



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0140/2020

April 28, 2021

OWNER(S): JULIETTE GRAVEL, 1943 VERMILION LAKE ROAD CHELMSFORD ON P0M 1L0
PAULINE BEAUDRY,
GILLES GRAVELLE,

AGENT(S): GERARD E. GUIMOND - BARRISTER AND SOLICITOR, 3527 Errington Avenue Chelmsford ON P0M 1L0

LOCATION: PIN 73367 0076, Parcel 16062, Lot Pt 4, Concession 6, Township of Fairbank, 1943 Vermilion Lake Road, Chelmsford

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: For approval of the lands to be retained as a result of Validation Application B44/2020, providing a minimum lot frontage and lot area at variance to the by-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 26, 2021

ROADS: No concerns.

TRANSPORTATION & INNOVATION: No concerns.

ACTIVE TRANSPORTATION: No concerns.

CGS: Site Plan Control, April 22, 2021

No concerns.

The Nickel District Conservation Authority, April 21, 2021

Conservation Sudbury does not oppose Minor Variance A00140/2020. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

The proponent is 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, and valley slopes.

CGS: Building Services Section, April 20, 2021

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

However, Applicant is to be advised of the following comments:

1) Owner to be informed that our research indicates the driveway and garage of the abutting property (1945 Vermillion Lake Road – PIN 73367 0077) has been constructed within the subject property (1943 Vermillion Lake Road – PIN 73367 0076).

Building Services recommends deferral of this application until such time that a survey of the property can be provided by the Owner verifying the lot lines and area. Further Minor Variances may be required.

2) A search of our records indicates multiple structures may have been built without benefit of a building permit. Owner to be advised that should these structures be 10 m² (108 ft²) in area or more, a building permit and building permit documents, would be required to the satisfaction of the Chief Building Official. Please note that each structure must also comply with the requirements of the CGS Zoning By-Law 2010-100Z. In review of the submitted plot plan, the setbacks to the property lines for the accessory structures (sheds) have not been provided. If the setback requirements of the CGS Zoning By-Law 2010-100Z cannot be met, a minor variance would be required.

CGS: Development Approvals Section, April 19, 2021

Staff now understands that authorization from the owners of 1945 Vermillion Lake Road (File # A0053/2021) has not been properly obtained and therefore the application should not proceed any further until such time as proper authorization is provided to the City. Staff also notes that the abutting lands at 1943 Vermillion Lake Road and the variances being sought in that instance are intimately related to the variances being sought at 1945 Vermillion Lake Road (File # A0140/2020). There is a validation of title application (File # B0044/2020) that relies upon both of the above noted files receiving minor variance approvals. Staff therefore cannot support either of the applications at this time.

Staff recommends that the application be deferred.

CGS: Development Engineering, April 15, 2021

No objection.

The agent appeared before Committee and explained that the variance being sought was to bring the subject property into conformity with the City's zoning by-law in order to facilitate the approval of a Validation of Title. The agent further explained that the application was related to another application (A0053/2021) for the abutting property seeking similar variances in order to facilitate the approval of a Validation of Title for that property. The agent acknowledged and confirmed with Committee Chair Chartrand that the recommendation was to defer the application. The agent further acknowledged the concerns expressed by Building Services regarding the garage and the request that the property be surveyed. The agent expressed concern about burdening this requirement and cost on the owner as a future owner could deal with it. The agent further explained that in his opinion all the buildings on the subject property, as well as the abutting property, would need to be torn down. The agent requested Committee to grant the variances for both the subject property as well as the abutting property instead of deferring as a deferral would increase the owner's costs. The agent further explained that whenever he attended the site of the subject property, as well as the abutting property, he stopped traffic. He advised that the market is very needy and eventually both two properties would be sold. Committee Member Dumont requested staff to summarize the validation of title to better understand why this did not go through a Consent application and why it is being dealt with through a Validation of Title which has resulted in a variance request. Staff advised explained the Validation of Title process. Staff further advised that part of a review of a Validation of Title involves an examination of the in-effect Official Plan and in-effect Zoning By-law and staff advised that at this time and based on the validation request that is being made, the City would be unable to validate the title without ensuring that the lots to be validated comply with the Zoning By-law which is why Committee has these variances before them. Committee Member Dumont requested staff to clarify Development Approval's recommendation to defer the application due to requiring proper owner authorization rather than Planning justification. Staff advised that Development Approval had previously provided comments in support of the variances being applied for however, it came to the attention of staff that proper authorizations needed to make an application under the Planning Act had not been obtained. Staff further advised that Development Approvals does not have any issue with the variances, but does have an issue with respect to who is authorized to make the applications. Committee Member Dumont asked staff what contingencies are going on that staff

accepted and processed the application. Staff advised that the application did have ownership information provided on it and that the authorization pages were completed and sworn. Staff advised that the application was provided to the City in a completed fashion, however, on checking title it was discovered that the proper authorizations were not obtained. Committee Member Dumont asked the agent to explain how title had different names versus the authorization that had names on the application. The agent explained that the owners were applying for a variance for 1943 Vermilion Lake Road and were advised by staff to apply for the variances for 1945 Vermilion Lake Road. The agent explained that he has the proper consents to have himself named as the agent for 1943 Vermilion Lake Road but the owners for 1945 Vermilion Lake Road have been missing since 2017 and that he did not know where they were. The agent explained that the City could proceed with their sale, to auction, and felt that he has cleaned up the City's problems. The agent further explained that technically the Planning Act says that these properties have merged and he has the consent of the three co-owners of the abutting property. Committee Member Dumont asked the agent to confirm that the application is for 1943 Vermilion Lake Road and the agent confirmed that it was for both properties. Committee Member Dumont asked the agent, as a lawyer, what the legal ramifications were if Committee were to grant the variances. The agent reiterated that the owner was asked to apply for 1943 Vermilion Lake Road with the certification of title. Committee Member Dumont again asked the agent if there were any legal ramifications if Committee were to grant the variances based on the authorization and the agent advised that he did not believe so. Committee Member Dumont explained his interpretation of the agent's opinion, that the agent does not believe that the authorization of the application, which is no longer a planning issue and from a legal perspective, the agent does not see any ramifications or lawsuits with respect to the decision should Committee grant the variances. The agent explained that the legal owners of the property are gone, the certificate of tax is registered on 1945 Vermilion Lake Road, and as soon as the City proceeds with the sale, any kind of ownership issues are gone. Committee Chair Chartrand asked the agent who at the City asked him to apply for 1945 Vermilion Lake Road. The agent confirmed that it was the Planning department. Committee Chair Chartrand requested staff to clarify that if the applicant had only applied for 1943 Vermilion Lake Road and not 1945 Vermilion Lake Road, and Committee only dealt with the one property which was the agent's client's property, how 1945 Vermilion Lake Road got roped into the situation. Staff advised that when the Validation of Title was first presented to the City for 1943 Vermilion Lake Road and the need for a variance was identified, through that initial review it was found that 1945 Vermilion Lake Road also required relief from the Zoning By-law. Staff reiterated that it was identified through the review of the validation of title request when the first variance application was submitted that a second variance application was required for 1945 Vermilion Lake Road. Committee Chair Chartrand asked staff to clarify, based on the comments, that the agent is not authorized to request a variance for that property. Staff advised that the owners of 1945 Vermilion Lake Road, despite them not being available, are the registered owners on title. Staff also confirmed that the City was not the owner and the City could not authorize that a variance application to be made, despite the tax issue. Staff reiterated that the City does not own 1945 Vermilion Lake Road and staff has confirmed with its Legal Services department that despite a tax interest, the City would not be authorized to make the application. Staff explained that the owner authorization is the only issue that staff is raising at this point in time. Staff further explained that proper owner authorization was not been obtained for that application (A0053/2021) to be made and if Committee were to deal with one application and not the other, Committee would be creating potential zoning issues for the other property. Committee Member Costanza requested clarification on which parties own which property. She explained that her understanding was that 1945 Vermilion Lake Road was owned by two parties and 1943 Vermilion Lake Road was owned by three parties, but that the property is all owned with the application. She further explained that her understanding is that three of the five are applying and the agent doesn't know where the other two are and the agent confirmed that that was correct. Committee Member Costanza expressed that it would have been better to just apply for 1943 Vermilion Lake Road, even though there is zoning issues and tax arrears with 1945 Vermilion Lake Road. Staff advised that both properties, if title is to be validated, require zoning relief. Staff explained that if one had been applied for and not the other, it was likely that Development Approvals would not have supported just the one application. Staff explained that if title was validated and only one property received a variance relief, in effect Committee would be creating zoning issues on the property that did not get variance relief. Committee Member Costanza expressed agreement with the agent in that he is clearing up two properties with zoning issues. Committee Member Costanza asked staff if the properties had merged together and if they were deemed as one. Staff advised that part of the problem is that they need title validated. Committee Member Costanza stated under the law, the two properties are deemed as one and if someone were to buy the properties they would have to make applications to split them again. Staff advised that generally that is correct. Committee Chair Chartrand requested staff to clarify that currently there are two properties and if Committee was being asked to make them one by getting title validated. Staff advised that was not correct. Staff advised that Committee is reviewing one property and that the validation of title request, if approved, would facilitate the separation of those two properties into two parcels however both of those separate parcels would require zoning relief. Staff advised that the issue with the one lot is that proper owner authorization to make the application has not been obtained. Staff advised that other than the authorization issue, staff did not have any land use planning concerns as far as Development Approvals was concerned. Committee Member

Costanza requested staff to clarify why the application was before Committee and staff advised that the variances would facilitate the validation of title request being approved. Committee Member Costanza asked why Building Services requested a survey of the property and Committee Member Dumont explained that those were comments, recommendations, and Committee was provided that information to help Committee. Committee Member Dumont expressed that the applicant is acting on behalf of two applications to correct a situation and expressed that this was the correct thing to in order to convey both lots separately through validation of title. Committee Member Dumont further stated that the applications are before Committee for variances for relief of lot frontage and area and the applicants are seeking to correct an issue. Committee Chair Chartrand asked staff if there was any thought to adding a condition of approval based on the authorization of the validation of title and staff advised that it was not something that they would recommend as the application in front of Committee did not have proper authorization. Staff explained that Committee could explore the option of imposing a condition if that would give them some level of comfort, however that would leave the agent in the same situation which is, they have a variance approval with a condition that they obtain authorization from parties that seem to be unavailable. Committee Chair Chartrand stated that the alternative though, if staff recommends a deferral, is that the application be deferred until the City receives authorization which seems, as the agent pointed out, impossible. Committee Chair Chartrand asked if there was any way for the applications to proceed without those missing individuals. Staff advised that any time an application is filed under the Planning Act with the municipality owner authorization is required. Staff confirmed that authorization was not been obtained in this situation. Committee Member Coupal asked the agent to confirm if anyone is living at the properties and the agent advised that no one is living at the properties and that they have been abandoned. Committee Member Coupal asked the agent to confirm that neither house was occupied and the agent confirmed that was correct. Committee Member Coupal expressed concern about the ownership of both properties. The agent explained that no one would have to worry about the property ownership as, in his opinion, once the City proceeds with its tax certificate there is no question of ownership. The agent also explained that the buyer for 1943 Vermilion Lake Road was also interested in purchasing 1945 Vermilion Lake Road, however there was no guarantee that the buyer would get the property through the auction. Committee Member Coupal stated that she believes a survey should be done. The agent explained that he measured the property and, in his opinion, the buildings are all located within the property. The agent further advised that, in his opinion, 1943 Vermilion Lake Road is within its boundaries and in his opinion they are all tear-downs. Committee Member Dumont expressed that, in his opinion, he does not believe that a survey should be required at this time. Committee Chair Chartrand asked staff to clarify that given there are no Planning concerns with either application and the only concern is that the owner's names do not match, should Committee even be hearing the application for 1945 Vermilion Lake Road. Committee Chair Chartrand asked staff that shouldn't Committee only be hearing the application for 1943 Vermilion Lake Road as it is the only application that is valid. Staff advised that it is the City's opinion that both applications need to be heard together due to the Validation of Title request. Staff advised that it was Development Approvals opinion that Committee shouldn't be dealing with one application without the other. Committee Member Costanza asked the Chair if Committee should be making a motion to have both applications together. Committee Chair Chartrand acknowledged Committee Member Costanza's question and added that the agent is not authorized to speak on the application for 1945 Vermilion Lake Road. The agent advised, in his opinion, that the properties have merged and he is therefore entitled to speak on the application for 1945 Vermilion Lake Road. Staff advised that after the hearing on 1943 Vermilion Lake Road concludes, Committee could, through proper motions, amend the agenda to bring the application for 1945 Vermilion Lake Road up the agenda so that it is heard right after. Committee Member Costanza advised that in her opinion a motion should have been put forth to deal with both applications at the same time. Committee Chair Chartrand confirmed that Committee has been talking about both applications technically this whole time. Staff advised that after the hearing concludes Committee could, through the proper motions, amend the agenda to bring the other application up and have a hearing on that one right after this one. Committee Member Costanza asked what would happen with the application for 1945 Vermilion Lake Road if Committee moves forward with the application for 1943 Vermilion Lake Road. Committee Chair Chartrand asked staff if Committee should have the description for 1945 Vermilion Lake Road read in order for Committee to make a decision at the same time as the application. Staff advised that the hearing was still on the subject application however if Committee would like to explore the option of dealing with both applications that is something that the Secretary-Treasurer can look into. Committee Member Dumont stated in his opinion the applications are the same and he was fine with how the Agenda was. Committee Member Laing asked staff to confirm whether the agent could actually speak to 1945 Vermilion Lake Road if he was not the representative for that application. Committee Chair Chartrand explained that the agent on the application is also the agent on the 1945 Vermilion Lake Road application and that the description and a many of the concerns are the same, the only issue is that the authorization does not match what is on title to that lot. Committee Chair Chartrand requested either staff or the agent to confirm that. The agent advised that the owners for 1945 Vermilion Lake Road are nowhere to be found and in his opinion the City was sitting in a good position with 1945 Vermilion Lake Road because they can sell it next week. Committee Member Laing expressed concern that the application for 1945 Vermilion Lake Road was not a valid application and therefore the agent does not have authority to

speak on it. The agent explained that the City requested the applicants to make the application and technically the properties have merged and the agent has consent of three of the owners and the others are gone. Committee Chair Chartrand advised Committee Member Laing that in the City's opinion both applications should be dealt with at the same time but the agent and the names on title do not match on the other application. Committee Chair Chartrand further advised that he agrees with Committee Member Dumont's position that he would like to clean up both lots and get everything dealt with and whatever the outcome is after the fact. Committee Chair Chartrand explained that Committee should be looking at each application on their own merit and in this situation, for these lots and for these applications, there is no Planning concerns, the issue is a technical matter that should be sorted out outside of the Committee. Committee Chair Chartrand expressed his understanding of the City's position with their comments but as Committee Member Dumont pointed out, those are their comments that they've shared with Committee and Committee has had a good discussion about it but he does not have an issue with any of the variance requests on either of the applications. Committee Chair Chartrand further advised that he believes Committee should be making a decision on the applications together based on the City request that both applications be dealt with hand-in-hand and he feels more comfortable making a decision on them together for that reason. Committee Member Dumont stated that if the Chair would like to deal with both applications at the same time, he is agreeable. Committee Member Dumont further stated to Committee that although they are looking at two lots, they are really only looking at one lot. Committee Member Costanza, Laing and Coupal confirmed that they were agreeable to deal with both applications together. Staff urged Committee to explore the logistics of making both decisions at the same time and in the same public hearing with the Secretary-Treasurer in terms of how those sequence of events would unfold and that the alternative to that would be to have a second public hearing very quickly immediately after this hearing. The Secretary-Treasurer advised that she could read application A0053/2021, however two votes, two roll calls would be required. The staff recommendation to defer the application was defeated. Committee Member Dumont put forward a motion to support the application and Committee Member Costanza seconded the motion. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

JULIETTE GRAVEL, PAULINE BEAUDRY AND GILLES GRAVELLE

the owner(s) of PIN 73367 0076, Parcel 16062, Lot Pt 4, Concession 6, Township of Fairbank, 1943 Vermilion Lake Road, Chelmsford

For relief from Part 6, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to allow for the recognition of a lot through the process of validation (File B44/2020), providing a lot frontage of 30.4 m where 45 m is required, and a lot area of 1393 meters squared, where 4000 square meters is required, be granted.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0044/2021

April 28, 2021

OWNER(S): MAIA O'SHAUGHNESSY, 599 Moonrock Ave Sudbury ON P3E 5Z5
JOHN O'SHAUGHNESSY, 599 Moonrock Ave Sudbury ON P3E 5Z5

AGENT(S): MARTY KIVISTIK, 1349 Drummond Ave Sudbury ON P3A 4Y9

LOCATION: PIN 73401 0069, Parcel 21450, Surveys Plan 53R-13943 Part(s) 1 & Plan SR-1967 Part(s) 1, Township of Dieppe, 943 Panache North Shore Road, Sudbury

SUMMARY

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

Application: To construct an addition to an existing seasonal dwelling within a shoreline buffer area and at variance to the zoning by-law.

Comments concerning this application were submitted as follows:

CGS: Environmental Planning Initiatives, April 28, 2021

This correspondence is for informational purposes only. Shoreline property owners are encouraged to continue adopting lake-friendly practices.

The subject lands are immediately adjacent to Lake Panache, Township of Dieppe, City of Greater Sudbury.

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. Cyanobacterial blooms have been confirmed by the Public Health Sudbury & Districts in Lake Panache in 2015 and 2016.

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 natural vegetated buffer of at least 30 metres (the wider the better) from the high water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or stream bank or up to 23 metres, whichever is less, is allowable.
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).

CGS: Infrastructure Capital Planning Services, April 26, 2021

ROADS: No concerns. TRANSPORTATION & INNOVATION: No concerns. ACTIVE
TRANSPORTATION: No concerns.

CGS: Site Plan Control, April 22, 2021

No concerns.

The Nickel District Conservation Authority, April 21, 2021

The parcel is outside of the watershed regulated by Conservation Sudbury. Please contact the Ministry of Natural Resources and Forestry at their district general office number (705) 564-7823 or via e-mail at MNRF.SudburyDistrict@ontario.ca.

CGS: Building Services Section, April 20, 2021

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

However, Applicant is to be advised of the following comments:

1) In review of the application and supporting documents, although a plot plan has been provided, it does not reflect all structures on the property nor does it indicate the setbacks to the property lines. Further, the building footprint detailed on the plot plan does not align with the footprint of the existing and/or proposed dwelling. Owner to be informed that in accordance with the CGS Zoning By-Law 2010-100Z, all setbacks shall be met. Further minor variances may be required.

2) With respect to the proposed additions, building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official. Owner to be informed that the proposed additions will also require approval from Public Health.

3) A search of our records indicates a structure (boathouse) may have been built without benefit of a building permit. Owner to be advised that should this structure be 10 m² (108 ft²) in area or more, a building permit and building permit documents, would be required to the satisfaction of the Chief Building Official. Public Health approval is also required for this structure.

Owner to also be informed that in accordance with CGS Zoning By-Law 2010-100Z, a building or structure used for the storage of boats and equipment accessories shall not include habitable living space.

4) Our records indicate an incomplete permit for the property for an addition (permit #95-0597). Please contact Building Services to proceed in closing this project.

CGS: Development Approvals Section, April 19, 2021

The variance being sought would facilitate the construction of an addition to an existing seasonal dwelling within the required shoreline buffer area on the subject lands that have water frontage on Lake Panache in Whitefish. The lands are zoned "SLS", Seasonal Limited Service under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed addition would not extend further than a previously approved variance that would permit the demolition of an existing deck in favour of an addition to the existing seasonal dwelling (File # A0103/2015). Staff would also advise that the proposed addition would be setback farther from the high watermark of Lake Panache than the previously approved variance noted above. Staff also noted previously that sloping topography exists on the lands including a cliff to one side of the existing seasonal dwelling. Staff acknowledges that some degree of relief is therefore appropriate from the applicable shoreline buffer provisions in the City's Zoning By-law.

Staff has reviewed the current request and is of the opinion that the proposed addition is reasonable, not excessive and no negative impacts would be generated on abutting residential properties should the variance be approved. 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: Development Engineering, April 15, 2021

No objection.

The agent appeared before Committee and described the application in detail. The agent explained that the subject property and all the other properties subject to the by-law, all pre-date the by-law. The agent explained that approximately 98% of the existing buildings along Lake Panache and Dieppe Township are legal existing and there are provisions in the Official Plan that deal with existing lots such as Section 8.4.1, which provides for lesser setback from the water line for an addition to an existing building and also where the terrain or soil conditions exist which make other locations not possible. The agent explained that the property is constrained by the rock cliff and also by the fact that the shoreline requires setbacks. The agent also explained that the camp was built to accommodate two people and the current owner has a need for more space and the application is to square-off the building and provide more living area inside. There agent further explained that there is no negative impact on any other provisions and the agent requested that the Committee approve the application of the minor variance as recommended by Planning Services. The agent also explained that the application was truly a minor variance as it satisfies the four tests of the Planning Act, its provided for in the Official Plan, there is no increase in uses of the property, the shoreline would not be affected and the protection of the waterfront is as it is now and there will be no negative impact of the minor addition of the building. Committee Member Dumont requested staff to expand on Building Services' comments and also requested the agent to confirm that the owners are aware of Building Services' comments and also to confirm that the application before Committee is accurate. Staff advised that Building Services' comments are a caution based on the drawing and the information that was submitted in support of the application. Staff further advised that it is possible that further minor variances may be required, but as the application stands, it was reviewed based on the information provided and the onus is on the owner and agent to provide and prepare an accurate application. The agent and the owners explained that they are comfortable with the application as it is and would pursue any permitting requirement should any be required.

The following decision was reached:

DECISION:

THAT the application by:

MAIA O'SHAUGHNESSY AND JOHN O'SHAUGHNESSY
the owner(s) of PIN 73401 0069, Parcel 21450, Surveys Plan 53R-13943 Part(s) 1 & Plan SR-1967 Part(s) 1, Township of Dieppe, 943 Panache North Shore Road, Sudbury

for relief from Part 4, Section 4.41.2, of By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury, as amended, in order to facilitate the construction of an addition to an existing seasonal dwelling within the required shoreline buffer area and having a minimum setback of 6.4 m (21.00 ft) from the high water mark of a navigable waterbody whereas 12 m (39.37 ft) is required, be granted.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0048/2021

April 28, 2021

OWNER(S): 2169289 ONTARIO INC,

AGENT(S): FRANK WENDORF, 2-2708 Bancroft Drive Sudbury ON P3B 1T3

LOCATION: PIN 73493 0147, Parcel 39131, Lot(s) 131, Subdivision M-1001, Lot 4, Concession 2, Township of Garson, 60 McDougall Street, Garson

SUMMARY

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

Application: For approval to construct a single-family dwelling with a front and corner side yard at variance to the by-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 26, 2021

ROADS: No concerns. TRANSPORTATION & INNOVATION: No concerns. ACTIVE
TRANSPORTATION: No concerns.

CGS: Site Plan Control, April 22, 2021

No concerns.

The Nickel District Conservation Authority, April 21, 2021

Conservation Sudbury does not oppose Minor Variance A0048/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

The proponent is 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, and valley slopes.

CGS: Building Services Section, April 20, 2021

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

However, Owner to be advised of the following comments:

1) Upon review of the plot plan, the rear yard setback is indicated as 7m (22.9 ft) where a minimum rear yard setback of 7.5 m (24.6 ft) is required in accordance with Section 6.2 of the CGS Zoning By-Law

2010-100Z. A minor variance will be required.

2) We acknowledge submission of building permit number 21-0271 for the proposed single family dwelling with finished basement. Upon review of the plot plan provided with the permit application and the plot plan provided for the minor variance application, it appears the majority of dimensions and setbacks have been altered and no longer align with the dimensions submitted under the building permit. Owner to be advised that a revised plot plan and drawings reflecting the aforementioned changes must be submitted to Building Services for further review.

CGS: Development Approvals Section, April 19, 2021

The variances being sought would facilitate demolition of an existing residential dwelling in favour of constructing a new single-detached dwelling at the corner of McDougall Street and Henry Street in Garson. The lands are zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands form a legal existing undersized lot both in terms of lot frontage along McDougall Street and lot depth along Henry Street. Staff further notes then that some degree of relief would be reasonable in order to accommodate a single-detached dwelling on the lands. In this regard, the owner has configured the lot in a manner requiring only front yard and corner side yard setback variances. Staff has attended the lands and noted that the majority of residential dwellings in the immediate area maintain legal non-complying front yard and corner side yard setbacks. The residential dwellings that are typical to the immediate area were also constructed as early as the 1930s with some having been demolished and reconstructed between then and now. Staff also notes that the proposed single-detached dwelling would not be situated within the required sight triangle at the intersection of McDougall Street and Henry Street. Staff has no concerns with respect to the proposed single-detached dwelling negatively impacting the residential character of the immediate area. Staff also note that sufficient outdoor amenity space will be provided to the south and to the east of the proposed single-detached 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: Development Engineering, April 15, 2021

No objection.

The owner appeared before Committee and explained that there was a previous home on the subject property that was demolished 2 years ago that encroached further than what is being proposed, including an encroachment into the site triangle. The agent explained that due to the utility easements on the property, the building envelope was limited and they would like to maximize the area of the building without encroaching into the site triangle and also advised that the proposal has increased the setbacks from the previous demolished home. Committee Chair Chartrand asked staff to clarify Building Services comments requiring another variance. Staff advised that the owner indicated on the drawing a 7m rear yard setback, whereas the Zoning By-law requires 7.5m setback, however upon review of the sketch the dimension string indicates that there is a 28' 10" setback that is being proposed and that amounts to 8.79m. Staff concluded that it was an error in conversion and is therefore in compliance. The owner confirmed that it was an error in conversion and the 7.5m requirement will be met.

The following decision was reached:

DECISION:

THAT the application by:

2169289 ONTARIO INC

the owner(s) of PIN 73493 0147, Parcel 39131, Lot(s) 131, Subdivision M-1001, Lot 4, Concession 2, Township of Garson, 60 McDougall Street, Garson

for relief from Part 6, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, in order to construct a single detached dwelling with a front yard setback of 3 m, where 6 m is required and to permit a corner side yard of 2.5 m, where 4.5 m is required, be granted.

SUBMISSION NO. A0048/2021 Continued.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0049/2021

April 28, 2021

OWNER(S): CARI RICHER, PO BOX 510 Azilda ON P0M 1B0
RENEE RICHER, PO BOX 510 Azilda ON P0M 1B0

AGENT(S):

LOCATION: PIN 73347 1676, Lot(s) 4, Subdivision 53M-1410, Lot 8, Concession 6, Township of Snider, 2115
WHITEWATER LAKE, Azilda

SUMMARY

Zoning: The property is zoned SLS(10) (Seasonal Limited Service) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: To construct a detached garage with a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Environmental Planning Initiatives, April 28, 2021

This correspondence is for informational purposes only. Shoreline property owners are encouraged to continue adopting lake-friendly practices.

The subject lands are immediately adjacent to Whitewater Lake, Township of Snider, City of Greater Sudbury.

Phosphorus is an essential element for all life forms and is the most limiting major nu-trient 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 nui-sance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Cyanobacterial blooms have not been confirmed by the Public Health Sudbury & Districts in Whitewater Lake.

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 pur-poses of converting existing natural vegetation to lawns. Lawns require higher mainte-nance and expense and generally require importing soil from outside of the lot. Import-ed 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 natural vegetated buffer of at least 30 metres (the wider the better) from the high water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or stream bank or up to 23 metres, which-ever is less, is allowable.
2. Residents should minimize the amount of lawn on their property. Lawns gener-ally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can intro-duce significant phosphorus to the lake through erosion. Finally, lawns are ex-pensive 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).

CGS: Infrastructure Capital Planning Services, April 26, 2021

ROADS: No concerns. TRANSPORTATION & INNOVATION: No concerns. ACTIVE
TRANSPORTATION: No concerns.

CGS: Site Plan Control, April 22, 2021

No concerns.

The Nickel District Conservation Authority, April 21, 2021

Conservation Sudbury does not oppose Minor Variance Application A0049-2021 as the location of the garage appears to be outside of any regulated area.

The proponent is advised that works within an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, 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.

The proponent is 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, and valley slopes.

CGS: Building Services Section, April 20, 2021

Based on the information provided, Building Services has no concerns with this application other than the following comments:

1) In review of the public notice, the address is referenced as 2115 Whitewater Lake, Walden rather than 2115 Whitewater Lake, Azilda.

Further, the public notice indicates relief for a height of 8.9 m where a height of 6.5 m is required rather than relief for a height of 5.75 m (as indicated on the drawings) where a height of 5 m is required in an "SLS" Seasonal Limited Service zone.

CGS: Development Approvals Section, April 19, 2021

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have water frontage on Whitewater Lake in Azilda. The lands are zoned "SLS(10)", Seasonal Limited Service Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands are heavily vegetated and therefore provide good buffering and screening to abutting residential properties. Staff notes that the proposed detached garage would appear to otherwise comply with all other applicable development standards related to the construction of an accessory building in this location. Staff would highlight that the proposed detached garage would also exceed minimum interior side yard setbacks that are required for an accessory building at 16 m (52.49 ft) and 18 m (59.06 ft) respectively whereas a minimum interior side yard setback of 1.2 m (3.94 ft) is required. It is on this basis that staff has no concerns with a maximum accessory building height increase from 5 m (16.40 ft) to 5.75 m (18.86 ft). Staff is satisfied that no negative impacts with respect to the existing residential character along this portion of Whitewater Lake would be generated should the variance be approved. Staff would also caution the owner that the detached garage may not be used as the habitable living space unless the provisions of City's Zoning By-law with respect to secondary dwelling units is complied with accordingly. 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: Development Engineering, April 15, 2021

No objection.

The owner appeared before Committee and explained that the additional height for the detached garage was required for storage purposes. Committee Member Costanza advised that the property was located in Azilda, not Walden. Staff confirmed that the recommendation was updated to reflect Azilda.

The following decision was reached:

DECISION:

THAT the application by:

CARI RICHER AND RENEE RICHER
the owner(s) of PIN 73347 1676, Lot(s) 4, Subdivision 53M-1410, Lot 8, Concession 6, Township of Snider, 2115
WHITEWATER LAKE, Azilda

for relief from Part 4, Section 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to construct a detached garage with a height of 5.75 m, where a height of 5 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. 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.

Member

Status

Carol Ann Coupal

Concurring

SUBMISSION NO. A0049/2021 Continued.

Cathy Castanza	Concurring
Dan Laing	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0052/2021

April 28, 2021

OWNER(S): PIERRE RICHER, 4676 Gilbert St Hanmer ON P3P 1G5

AGENT(S):

LOCATION: PIN 73503 0230, Parcel 51485, Survey Plan 53R-13833 Part(s) 2, Lot 1, Concession 3, Township of Hanmer, 4676 Gilbert Street, Hanmer

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: To construct a detached garage with a height and accessory lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 26, 2021

ROADS: No concerns.

TRAFFIC & INNOVATION: No concerns.

ACTIVE TRANSPORTATION: No concerns.

CGS: Site Plan Control, April 22, 2021

No concerns.

The Nickel District Conservation Authority, April 21, 2021

Conservation Sudbury does not oppose Minor Variance A0052/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

The proponent is 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, and valley slopes.

CGS: Building Services Section, April 20, 2021

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

However, Applicant is to be advised of the following comments:

SUBMISSION NO. A0052/2021 Continued.

1) In review of the submitted plot plan, we acknowledge a shed (10'x10') located in in the corner side yard. In accordance with Section 4.1 and 6.2 of the CGS Zoning By-Law 2010-100Z, a minimum corner side yard of 4.5 m (14.7 ft) is required where 1.2 m (4 ft) has been provided. A minor variance will be required.

CGS: Development Approvals Section, April 19, 2021

The variances being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Gilbert Street in Hanmer. The lands are zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands immediately abut a gravel-surfaced driveway access that is gated and only uses for emergency purposes. The driveway provides access to a medium density residential development containing a number of row dwellings. The lands containing said driveway maintains approximately 18 m (59.06 ft) of frontage on Gilbert Street and therefore provides good buffering and separation to the residential dwelling to the north. There is also a line of mature trees along the shared northerly interior side lot line. Staff notes there is a similar sized detached garage on the lands to the immediate south and a minor variance was granted to permit said accessory building (File # A0144/1997). Staff notes that the lands exceed minimum lot area, minimum lot frontage and minimum lot depth requirements of the "R1-5" Zone. Staff is also therefore satisfied that the rear yard would continue to provide for a functional rear yard outdoor amenity area should the variances be approved. Staff is further satisfied that no negative impacts with respect to the existing residential character along this portion of Gilbert Street would be generated should the variance be approved as there are similar detached garages in the immediate area. Staff would also caution the owner that the detached garage may not be used as the habitable living space unless the provisions of City's Zoning By-law with respect to secondary dwelling units is complied with accordingly. 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: Development Engineering, April 15, 2021

No objection.

The owner appeared before Committee and advised that the additional height for the detached garage was required for storage purposes. Committee Member Dumont asked the owner if he was aware of Building Services' comments that the shed located on the subject property would require either a variance or be brought into compliance, and also, if owner would like to pursue a variance then it may be prudent to defer the application instead of making a new application. The owner asked for clarification on the setback requirement for the shed and staff provided clarification. Staff also advised that as an alternative, the owner has the option of removing the shed. Committee Member Dumont asked the owner if he would like to keep the shed and the owner confirmed that he would. Committee Member Dumont expressed that in his opinion the owner should speak with Planning Services to recognize the existing setback for the shed. Committee Chair Chartrand explained to the owner that if he wished to have the existing setback of the shed within the current application, Committee could make a motion defer the application to allow the owner to do that. Committee Member Costanza asked the owner if he would like to move the shed or defer the application and amend it to include the variances for the shed and pay a deferral fee. Committee Chair Chartrand asked the owner if he would like to keep the shed and maintain it in its current location or would he be able to move it so that it is in compliance with the by-law and is 14.7 feet from the side lot line. Committee Chair Chartrand further explained to the owner that if he wanted to keep the shed and not have to come back with a new application or defer the decision for this application then the owner would be required to move the shed into compliance with the zoning by-law which would require the shed to be 14.7 feet from the lot line. Committee Chair Chartrand explained to the owner that if he was unable to move the shed then Committee suggests that he defer the application and add the variance for the shed's current location. The owner asked if it would be okay if he builds the garage first and then move the shed. Committee Member Costanza requested confirmation on the length of the rear lot line. Staff advised caution to Committee about calculating the area to accommodate relocation. Staff advised that according to the drawing submitted by the owner there may be room to relocate the shed if that is what the owner is wanting to do however staff cannot confirm that it would or would not work. Staff further advised the owner that if the variances were approved tonight it would only be for the detached garage. Staff further stated that once the decision is final and binding the owner would have a zoning compliance issue as it relates to the shed and that would be a caution to the owner that if the variances are approved the owner would be required to move that shed into compliance or apply for a new minor variance application. The owner advised that he would be willing to move the shed into compliance once the garage is built. Staff advised that if the decision goes forward as it pertains to the garage was approved, in order to achieve zoning compliance, that shed would need to be moved. Staff further advised that the owner had an opportunity to defer the application and apply for a variance that would allow the shed to remain as is and as shown on the sketch submitted with the application. Staff explained that if the owner intends to move the shed after the garage is built, staff is unsure whether or not the building permit would be issued for the detached garage as there would still remain a compliance issue with the shed. Committee Member Costanza advised that in her opinion the application should be deferred to allow the owner to add the variance needed so that the shed can remain in its current location. Committee Chair Chartrand asked the owner how he wished to proceed. Committee Chair Chartrand agreed with Committee Member Costanza that the application should be deferred to allow the owner to add the variance for the shed. The owner asked what would happen if he deferred the application. Committee Chair Chartrand explained to the owner that if he deferred the application the owner would be able to amend the application to add the variance for the shed and come back to Committee at a later date with the new amended application. The owner asked what the fee would be to defer the application. And staff advised him what the deferral fee was. Committee Chair Chartrand advised the owner that if he did not want to move the shed into compliance than he would be required to submit a new application with the same fee he paid for this application. The owner asked if he were to do that would be able to leave the shed in its current location. Committee Chair Chartrand advised that assuming Committee and staff had no issue with the variance as well as if it gets approved then yes. The owner explained that it would be beneficial to know that before applying and stated that he may as well get rid of the shed. Committee Member Dumont asked staff to confirm the deferral fee and staff confirmed the deferral fee was as per the City's fees by-law. Committee Chair Chartrand advised the owner that Committee was unable to say whether or not the variance for the shed would be approved, but that he did not have any concerns based on the information provided however that could change based on comments from staff. The owner expressed concern about deferring the application and the deferral fee as well as having to come before Committee again. Committee Chair Chartrand explained that the owner would have to come back before Committee but with an amended application to resolve and outstanding issue. Committee Chair Chartrand also explained to the owner that as per the City's regulations and policies the new application would be required to be advertised and notice provided to residents in the surrounding area of the subject property. Committee Chair Chartrand again asked the owner if he would like Committee to move to a decision or would he like to defer the application. The owner asked Committee what would happen if he were deal with the shed after the fact. Committee Chair Chartrand explained to the owner that he would be required to move the shed and bring it into compliance, remove the shed or, if the owner would like to keep the shed in its current location, apply for a minor variance. The owner advised that he would put the shed into compliance however he would not be able to do that until the garage is built. Committee Member Dumont expressed that he would like to defer the application.

The following decision was reached:

DECISION:

THAT the application by:

PIERRE RICHER

the owner(s) of PIN 73503 0230, Parcel 51485, Survey Plan 53R-13833 Part(s) 2, Lot 1, Concession 3, Township of Hanmer, 4676 Gilbert Street, Hanmer

for relief from Part 4, Sections 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 construct a detached garage with a height of 6.1 m, where a height of 5 m is required, and to allow for an accessory lot coverage of 13.3%, where 10% is required, be granted.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0053/2021

April 28, 2021

OWNER(S): JULIE GRAVELLE,
NORMAND GRAVELLE,

AGENT(S): GERARD E. GUIMOND - BARRISTER AND SOLICITOR, 3527 Errington Avenue Chelmsford ON P0M 1L0

LOCATION: PIN 73367 0077, Parcel 16063, Lot 4, Concession 6, Township of Fairbank, 1945 Vermilion Lake Road, Chelmsford

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: To facilitate a validation of title request by recognizing an undersized residential dwelling lot at variance to the zoning by-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, April 26, 2021

ROADS: No concerns.

TRAFFIC & INNOVATION: No concerns.

ACTIVE TRANSPORTATION: No concerns.

CGS: Site Plan Control, April 22, 2021

No concerns.

The Nickel District Conservation Authority, April 21, 2021

Conservation Sudbury does not oppose Minor Variance Application A0053/2021 as the location of the existing dwelling appears to be outside of any regulated area.

The proponent is advised that works within an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, 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.

The proponent is 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, and valley slopes.

CGS: Building Services Section, April 20, 2021

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

However, Applicant is to be advised of the following comments:

1) A review of the Public Notice reflects Juliette Gravel, Pauline Beaudry, and Gilles Gravelle as the Owners of the subject property rather than Normand Ernest Gravelle and Julie Violette Gravelle.

Also, the Public Notice indicates relief for a residential lot having a minimum lot area of 1,393 m² (14,994.13 ft²). As clarification, we advise that in accordance with the CGS Zoning By-Law 2010-100Z, a minimum lot area of 4000 m² (43,055.64 ft²) is required in an R1-1 (Low Density Residential One).

2) Our research indicates the existing driveway and detached garage is located outside the subject property and within the abutting lot (1943 Vermilion Lake Road - PIN 73367 0076).

Building Services recommends deferral of this application until such time that a survey of the property can be provided by the Owner verifying the lot lines and area. Further Minor Variances may be required.

CGS: Development Approvals Section, April 19, 2021

Staff now understands that authorization from the owners of 1945 Vermilion Lake Road (File # A0053/2021) has not been properly obtained and therefore the application should not proceed any further until such time as proper authorization is provided to the City. Staff also notes that the abutting lands at 1943 Vermilion Lake Road and the variances being sought in that instance are intimately related to the variances being sought at 1945 Vermilion Lake Road (File # A0140/2020). There is a validation of title application (File # B0044/2020) that relies upon both of the above noted files receiving minor variance approvals. Staff therefore cannot support either of the applications at this time.

Staff recommends that the application be deferred.

CGS: Development Engineering, April 15, 2021

No objection.

In conjunction with the discussion of Minor Variance Application A0140/2020, staff had no further comments other than to reiterate that the City and the legal opinion provided advise Committee that there was no proper authorization on the application and it is staff's opinion that the application should be deferred. The staff recommendation to defer the application was defeated. Committee Member Dumont put forward a motion to support the application and Committee Member Coupal seconded the motion. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

JULIE GRAVELLE AND NORMAND GRAVELLE

the owner(s) of PIN 73367 0077, Parcel 16063, Lot 4, Concession 6, Township of Fairbank, 1945 Vermilion Lake Road, Chelmsford

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, in order to facilitate the approval of a related validation of title request by recognizing a residential lot having a minimum lot area of 1,393 m² (14,994.13 ft²) whereas 4,000 m² (43,055.64 ft²) is required and also having a minimum lot frontage of 30 m (98.43 ft) whereas 45 m (147.64 ft) is required, be granted.

SUBMISSION NO. A0053/2021 Continued.

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

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

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