



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0104/2021

August 18, 2021

OWNER(S): NATHAN WOLSKI, 4290 Markusson Drive Sudbury ON P3G 0A5  
ANDREA DANYLUK-WOLSKI, 4290 Markusson Drive Sudbury ON P3G 0A5

AGENT(S): KEVIN BASTO, 4290 Markusson Drive Sudbury ON P3G 0A5

LOCATION: PIN 73470 0514, Survey Plan 53R-18661 Part(s) 4 to 6, Lot Pt 8, Concession 3, Township of Dill, 4290 Markusson Drive, Sudbury

---

### SUMMARY

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

**Application:** Approval to construct a detached garage on the subject property providing a front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, August 12, 2021

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

However, Owner to be advised of the following comments:

1) Owner to verify the location of the required parking for the main dwelling. Owner to be informed that should the required parking space for the main dwelling be located within the proposed garage, further minor variance will be required in accordance with Section 5.2.4.3. (b), whereby no part of any parking area shall be located in any required front yard in a Rural (RU) Zone.

2) We acknowledge the associated building permit for the proposed garage under building permit #B21-1042. A review of the plot plan submitted for this Minor Variance application reflects a front yard setback of 4 m (13 ft), however a review of the plot plan submitted for the associated building permit (received on July 2, 2021) reflects a front yard setback of 10.02 m (33 ft). It is the understanding of Building Services that the Owner intends to submit an updated plot plan for the building permit to reflect the same setbacks as reflected for this Minor Variance application. Owner to contact Building Services to provide the updated plot plan for the associated permit.

CGS: Development Approvals Section, August 12, 2021

The variance being sought would facilitate the construction of a detached garage situated in the front yard of the subject lands that have frontage on Markusson Drive in Sudbury. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the variance would allow for the proposed detached garage to maintain a front yard setback of 4 m (13.12 ft) whereas 10 m (32.81 ft) is required. Staff further notes that the detached garage would be accessed via an existing driveway entrance onto Markusson Drive. Staff understands from the owner and would generally agree based on a review or aerial photography that the proposed location is preferable from a topographical perspective. It is also noted that several other buildings and structures in the general area maintain similar yard setbacks in part due to the presence of sloping topography, mature vegetation and a waterbody (ie. T Lake) being to the east of these lands. Staff also notes that the proposed detached garage would otherwise appear

SUBMISSION NO. A0104/2021 Continued.

to comply with all other applicable development standards for a residential accessory building. 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, August 12, 2021

Roads

We require the entrance to be located on the north side of the garage.

Transportation & Innovation

No concerns.

Active Transportation

No concerns.

The Nickel District Conservation Authority, August 12, 2021

Conservation Sudbury does not oppose Minor Variance A0104/2021. The proposed detached garage is approximately 120 metres from the mapped extent of the watercourse and approximately 70 metres from the mapped extent of the wetland which appears to be outside of the hazards associated with the watercourse and appears to be sufficiently far from the extent of the wetland as to not cause interference.

Notes

The proponent is advised that development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at [ndca@conservationsudbury.ca](mailto:ndca@conservationsudbury.ca) to determine the need for a permit.

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

Greater Sudbury Hydro Inc., August 10, 2021

No conflict.

CGS: Site Plan Control, August 06, 2021

No objections.

CGS: Environmental Planning Initiatives, August 06, 2021

This correspondence is for informational purposes only.

The subject lands are immediately adjacent to T (Dill) Lake, Township of Dill, City of Greater Sudbury. 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. Cyanobacterial blooms have not been confirmed by the Public Health Sudbury & Districts in T 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 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 property owners are encouraged to continue adopting lake-friendly practices.

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 20 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: Development Engineering, August 04, 2021

No objection.

The agent appeared before Committee and explained that the owners would like to build an accessory building on the property and the current setback is 10.0m however with the existing topography of the subject property restricts where they can build and they are therefore requesting relief to build within the required setback. The agent also explained that the accessory building would be situated on the south corner of the subject property adjacent to an existing building on the abutting lands that has been built on the property lot line. The agent further explained that the power lines are located on the west side of the road and therefore the accessory building should not cause any interference with the maintenance of the power lines. Committee Member Dumont asked staff, referring to Building Services' comments, for clarification on the discrepancy of the dimensions provided in the Building Permit Application as well as their comment regarding a possible parking variance. Staff advised that Building Services provided comments indicating that the plot plan that was submitted to them provides for a different setback and new plot plan would be required to show the new setback should the variance be successful. Staff also advised in terms of the additional variance, that if the garage is intended to provide the required parking space for the single detached dwelling then an additional variance is required, however if there is enough space to locate the required parking space beyond the minimum required front yard then there wouldn't be an additional variance required. Staff suggested to the owner that, as they have to submit a revised plot plan to Building Services to obtain their permit, they could show the required parking space on their new plot plan so that Building Services could review the same through the Building Permit process. Committee Member Dumont asked the agent if an additional variance would be required for the parking. The agent advised Committee that they have the revised plot plan and further advised that Building Services also has a copy. The agent explained that the owner is confident that they have the room to provide the required parking on the property as the frontage is approximately 30.0m. Committee Member Dumont asked the Committee Chair if it would be necessary to impose a condition that the site plan is amended and submitted to staff. Committee Chair Chartrand asked staff if a condition of approval to provide a new plot plan would be necessary. Staff advised that as there seems to be sufficient space on the property to accommodate an additional parking area and because relief has not been requested that it is staff's opinion that a condition is not necessary. Staff also advised that there would be an opportunity for the owner to submit the revised plot plan through the Building Permit process to address that comment. Committee Chair Chartrand asked the agent if they understood staff's recommendation and the agent confirmed that he did and that a revised plot plan has already been submitted.

The following decision was reached:

**DECISION:**

THAT the application by:

NATHAN WOLSKI AND ANDREA DANYLUK-WOLSKI

the owner(s) of PIN 73470 0514, Survey Plan 53R-18661 Part(s) 4 to 6, Lot Pt 8, Concession 3, Township of Dill, 4290 Markusson Drive, Sudbury

For relief from Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an accessory building, being a detached garage, providing a minimum front yard setback of 4.0m, where 10.0m is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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. Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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