. He confirmed that there would be a 3m vegetative buffer which is required by the zoning by-law and the size of the trees would be addressed through site plan control which speaks to height and caliper of trees to be planted. He also reiterated that the current zoning permits as a right five storeys and 93 units, and that lowering the grade would permit a six storey building no taller than a five storey without the grading currently permitted in that zone. Committee Member Sawchuk expressed empathy towards the concerned residents and sought clarification on what the recommendation from Development Approvals was and if it was still to defer. Staff clarified that revised comments from Development Approvals was to reflect the removal of the relief being sought for increase in commercial space and the parking for that increase, which has now been removed from the relief being requested. Chair Dumont empathized with the residents of

the area but clarified that the proposed height with the additional grading did not appear to impact the properties with respect to sunlight any differently than what is permitted as a right for what the zoning currently is. Staff commented that the updated comments from Development Approvals states that any decision of the Committee is based on all of the information in front of them at the time of the hearing which is important as part of the information they have is the Conceptual Height Sketch and all of the other drawings submitted with the application. He stated that if the variance was granted to permit the additional storey, the blasting work and lowering of the grade would need to be done in order to achieve what is being requested and if it did not occur, this proposed variance decision would not be null and void but that a further variance would need to be sought to correct any information not in keeping with the decision.

The following decision was reached:

DECISION:

THAT the application by:

REGENT PROPERTY INVESTMENT CORPORATION

the owner(s) of PINs 73596 0834 & 73596 0610 & 73596 0615, Parcels 15281 SEC SES & 28361 SEC SES & 20436 SEC SES , Survey Plan 53R-10610 Part(s) 40,41 and 42, Subdivision M-998, Lot Part 276,277, Township of McKim, 1661,1673 and 1695 Regent Street , Sudbury

for relief from Part 4, Section 4.2.9, paragraph (b), clause (i), Part 5, Section 5.2.4.3, paragraph (b), Section 5.5.1.1, and Part 6, Section 6.5.7 and Section 6.5.9 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction a six storey 114 unit multiple dwelling complex with commercial space, firstly, to permit the refuse storage area to be located in an exterior yard, where refuse storage areas shall be located in the interior yard only, secondly, to permit outdoor parking areas within the required corner side yard, where outdoor parking areas is not permitted in any required corner side yard, thirdly, to provide 137 parking spaces, where 154 parking spaces would be required as the minimum number of required parking spaces may be reduced by 10% for a multiple dwelling directly abutting a GOVA route, fourthly, to permit six storeys and a height of 23.0m, where the maximum height of five storeys and 19.0m is permitted in an R3-1 zone, and fifthly, a minimum lot area of 90 sq.m. per unit where a minimum lot area of 110.0 sq.m. per unit 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.

<i>Member</i>	<i>Status</i>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring