

SUBMISSION NO. A0104/2024

December 19, 2024

OWNER(S): LANA LARUE-LLOYD, 750 Chalotte St Sudbury ON P3E 4C3

AGENT(S): ETHAN MURPHY, 2502 Elm St Sudbury ON P3E 4R6

LOCATION: PIN 02132 0930, Parcel 5451 SEC SES, Lot(s) Part 4, Subdivision M-59A, Lot Part 4, Concession 4, Township of McKim, 326 Murray 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 for the existing accessory buildings and structures to provide setbacks and encroachments at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, December 13, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, December 13, 2024

The purpose and effect of the application is to legally recognize a front porch, rear porch, balcony, and shed with the following variances:

1. The existing front porch to encroach 2.5 m into the required front yard providing a 3.5 m setback from the front lot line, where porches may only encroach 2.4 m;
2. The existing front porch to provide a south interior side yard setback of 1.1 m, where no encroachment is permitted and where 1.8 m setback is required;
3. The existing rear porch to provide a south interior side yard setback of 0.1 m, where no encroachment is permitted and where 1.8 m setback is required;
4. The existing balcony to provide a north interior side yard setback of 0.6 m, where no encroachment is permitted and where 1.8 m setback is required;
5. The existing rear deck to encroach into the required interior side yard setback providing a 0.6 m setback, where uncovered decks greater than 1.2 m in height may encroach 1.2 m into the required interior side yard but no closer than 1.2 m to the interior side lot line; and
6. The existing shed to provide a north interior side yard setback of 0.6 m, where accessory buildings and structures greater than 2.5 m in height are permitted no closer than 1.2 m from the side lot line.

The subject lands contain a single detached dwelling and an accessory building. The subject lands are serviced by a municipal water and sanitary connection and have pedestrian access from Murray Street and vehicular access from Lagace Street.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'R2-2' Low Density Residential Two within the City of Greater Sudbury Zoning By-law.

Surrounding uses are low density residential in nature.

Staff recognize that the structures subject to the requested variances are existing. Staff have no concerns with the front porch location as the rear yard amenity space is accessed from Lagace Street and the Roads Department did not identify sightline visibility concerns. The deck, balcony, and accessory building do not appear to be located any closer to the interior lot lines than the main dwelling. The rear porch is also aligned with the dwelling; however, due to the rear yard having a narrower width than the front yard, it is located closer to the interior side than the main dwelling. The location of the existing rear porch does not appear to prevent access to the subject lands or abutting lands at 324 Murray Street given the placement of the dwelling at 324 Murray Street.

Staff are of the opinion that the variances are considered to be minor in nature, are an appropriate use of the land, and meet the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

CGS: Development Engineering, December 12, 2024

No objection.

CGS: Building Services Section, December 12, 2024

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

However, Applicant/Owner to be advised of the following comments:

- 1) Building Services acknowledges the associated building permit (BP-NEW-2024-01435) for the proposed interior alterations and decks.
- 2) Our records indicate an incomplete building permit for a single-family dwelling (B87-1317). Please contact Building Services to proceed in closing the project.

Ministry of Transportation, December 11, 2024

The subject lots are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide regarding these applications at this time.

Nickel District Conservation Authority, December 09, 2024

Conservation Sudbury does not object to Minor Variance A0104/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Greater Sudbury Hydro Inc., December 06, 2024

Maintain proper clearance from energized apparatus and conductors as per latest edition of Ontario Electrical Safety Code.

CGS: Site Plan Control, December 04, 2024

No objection.

The applicant's agent, Ethan Murphy of Prospec Engineering Ltd., appeared before Committee and provided a summary of the Application.

Committee Member Castanza advised Committee that she attended the site and wanted confirmation of the height of the existing fence in the front yard. The agent advised Committee that the fence is five feet. Staff advised Committee that the maximum height of a fence in the front yard is 1.0m and suggested that an additional variance would be required. The agent asked Committee if the fence could be cut down. Committee Chair Dumont explained the requirements to the agent and requested staff to provide suggestions to Committee. Staff advised that Committee could defer the Application to allow the applicant the opportunity to seek the additional variance, or the applicant could move the fence into conformity with the Zoning By-law and a condition could be imposed by way of a motion. Committee Chair Dumont explained the options to the agent. The agent advised that their client would be willing to bring the fence into conformity. Committee Chair Dumont explained the process for clearing the condition, if imposed. Committee Member Castanza supported the proposal.

Committee Member Goswell expressed support for staff's recommendation.

Committee Member Sawchuk expressed support for the Application and the proposed motion.

Committee Member Murray asked staff about another option where Committee approves the Application, and the applicant would seek the variance for the fence later to allow the applicants to move forward. Staff advised that it may prevent the applicants from finalizing their permit as Building Services reviews the site in its entirety to confirm conformance with the Zoning By-law. Staff qualified that statement and advised Committee that the question would need to be deferred to Building Services. Staff suggested to Committee that imposing a condition was the cleanest avenue. Committee Member Murray asked the agent if they wanted to proceed with a condition and the agent confirmed that they did.

Committee Chair Dumont asked the agent how long it would take to bring the fence into conformity and the agent advised approximately 60 days. Committee Chair Dumont suggested 90 days.

Committee Member Murray put forward a motion, seconded by Committee Member Goswell, to include a condition in the decision requiring the fence in the front yard to be brought into conformity with the Zoning By-law within 90 days of the decision. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

LANA LARUE-LLOYD

the owner(s) of PIN 02132 0930, Parcel 5451 SEC SES, Lot(s) Part 4, Subdivision M-59A, Lot Part 4, Concession 4, Township of McKim, 326 Murray Street, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the following to firstly, the existing front porch to encroach 2.5m into the required front yard providing a 3.5m setback the front lot line, where porches may only encroach 2.4m, secondly, the existing front porch to provide a south interior side yard setback of 1.1m, where no encroachment is permitted and where 1.8m setback is required, thirdly, the existing rear porch to provide a south interior side yard setback of 0.1m, where no encroachment is permitted and where 1.8m setback is required, fourthly, the existing balcony to provide a north interior side yard setback of 0.6m, where no encroachment is permitted and where 1.8m setback is required, fifthly, the existing rear deck to encroach into the required interior side yard setback providing a 0.6m setback, where uncovered decks greater than 1.2m in height may encroach 1.2m into the required interior side yard but no closer than 1.2m to the interior side lot line, sixthly, the existing shed to provide a north interior side yard setback of 0.6m, where accessory buildings and structures greater than 2.5m in height are permitted no closer than 1.2m from the side lot line, be granted, subject to the following condition:

1. That the fence located in the required front yard be reduced to 1.0m in height or removed within 90 days from the notice of decision to the satisfaction of the Director of Building Services/Chief Building Official.

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 Buildings. 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. A0105/2024

December 19, 2024

OWNER(S): CRYSTAL CORBIERE, 750 Belanger St Azilda ON P0M 1B0
EDWARD CORBIERE, 750 Belanger St Azilda ON P0M 1B0

AGENT(S): PROSPEC ENGINEERING, Attn: ETHAN MURPHY 2502 Elm St Sudbury ON P3E 4R6

LOCATION: PIN 73347 1698, SRO, Survey Plan 53R-20144 Part(s) 2, Lot(s) Parts 16 and 17, Subdivision M-449, Lot Part 7, Concession 2, Township of Rayside, 750 Belanger Street, Azilda

SUMMARY

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

Application: Approval to construct a detached accessory building providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, December 13, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, December 13, 2024

The purpose and effect of the application is to construct a 67 m² accessory building with a height of 5.8 m, whereas the maximum height permitted for accessory buildings is 5 m. The subject lands contain a 283 m² single detached dwelling with a height of 5.8 m and an existing accessory building that is proposed to be demolished and replaced with the proposed accessory building. The lands are serviced by a municipal water and sanitary connection and have existing access from Belanger Street.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'R1-5' Low Density Residential One within the City of Greater Sudbury Zoning By-law. Surrounding uses are low density residential in nature.

The applicant has advised that the 5.8 m height is being requested for greater headspace to work on personal vehicles in the garage. The accessory building will not exceed the height of the existing single detached dwelling, will be subordinate in ground floor area, and be located in the rear yard. Staff are of the opinion that the building will be accessory in nature. The proposed garage will be screened from the neighbouring dwelling to the east, which contains a row of mature trees. Additionally, the rear and interior side lot lines are fenced, and the rear yard abuts Municipal Road 35.

Staff are of the opinion that the variance is considered to be minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

CGS: Development Engineering, December 12, 2024

No objection.

CGS: Building Services Section, December 12, 2024

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

1) Building Services acknowledges the associated building permit (BP-NEW-2024-01367) for the proposed detached garage. Revised drawings are required to be submitted to Building Services to amend the current permit application.

Owner to be advised of the following comments:

2) Our records indicate an incomplete building permit for a single-family dwelling with attached garage, finished basement & decks (B06-1997). Please contact Building Services to proceed in closing the project.

3) Be advised that no habitable space is permitted.

Ministry of Transportation, December 11, 2024

The subject lots are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide regarding these applications at this time.

Nickel District Conservation Authority, December 09, 2024

Conservation Sudbury does not object to Minor Variance A0105/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Greater Sudbury Hydro Inc., December 06, 2024

No concerns - outside of our territory.

CGS: Site Plan Control, December 04, 2024

No objection.

The applicant's agent, Ethan Murphy of Prospec Engineering Ltd., appeared before Committee and provided a summary of the Application.

Committee Member Castanza advised that she attended the site and didn't have any issues.

Committee Members Goswell, Sawchuk and Murray and Committee Chair Dumont expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

CRYSTAL CORBIERE AND EDWARD CORBIERE
the owner(s) of PIN 73347 1698, SRO, Survey Plan 53R-20144 Part(s) 2, Lot(s) Parts 16 and 17, Subdivision M-449, Lot Part 7, Concession 2, Township of Rayside, 750 Belanger Street, Azilda

for relief from Part 4, Section 4.2, subsection 4.2.4 a) 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 detached garage providing a maximum height of 5.8m, where the maximum height of any accessory building on a residential lot shall be 5.0m, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land and Buildings. 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. A0106/2024

December 19, 2024

OWNER(S): BRIGITTE ROBINSON, 81 Eden Point Drive Sudbury ON P3E 4V6
STANISLAW TUBIN, 81 Eden Point Drive Sudbury ON P3E 4V6

AGENT(S):

LOCATION: PIN 73513 0110, Parcel 39785 SEC SES, Surveys Plan 53R-5653 Part(s) 3 & Plan 53R-9418 Part(s) 1, Lot Part 6, Concession 4, Township of MacLennan, 128 MacLennan Drive, Skead

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 enlarge an existing three-season porch on the dwelling providing a high water mark setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, December 13, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, December 13, 2024

The purpose and effect of the application is to permit a 15.3 m² addition to the existing covered porch having a highwater mark setback of 27 m, whereas 30 m is required. The subject lands contain a single detached dwelling and four accessory buildings. The lands are serviced by an individual septic system and lake water and have an existing access from MacLennan Drive.

The subject lands are designated 'Living Area II' within the Greater City of Sudbury Official Plan, are zoned 'R1-1' Low Density Residential One within the Greater City of Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA). It is noted that the proposed addition will remain outside of the natural vegetation buffer and is minor in size. Strategic and Environmental Planning has no objection to the requested variances, however, has provided advisory comments for information purposes. Based on this information, staff are of the opinion that the requested variance is minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

CGS: Development Engineering, December 12, 2024

No objection.

CGS: Strategic and Environmental Planning, December 12, 2024

Staff of the City's Strategic and Environmental Planning Section are not opposed to the approval of this application as the proposed new addition is relatively small and lies outside of the Shoreline Buffer Area.

The following advice is provided for informational purposes only:

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.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff nutrients 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 to a site.

Shoreline and riverbank 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 riverbank or up to 23 metres, whichever is less, is allowable. Cleared areas are allowed up to 276 square meters.
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 or river 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 or river. 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 or river 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 riverbank (retaining walls, etc).

CGS: Building Services Section, December 12, 2024

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

However, Applicant/Owner to be advised of the following comments:

1) Building Services acknowledges the associated building permit (BP-NEW-2024-01611) for the proposed sunroom expansion and deck.

Ministry of Transportation, December 11, 2024

The subject lots are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide regarding these applications at this time.

Nickel District Conservation Authority, December 11, 2024

Conservation Sudbury does not object to the minor variance A0106/2024. Subject property contains areas regulated by Conservation Sudbury (see attached map) and future development in these areas requires permission of Conservation Sudbury.

Notes

Future development requires permission of Conservation Sudbury. '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.

Greater Sudbury Hydro Inc., December 06, 2024

No concerns - outside of our territory.

CGS: Site Plan Control, December 04, 2024

No objection.

The applicants appeared before Committee and provided a summary of the Application. All Committee Members expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

BRIGITTE ROBINSON AND STANISLAW TUBIN
the owner(s) of PIN 73513 0110, Parcel 39785 SEC SES, Surveys Plan 53R-5653 Part(s) 3 & Plan 53R-9418 Part(s) 1, Lot Part 6, Concession 4, Township of MacLennan, 128 MacLennan Drive, Skead

for relief from Part 4, Section 4.41, subsections 4.41.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the enlargement of an existing three-season porch on the dwelling providing a 27.0m setback from the high water mark, 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, 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 Buildings. 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. A0107/2024

December 19, 2024

OWNER(S): SUSANNA GATES, 655 Kirkwood Drive Sudbury ON P3E 6J6
BRIAN GATES, 655 Kirkwood Drive Sudbury ON P3E 6J6

"REVISED"

AGENT(S): KEN KALTIAINEN, 929 Horseshoe Lake Rd, Sudbury ON P3E 4N1

LOCATION: PINs 73592 0313 & 73592 0299, Parcel 14232 and 17854 SEC SES, Lot(s) Parts 5 and 6, Subdivision M-124, Lot Part 2, Concession 2, Township of McKim, 655 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 permit the existing dwelling providing no frontage onto an assumed road, and also, to permit the enclosure of a portion of the existing covered deck providing a high water mark setback and shoreline structure all at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, December 13, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, December 13, 2024

The purpose and effect of the application is to recognize an existing dwelling without frontage onto an assumed road and to permit the enclosure of the existing covered deck with the following variances:

1. Maintain a 13.11 m setback from the high water mark, whereas 30 m is required; and
2. Permit the dwelling within the natural vegetation buffer, whereas only boat launches, marine railways, waterlines and heat pump loops are permitted within 20 m of a high water mark.

The subject lands contain a single detached dwelling. The lands are serviced by a municipal water and sanitary connection and appear to be accessed through private lands onto Kirkwood Drive.

The subject lands are designated 'Living Area I' within the Greater City of Sudbury Official Plan, are zoned 'R1-3' Low Density Residential One within the Greater City of Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).

As an advisory comment, staff would recommend that legal access be established by way of easement, if not already existing.

The applicant has advised that the dwelling and deck were legally established under previous policy, which required a 12 m setback. The applicant is seeking to enclose the existing deck and maintain the existing setback. No additional clearance is being proposed in the natural vegetation buffer.

Strategic and Environmental Planning has no objection to the requested variances, however, has provided advisory comments for information purposes.

The Nickel District Conservation Authority have requested that a permit be obtained as a condition of the variance application. Staff have therefore included the condition within the recommendation.

Based on this information, staff are of the opinion that the requested variance is minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted subject to the following condition:

1. That a permit be obtained from the Nickel District Conservation Authority (NDCA) within one year from the date of decision, to the satisfaction of NDCA.

CGS: Development Engineering, December 12, 2024

No objection.

Source Water Protection Plan, December 12, 2024

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

CGS: Strategic and Environmental Planning, December 12, 2024

Staff of the City's Strategic and Environmental Planning Section are not opposed to the approval of this application as no additional encroachment of non-permitted structures into the Shoreline Buffer Area is proposed.

The following advice is provided for informational purposes only:

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.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff nutrients 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 to a site.

Shoreline and riverbank 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 riverbank or up to 23 metres, whichever is less, is allowable. Cleared areas are allowed up to 276 square meters.
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 or river 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 or river. 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 or river 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 riverbank (retaining walls, etc).

CGS: Building Services Section, December 12, 2024

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

Applicant/Owner to be advised of the following comments:

- 1) A Building Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for construction of the proposed enclosed deck.
- 2) A search of our records indicates incomplete permits for the subject property for the single-family dwelling with attached garage, finished basement and decks (B07-0107), and beam to gable end of deck (BP-ALT-2023-00040). Please contact Building Services to proceed in closing these projects.

Ministry of Transportation, December 11, 2024

The subject lots are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide regarding these applications at this time.

Nickel District Conservation Authority, December 09, 2024

The proposed addition is located in an area regulated by Conservation Sudbury, and may be located in a flood hazard and/or erosion hazard. Conservation Sudbury is requesting that a condition be added to the approval of the minor variance:

- 1) That a permit from Conservation Sudbury be obtained in order to verify that development is located outside of the flood and erosion hazard (as per Section 5.2.2. of the Provincial Policy Statement, 2024) and to confirm that the development meets the test under the Conservation Authorities Act.

Notes

Subject property does contain areas regulated by Conservation Sudbury, including a flood hazard and erosion hazard. Future development requires permission of Conservation Sudbury. '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.

Greater Sudbury Hydro Inc., December 06, 2024

No conflict.

CGS: Site Plan Control, December 04, 2024

No objection.

The applicant's agent, Ken Kaltainen, appeared before Committee and provided a summary of the Application. He expressed to Committee his frustration with the high water mark setback.

Committee Member Castanza advised that she attended the site and expressed discomfort with the recommended condition and timeline as a permit would be required from the NDCA as part of the Building Permit. Staff provided an explanation for the timeline in relation to the minor variance and advised Committee that the City relies on the NDCA to identify areas of environmental erosion hazards and that they specifically requested that the condition be added as part of the approval which is why it is included in the recommendation.

Committee Member Goswell requested staff to provide an explanation for the NDCA's comments and staff provided an explanation about the NDCA's permitting process. Committee Chair Dumont expressed desire to have staff from the NDCA attend meetings when they request conditions and Committee Member Goswell agreed.

Committee Member Sawchuk expressed support for the application and condition for simplicity's sake but was open to other solutions.

Committee Member Murray requested staff to explain the purpose of the condition and timeline when a permit from the NDCA is required regardless. Staff confirmed his statement and advised that the recommendation was tied to the condition as the variance is only appropriate if a permit can be obtained from the conservation authority. Committee Member Murray expressed support for removing the condition.

The agent referenced comments relating to permissions and staff advised that the comments he was referring to were from the Source Water Protection which is a different commenting agency and not where the condition stemmed from. Committee Chair Dumont explained to the agent the discussion, the condition, and the requirements to clear the condition.

Committee Member Castanza advised Committee that she would like the condition removed.

Committee Member Goswell expressed concern for the word "appears" that was in Development Approval's comments relating to the access and expressed concern that there is possibly a field bed on the property. The agent advised that the property is serviced by a force-main from Kirkwood Drive and that there is an easement connecting this property to Kirkwood Drive.

Staff provided clarification regarding the recommendation and the condition contained therein. Staff advised that if the condition is removed, and as there is a chance that a permit may not be issued, this may not be an appropriate use of the land. Staff advised Committee, with regards to the word "appear", that staff does not have access to private easements so there is speculation and that is why the word was used.

Committee Member Castanza requested clarification on staff's prior comments and staff provided an explanation.

Committee Chair Dumont requested further clarification and staff advised that the recommendation is provided to Committee to assist them in deciding.

Committee Member Goswell advised that he assumed that the decision contained the condition and requested that a vote be called as the agent had not expressed objection to the condition.

Committee Chair Dumont asked the agent if he was opposed to the condition and the agent advised that he was not.

The following decision was reached:

DECISION:

THAT the application by:

SUSANNA GATES AND BRIAN GATES

the owner(s) of PINs 73592 0313 & 73592 0299, Parcel 14232 and 17854 SEC SES, Lot(s) Parts 5 and 6, Subdivision M-124, Lot Part 2, Concession 2, Township of McKim, 655 Kirkwood Drive, Sudbury

for relief from Part 4, Section 4.3 and Section 4.41, subsections 4.41.2 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, for the following, firstly, to permit the existing single-detached dwelling providing 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; and, secondly, to facilitate the enclosure of a portion of the existing covered deck maintaining a 13.11m setback from the high water mark, 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, 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 a permit be obtained from the Nickel District Conservation Authority (NDCA) within one year from the date of decision, to the satisfaction of NDCA.

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 Buildings. 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	Non-Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0112/2024

December 19, 2024

OWNER(S): KELSEY CUTINELLO, 1550 Agincourt Avenue Sudbury ON P3A 3K2
TREVOR MILES, 1550 Agincourt Avenue Sudbury ON P3A 3K2

AGENT(S): RYAN VIS, 770 Dominion Drive, Hanmer, ON P3P 0A7

LOCATION: PIN 02132 0611, Parcel 36165 SEC SES SRO, Lot(s) 20, Subdivision M-906, Lot Part 2, Concession 5, Township of McKim, 843 Marlborough Drive, 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 convert the existing detached accessory building to an accessory building containing an additional dwelling unit providing a setback from the main building at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, December 13, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, December 13, 2024

The purpose and effect of the application is to permit the conversion of an existing accessory building into an additional dwelling unit with a setback of 1.8 m from the main dwelling, whereas a 2.4 m setback is required.

The lands contain a single detached dwelling and accessory building. The lands are serviced by a municipal water and sanitary connection and have an existing access from Marlborough Drive. The additional dwelling unit will need to be connected to the service lines of the main dwelling to City specifications, and access will be from a shared driveway.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'R1-5' Low Density Residential One within the City of Greater Sudbury Zoning By-law. Surrounding uses are low density residential in nature.

An additional dwelling unit is defined within the zoning by-law as an additional dwelling unit that is ancillary to the main dwelling unit that may be contained within the main building on a lot and/or in an accessory building. The zoning by-law permits one main dwelling and two additional dwelling units within the existing dwelling or one within an accessory building and two in the main dwelling for a total of three dwelling units on urban parcels of land located within the settlement area boundary on full municipal services. Additional dwelling units shall only be permitted in the rear and interior side yards. The additional dwelling unit in an accessory building must adhere to accessory building standards. Accessory is defined as a use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot. Staff do not anticipate any adverse impacts as a result of the requested variance. It is noted that additional fire safety requirements may be required through the building permit process.

Staff are of the opinion that the variance is considered to be minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

CGS: Development Engineering, December 12, 2024

No objection.

CGS: Building Services Section, December 12, 2024

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

Owner to be advised of the following comments:

- 1) We acknowledge an associated building permit (BP-NEW-2024-01724) for the proposed conversion of the existing detached garage to an additional dwelling unit.
- 2) Please contact Building Services for more information regarding the fire rating requirements for the proposed construction.

Ministry of Transportation, December 11, 2024

The subject lots are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide regarding these applications at this time.

Nickel District Conservation Authority, December 09, 2024

Conservation Sudbury does not object to Minor Variance A0112/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Greater Sudbury Hydro Inc., December 06, 2024

No conflict.

CGS: Site Plan Control, December 04, 2024

No objection.

The applicant's agent, Ryan Vis, appeared before Committee and provided a summary of the Application. All Committee Members expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

KELSEY CUTINELLO AND TREVOR MILES

the owner(s) of PIN 02132 0611, Parcel 36165 SEC SES SRO, Lot(s) 20, Subdivision M-906, Lot Part 2, Concession 5, Township of McKim, 843 Marlborough Drive, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.10.3 c) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the conversion of the existing detached garage to an accessory building containing an additional dwelling unit providing a minimum setback of 1.8m from the main building, where an additional dwelling unit located in a building accessory to a main building shall be sited a minimum of 2.4m from the main building, 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 Buildings. 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. A0113/2024

December 19, 2024

OWNER(S): FEDMON RENTALS INC., 1682 Skyward Drive Sudbury ON P3E 1M1

AGENT(S): C.R. DESIGN, Attn: Rohit Walia 2200 Lakeshore Blvd West, Suite 3609 Toronto ON M8V 1A4

LOCATION: PIN 73595 0227, Parcel 21691 SEC SES, Lot Part 6, Concession 1, Township of McKim, 59 Walford Road, Sudbury

SUMMARY

Zoning: The property is zoned R3-1.D78(Medium Density Residential) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to increase the net residential density to permit an increase in the number of dwelling units within the existing multiple dwelling at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, December 13, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, December 13, 2024

The purpose and effect of the application is to permit an additional two dwelling units to be constructed within an existing multiple dwelling containing 18 units with a density of 88 units per ha, where a maximum density of 78 units per ha is permitted. The subject lands contain an existing multiple dwelling containing 18 units. The lands are serviced by a municipal water and sanitary connection and have an existing access from Walford Road. The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'R3-1.D.78' Low Density Residential One within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential and institutional in nature.

Wherever a Zone symbol is followed by a period, a letter "D" and a number, the maximum number of dwelling units, excluding secondary dwelling unit(s), permitted on a lot with such a symbol shall be the residential density represented by such number in dwelling units per hectare. Where the number of dwelling units per hectare results in a fraction of a dwelling unit being permitted, such fraction of a dwelling unit shall be rounded down to the nearest whole number. Staff have evaluated the request for two additional units within the existing building in regard to impact on functionality of the site and are of the opinion that there would be no impact as a result of the proposed increase in units. All other zoning standards are capable of being met, including parking. Density requirements of the Official Plan are also being maintained.

Staff are of the opinion that the variance is considered to be minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

CGS: Development Engineering, December 12, 2024

No objection.

CGS: Building Services Section, December 12, 2024

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

Applicant/Owner to be advised of the following comments:

- 1) A Building Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for construction of the two proposed dwelling units.
- 2) The plot plan shall include the location of accessible parking.

Ministry of Transportation, December 11, 2024

The subject lots are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide regarding these applications at this time.

Nickel District Conservation Authority, December 09, 2024

Conservation Sudbury does not object to Minor Variance A0113/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development

Greater Sudbury Hydro Inc., December 06, 2024

No conflict.

CGS: Site Plan Control, December 04, 2024

There is a site plan control agreement registered on title with this property. If there is no change to the parking required for this property, then an amendment will not be required.

The applicant's agent, Rohit Walia, appeared before Committee and provided a summary of the Application. All Committee Members expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

FEDMON RENTALS INC.

the owner(s) of PIN 73595 0227, Parcel 21691 SEC SES, Lot Part 6, Concession 1, Township of McKim, 59 Walford Road, Sudbury

for relief from Part 2, Section 2.2 (ii) and Part 6, Section 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of 2 additional dwelling units within the existing 18-dwelling unit multiple building providing a maximum net residential density of eighty-eight (88) units per hectare, where a maximum net residential density of seventy-eight (78) units per hectare is permitted, 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 Buildings. 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. A0114/2024

December 19, 2024

OWNER(S): HOLLY PARKES, 2321 Hwy 537 Sudbury ON P3E 4N1
DANIEL AUGER, 2321 Hwy 537 Sudbury ON P3E 4N1

AGENT(S):

LOCATION: PIN 73480 0152, Parcel 28961 SEC SES, Lot(s) except Unit 1, Subdivision D-298, Lot Part 7, Concession 4, Township of Cleland, 2321 Highway 537, Wahnapiatae

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 accessory building on the subject property providing a maximum height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, December 13, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, December 13, 2024

The purpose and effect of the application is to construct a 202.85 m² accessory building with a height of 7.47 m, whereas the maximum height permitted for accessory buildings is 6.5 m.

The subject lands contain a 128.25 m² single detached dwelling with a height of 4.9 m and several accessory buildings. The lands are serviced by an individual septic system and well and have existing access from Highway 537.

The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan and are zoned 'RU' Rural within the City of Greater Sudbury Zoning By-law. Surrounding uses are rural in nature.

The applicant has advised that the additional 0.97 m height is being requested for storage purposes. Although the ground floor area and height exceed the main use of the lands being the single detached dwelling, staff have no concerns with the use being considered accessory, so long as the accessory building is being used for residential accessory purposes.

It should be noted that 'Home Industries', 'Home Occupations' within accessory buildings, and a 'Contractor's Yard/Establishment' are not permitted on the subject land. As an advisory comment, staff do have concerns with the proposed accessory building being accessed from a separate driveway from the dwelling and the amount of large accessory buildings on site, for the potential introduction of business use in contravention to the zoning by-law. That being said, lot coverage provisions are being maintained as a result of the proposed accessory building.

Through the circulation process, MTO, requested that two of three existing driveways be closed, and permits be obtained for the building and the entrance. The removal of additional driveways assists in addressing staff's concerns for potential business use. Staff have included these conditions within the

recommendation.

The proposed garage is located in the rear yard, behind an existing accessory building. Natural vegetation exists along the front property line. Staff have no concerns with the proposed height.

Staff are of the opinion that the variance is considered to be minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted subject to the following conditions:

1. That two driveways be removed and the ditch-line restored to its original state within a one year of the date of decision, to the satisfaction of MTO.
2. That an MTO building/land use permit be obtained within one year of the date of decision, to the satisfaction of MTO.
3. That a residential entrance permit be obtained from MTO within one year from the date of decision, to the satisfaction of MTO.
4. That the shipping container be removed from the subject lands within one year from the date of decision, to the satisfaction of the Director of Planning.

CGS: Development Engineering, December 12, 2024

No objection.

CGS: Building Services Section, December 12, 2024

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

1) We acknowledge the receipt of associated building permit (BP-NEW-2024-01588) for the proposed detached garage.

2) Be advised that no habitable space is permitted.

3) Owner to be advised that the storage of personal vehicles and recreational vehicles is permitted.

4) Shipping and storage containers shall not be placed or used on any lot in a Residential (R), Commercial (C), Mixed Light Industrial/Service Commercial (M1) or Business Industrial (M1-1) Zone and shall only be located on a lot:

a) As an accessory structure used in conjunction with a permitted agricultural, extractive, transport terminal or warehouse use;

b) For the purposes of rental, sale or distribution in a Light Industrial (M2) or Heavy Industrial (M3) Zone for use off site; or,

c) In accordance with Sections 4.40.5 and 4.40.7 of this By-law.

The shipping container appearing in our property history must be removed from the lot.

Ministry of Transportation, December 11, 2024

The subject lands for application A0114/2024 – Parkes, Auger (2321 Highway 537) are located within the MTO's permit control area (PCA); and therefore, are subject to review under the Public Transportation and Highway Improvement Act R.S.O. 1990 and will require proper MTO permits. The MTO supports the proposed minor variance in principle, with the following comments to consider:

An MTO Building/Land Use Permit will be required for the construction of the new storage shed. Placement of any buildings/structures within 45 meters of the Hwy 537 right-of-way or within 180 meters of the centre-point of the intersection of Hwy 537 and Red Deer Lake Rd S. will require an MTO building/land use permit

An MTO residential entrance permit is required in order to permit access to Hwy 537. MTO notes that there are currently three (3) established entrances servicing the property. These entrances service a garage, a dwelling, and accessory structures/sheds on the south side of the property.

It is MTO policy to only have one entrance per lot of record. Two (2) of the three (3) driveways must be removed and the ditch-line restored to its original state.

In order to allow this minor variance application to proceed, MTO will still issue a residential entrance permit for a driveway of the client's choosing; however, conditions will be included on the permit that 2 of the entrances must be removed and the ditch-line restored to its original state.

Any development or change in land use must be subject to MTO review.

All permit applications can be made online at the following link: <https://www.hcms.mto.gov.on.ca/>

Questions regarding permitting or setbacks can be directed to Eric Malette, Corridor Management Officer at eric.malette@ontario.ca

Nickel District Conservation Authority, December 11, 2024

Subject property is located outside of the boundaries of Conservation Sudbury's jurisdiction. We have no comment on minor variance application A0114/2024.

Greater Sudbury Hydro Inc., December 06, 2024

No concerns - outside of our territory.

CGS: Site Plan Control, December 04, 2024

No objection.

The applicants appeared before Committee and provided a summary of the Application. Committee Member Castanza expressed support for the Application. Committee Member Goswell requested the applicants to confirm their statements in their summary regarding the existing driveways. The applicants advised Committee that the driveways would remain as they are. Committee Member Goswell referred to the conditions and asked the applicants if they were in favour of the conditions. The applicants advised Committee of their conversation with the MTO and the reasons why they would remain. Committee Member Goswell expressed discomfort with imposing the condition. Staff advised Committee that staff has not received communication from the MTO to confirm the applicant's statement and suggested that the condition remain as it would be to the satisfaction of the MTO. Committee Member Goswell expressed discomfort with the condition. Committee Member Sawchuk expressed support for the Application and staff's recommendation. Committee Member Murray expressed support for staff's recommendation and to leave the conditions in the decision. Committee Member Castanza expressed support for the conditions. Committee Chair Dumont explained the conditions to the applicants and suggested a process to them to address the conditions in a timely manner.

The following decision was reached:

DECISION:

THAT the application by:

HOLLY PARKES AND DANIEL AUGER

the owner(s) of PIN 73480 0152, Parcel 28961 SEC SES, Lot(s) except Unit 1, Subdivision D-298, Lot Part 7, Concession 4, Township of Cleland, 2321 Highway 537, Wahnapiatae

for relief from Part 4, Section 4.2, subsection 4.2.4 b) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached accessory building being a storage shed providing a maximum height of 7.5m, where the maximum height of any building or structure accessory to a residential dwelling shall be 6.5m, be granted, subject to the following conditions:

1. That two driveways be removed and the ditch-line restored to its original state within a one year of the date of decision, to the satisfaction of MTO.
2. That an MTO building/land use permit be obtained within one year of the date of decision, to the satisfaction of MTO.
3. That a residential entrance permit be obtained from MTO within one year from the date of decision, to the satisfaction of MTO.
4. That the shipping container be removed from the subject lands within one year from the date of decision, to the satisfaction of the Director of Planning Services.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land and Buildings. 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. A0101/2024

December 19, 2024

OWNER(S): JENNIFER JOCKO, 3978 Ristimaki Road Sudbury ON P3G 1M4
BRAD LEFEBVRE, 3978 Ristimaki Road Sudbury ON P3G 1M4

AGENT(S): BELANGER SALACH ARCHITECTURE, 255 Larch Street Sudbury ON P3E 4T1

LOCATION: PIN 73477 0308, Survey Plan 53R-21845 Part(s) 2 and 6, Lot Part 3 and 4, Concession 3, Township of Broder, 3978 Ristimaki Road, 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 convert the existing single detached dwelling to an accessory building containing an additional dwelling unit providing a setback from the main building and location at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, December 13, 2024

REVISED

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, December 13, 2024

REVISED

The purpose and effect of the application is to permit an accessory building containing an additional unit that is located 97 m from the main building, whereas a maximum of 30 m setback between the buildings is required on rural parcels of land. Additionally, the applicant is seeking relief for locating an additional dwelling unit in the front yard, whereas additional dwelling units are only permitted in the interior or side yard.

The applicant is intending to convert the existing 167 m² single detached dwelling into an additional dwelling unit and constructing a 587 m² main building in the form of a single detached dwelling. Both structures will have a height of 6 m. The existing single detached dwelling to be converted is located in the front yard, 18 m from the front lot line along Ristimaki Road.

The subject lands are serviced by a private septic system and well and have access from Ristimaki Road. It is noted that the private servicing will need to comply with the Ontario Building Code.

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

An additional dwelling unit is defined within the zoning by-law as an additional dwelling unit that is ancillary to the main dwelling unit that may be contained within the main building on a lot and/or in an accessory building. The zoning by-law permits one main dwelling and one additional dwelling unit either

within the existing dwelling or within an accessory building for a total of two dwelling units on rural parcels of land. Additional dwelling units shall only be permitted in the rear and interior side yards. The additional dwelling unit in an accessory building must adhere to accessory building standards. Accessory is defined as a use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot.

In the "RU" Zone, additional dwelling units cannot be located further than 30 m from the main dwelling. Staff are of the understanding that each of the dwelling units will be serviced by an independent septic system and well and be accessed from a shared driveway off of Ristimaki Road. Staff do not anticipate any adverse impacts as a result of the requested variances.

Staff are of the opinion that the variances are considered to be minor in nature, are an appropriate use of the land, and meet the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

CGS: Strategic and Environmental Planning, December 12, 2024

REVISED

The following advice is provided for informational purposes only:

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.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff nutrients 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 to a site.

Shoreline and riverbank 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 riverbank or up to 23 metres, whichever is less, is allowable. Cleared areas are allowed up to 276 square meters.
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 or river 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 or river. 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 or river 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 riverbank (retaining walls, etc).

CGS: Building Services Section, December 12, 2024

REVISED

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

However, Applicant/Owner to be advised of the following comments:

1) A Change of Use Permit and documents is required to be completed to the satisfaction of the Chief Building Official to convert the existing single-family dwelling to an additional dwelling unit. The submitted plot plan for variance does not appear to reflect the approved location of the new single-family dwelling under building permit BP-NEW-2023-00206. Please submit an As-built plot plan for permit, clearly indicating dimensions of all structures, and all setbacks. Building Services may request further zoning relief at time of review.

2) A search of our records indicates an incomplete permit for the subject property for the single-family dwelling (BP-NEW-2023-00206). Please contact Building Services to proceed in closing this project.

Ministry of Transportation, December 11, 2024

REVISED

The subject lots are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide regarding these applications at this time.

Nickel District Conservation Authority, December 09, 2024

REVISED

Conservation Sudbury does not object to Minor Variance A0101/2024 (revised). Subject property contains some watercourses which are regulated under the Conservation Authorities Act. Any future development within 15m of the watercourses requires permission of Conservation Sudbury.

Greater Sudbury Hydro Inc., December 06, 2024

REVISED

No conflict.

CGS: Site Plan Control, December 04, 2024

REVISED

No objection.

Greater Sudbury Hydro Inc., November 28, 2024

No objections.

CGS: Infrastructure Capital Planning Services, November 27, 2024

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation
No concerns.

CGS: Building Services Section, November 27, 2024

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

However, Applicant/Owner to be advised of the following comments:

1) A Change of Use Permit and documents will be required to be completed to the satisfaction of the Chief Building Official to convert the existing single-family dwelling to a secondary dwelling unit. The submitted plot plan for variance does not appear to reflect the approved location of the new single-family dwelling under building permit BP-NEW-2023-00206. Please submit an As-built plot plan for permit, clearly indicating dimensions of all structures, and all setbacks. Building Services may request further zoning relief at time of review.

2) A search of our records indicates an incomplete permit for the subject property for the single-family dwelling (BP-NEW-2023-00206). Please contact Building Services to proceed in closing this project.

CGS: Development Approvals Section, November 26, 2024

The purpose and effect of the application is to permit an accessory building containing a secondary unit that is located 97 m from the main building, whereas a maximum of 30 m setback between the buildings is required on rural parcels of land.

The applicant is intending on converting the existing 167 m² single detached dwelling into an additional dwelling unit and constructing a 587 m² main building in the form of a single detached dwelling. Both structures will have a height of 6 m. The existing single detached dwelling (to be converted) is located in the front yard, 18 m from the front lot line along Ristimaki Road.

The subject lands are serviced by a private septic system and well and have access from Ristimaki Road. It is noted that the private servicing will need to comply with the Ontario Building Code. The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan, are zoned 'RU' Rural within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are rural in nature.

An additional dwelling unit is defined within the zoning by-law as an additional dwelling unit that is ancillary to the main dwelling unit that may be contained within the main building on a lot and/or in an accessory building. The zoning by-law permits one main dwelling and one additional dwelling unit either within the existing dwelling or within an accessory building for a total of two dwelling units on rural parcels of land. Additional dwelling units shall only be permitted in the rear and interior side yards. The additional dwelling unit in an accessory building must adhere to accessory building standards. Accessory is defined as a use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot. In the "RU" Zone additional dwelling units cannot be located further than 30 m from the main dwelling.

It is noted that new additional dwelling unit policies came into effect as of November 15th, 2024, which resulted in additional dwelling units only permitted to be located in the rear and/or interior side yards, whereas previous policy permitted them to be located in compliance with the yard and setback requirements of the zone in which such building or structure is located, in rural zones.

The proposed additional dwelling unit will be located in the front and exterior yard, which does not comply with the new currently enacted location policy for additional dwelling units. It is recommended that the application be deferred to allow the applicant an opportunity to amend the application to include the additional variance request.

CGS: Site Plan Control, November 22, 2024

No objections.

Nickel District Conservation Authority, November 22, 2024

Conservation Sudbury does not object to Minor Variance A0101/2024. Subject property contains some watercourses which are regulated under the Conservation Authorities Act. Any future development within 15m of the watercourses requires permission of Conservation Sudbury.

CGS: Strategic and Environmental Planning, November 22, 2024

The following advice is provided for informational purposes only:

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.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff nutrients 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 to a site.

Shoreline and riverbank 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 riverbank or up to 23 metres, whichever is less, is allowable. Cleared areas are allowed up to 276 square meters.
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 or river 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 or river. 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 or river 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 riverbank (retaining walls, etc).

CGS: Development Engineering, November 21, 2024

No objection.
REVISED: No objection.

Ministry of Transportation, November 21, 2024

The subject lands are located outside the MTO's permit control area; therefore, we have no comments to provide at this time.

This Application was deferred prior to the December 4th Committee of Adjustment meeting at the suggestion of staff to allow the applicants the opportunity to apply for a variance relating to the location of the existing dwelling. New provisions relating to additional dwelling units came into effect on November 15, 2024, under Amending Zoning By-law 2024-179Z. One of the new provisions restricted the location of additional dwelling units to the rear and/or interior side yards. The existing dwelling, once converted to an accessory building containing an additional dwelling unit, would have contravened this provision. As the new provision came into effect while this application was being processed, the deferral fee was waived.

December 19, 2024

The applicant's agent, Alex Rickert of Belanger Salach Architecture, appeared before Committee and provided a summary of the Application.

All Committee Members expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

JENNIFER JOCKO AND BRAD LEFEBVRE

the owner(s) of PIN 73477 0308, Survey Plan 53R-21845 Part(s) 2 and 6, Lot Part 3 and 4, Concession 3, Township of Broder, 3978 Ristimaki Road, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.10.3 d) and e) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the conversion of the existing single detached dwelling to an accessory building containing an additional dwelling unit, firstly, providing a 97.0m setback from the main building, where an additional dwelling unit located in a building accessory to a main building in an "RU", Rural zone shall be located no more than 30.0m from the main building, and secondly, to permit it to be in the front yard, where an accessory building containing an additional dwelling unit is only permitted in the rear and/or interior side yards, be approved.

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 Buildings. 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