

SUBMISSION NO. A0118/2023

December 20, 2023

OWNER(S): JAMES BISSET, 1720 Windle Drive, Sudbury ON P3E 2Y5
PAIGE BISSET, 1720 Windle Drive, Sudbury ON P3E 2Y5

AGENT(S): MARK ELLIOT, 36 Patricia St Unit 1, Lively ON P3Y 1B1

LOCATION: PIN 73594 0034, Parcel 43365 SEC SES, Survey Plan 53R-7013 Part(s) 1, Lot(s) Part 100, Subdivision M-205, Lot Part 5, Concession 1, Township of McKim, 1720 Windle 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 construct a carport and vestibule addition on the existing single detached dwelling on the subject property providing a front yard setback, high water mark setback and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, December 14, 2023

REVISED

The variances being sought would facilitate the construction of a carport, covered patio, and vestibule additions in the front yard totaling 101 metres squared. The lands are designated Living Area 1 in the City's Official Plan and are zoned R1-5, Low Density Residential One per the City's Zoning By-law 2010-100Z. The variances are analyzed below.

Minor Variances – (1) a minimum front yard setback of 2.0m with eaves encroaching 1.0m into the proposed 2.0m front yard setback, where a minimum front yard setback of 6.0m is required and where eaves may encroach 1.2m into the required front yard but not closer than 0.6m to the lot line; and, (2) a high water mark setback of 15.7m for the carport and 17.76m for the vestibule, 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.

Intent of the Official Plan – The Official Plan permits residential development of all type and tenure in Living Area 1 areas. Associated accessory structures that support and/or enhance the parcel are also permitted, subject to the zoning by-law. The Official Plan also includes policies relating to shoreline development and where encroachment into the minimum setbacks are permitted. Per the comments from Strategic and Environmental Planning, staff is of the opinion that the intent of the Official Plan is maintained.

Intent of Zoning By-law 2010-100Z – The intent of Zoning By-law 2010-100Z is to permit accessory structures that are accessory to, and not the dominant built form and/or use on the subject lands. The intent of the standards associated with shoreline development are to protect the lake and its habitat, while allowing the continued enjoyment of the many lakes and rivers in the City's limits. Per the comments from Strategic and Environmental Planning, staff is of the opinion that the intent of the Zoning By-law is maintained.

Is the variance minor? – The proposed variances would permit the continued enjoyment of an existing legal lot of record while minimizing the impact to the lake. The vestibule and carport are not closer to the shoreline than the existing dwelling. Staff is of the opinion that the variances are minor.

Is the variance desirable? – The proposed variances would permit the continued enjoyment of an existing legal lot of record while minimizing the impact to the lake. Staff is of the opinion that the variances are desirable for the continued enjoyment of the subject parcel.

Staff is of the opinion that the proposed minor variances pass the four tests of minor variance. Staff recommends approval of A0118/2023.

CGS: Building Services Section, December 13, 2023

REVISED

Based on the information provided, we can advise that Building Services has no concerns with this application.

Owner to be informed of the following information:

1. A building permit and building permit documents, to the satisfaction of the Chief Building Official, will be required for the proposed construction.

CGS: Infrastructure Capital Planning Services, December 12, 2023

REVISED

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

The Nickel District Conservation Authority, December 12, 2023

REVISED

Conservation Sudbury does not oppose Minor Variance A0118/2023. Part of the subject property is within a regulated area of the Conservation Authority, including floodplain. However, the proposed carport and addition are sufficiently far from these regulated areas.

Notes

Future development in a regulated area of the Conservation Authority 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. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

Greater Sudbury Hydro Inc., December 12, 2023

REVISED

If breaking soil surface, locates would be required contact: Ontario One Call at 1-800-400-2255.

Ministry of Transportation, December 11, 2023

REVISED

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

CGS: Site Plan Control, December 08, 2023

REVISED

No objection.

CGS: Strategic and Environmental Planning, December 08, 2023

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: Strategic and Environmental Planning, October 19, 2023

SEP does not oppose the proposed minor variance based on the following points:

- the proposed car port and vestibule addition are as far from the lake as possible given the size and configuration of the lot;
- the proposed car port and vestibule addition are no closer to the lake than the existing house; and,
- the proposed car port and vestibule do not encroach into the 20-metre shoreline buffer area.

The proponent is advised that there are restrictions to the area that can be cleared within the required 20-metre shoreline buffer area, per Zoning By-law 2010-100Z. The proponent is encouraged to maintain as much mature vegetation throughout the site as possible.

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

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

Shoreline property owners are encouraged to continue adopting lake-friendly practices.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms.

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

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

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

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

CGS: Development Approvals Section, October 19, 2023

The variances being sought would facilitate the construction of a carport and vestibule additions in the front yard totaling 107 metres squared. The lands are designated Living Area 1 in the City's Official Plan and are zoned R1-5, Low Density Residential One per the City's Zoning By-law 2010-100Z. The requested variances relate to reduced setbacks in the front yard and to the highwater mark as well as encroachments of eaves into the reduced setbacks. Staff notes that in order to permit the development as proposed, other variances may be required, including total lot coverage and the percentage of parking area in the front yard. As such, staff is recommending deferral to permit the applicant to address any outstanding variances that may be required. At that time staff will conduct a full analysis of the proposed minor variances.

CGS: Infrastructure Capital Planning Services, October 18, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Building Services Section, October 18, 2023

Building Services has reviewed your application and sketch for the requested minor variances and can advise that we have no objections.

Owner to be advised that a Building Permit to the Satisfaction of the Chief Building Official will be required for the proposed construction.

CGS: Development Engineering, October 18, 2023

No objection.
REVISED: No objection.

Ministry of Transportation, October 16, 2023

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

Greater Sudbury Hydro Inc., October 16, 2023

If breaking soil surface, locates would be required contact: Ontario One Call at 1-800-400-2255 Contact GSHI energy supply department if disconnect/reconnect is required.

The Nickel District Conservation Authority, October 13, 2023

Conservation Sudbury does not oppose Minor Variance A0118/2023. Part of the subject property is within a regulated area of the Conservation Authority, including floodplain. However, the proposed carport and addition is sufficiently far from these regulated areas.

Notes

Future development in a regulated area of the Conservation Authority 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. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

CGS: Site Plan Control, October 12, 2023

No objections.

October 25, 2023

The Agent of the Applicants, Mark Elliott, appeared before the Committee and provided a summary of the Application. He explained that he had missed printing the last page of the comments and had not seen the comment from Development Approvals in advance of the meeting. He acknowledged that the application would have to be deferred but explained the rationale for the applications and the existing conditions having to be dealt with on the subject property. The Agent described communications with senior staff and assumptions he made with respect to the reasoning for the 6m front yard setback zoning requirement, such as parking and snow storage. He advised that he would provide the percentages of lot coverage that staff has requested in their comments.

The Secretary-Treasurer advised that an email of concern was received from Jennifer Trainor of 1722 Windle Drive on October 20, 2023, with respect to snow removal and vehicle turnaround in the cul-de-sac and that the email of concern had been provided to the owners, agent and the Committee Members prior to the meeting.

Committee Member Goswell asked for clarification on how the carport would alleviate snow accumulation. The Agent clarified that falling snow would accumulate on the roof of the carport and not on the property. The Agent explained that the removal of the privacy screen would also allow for more snow storage from road plows.

Committee Member Sawchuk asked whether the Agent's discussions with City staff confirmed that only the requested relief was identified by City staff. The Agent confirmed this was a complicated task and he relied on staff to identify what was needed and that he simplified the design to lessen the variances needed. Committee Member Sawchuk asked Staff if enough information was given to determine what additional variances are needed. Staff advised that the wording in the comments was based on the information that was received in the application and that they did not have a survey to verify the lot coverage.

Chair Dumont advised the Agent that Staff is there to provide assistance and guidance but that it is the Applicant's and Agent's responsibility to have all the information and review the By-laws to identify relief needed.

Committee Member Murray agreed that there are still questions surrounding lot coverage that the Agent will have to determine.

Staff reiterated that the additional variances that may be required were identified, and the recommendation of deferral is meant to allow the Applicants or Agent to go back and review their application and proposal. Staff also advised that if the relief requested in the application was granted by Committee, the Applicants would have a roadblock at the Building Permit stage with respect to the additional required variances identified in the comments.

December 20, 2023

The Agent of the Applicant, Mark Elliot, appeared before the Committee and provided a summary of the Application. The Agent stated that the only changes made to the original application heard by the Committee on October 25, 2023, was in the form of clarity to staff and in their drawing with respect to lot coverage compliance and uses for the carport and vestibule.

The Secretary-Treasurer advised that an email of concern was received from Jennifer Trainor of 1722 Windle Drive on October 20, 2023, with respect to snow removal and vehicle turnaround in the cul-de-sac and that the email of concern had been provided to the owners, agent and the Committee Members prior to the original hearing of this application at the October 25, 2023, meeting.

The agent advised that the cul-de-sac is not the typical cul-de-sac that is permitted today and that parking and snow storage has always been an issue. He advised that the proposal does not change the driveway or parking as it currently stands but that it is hoped that the carport will assist with the snow storage issues, by preventing the snow from being shoveled from the parking area as snow will fall onto the roof of the carport instead. The carport is also intended to protect the parked vehicles from sap that falls from the large existing trees on the property.

Committee had no comments or questions in relation to this application.

The following decision was reached:

DECISION:

THAT the application by:

JAMES BISSET AND PAIGE BISSET

the owner(s) of PIN 73594 0034, Parcel 43365 SEC SES, Survey Plan 53R-7013 Part(s) 1, Lot(s) Part 100, Subdivision M-205, Lot Part 5, Concession 1, Township of McKim, 1720 Windle Drive, Sudbury

for relief from Part 4, Section 4.2, Table 4.1, Section 4.41, subsections 4.41.2 and 4.41.4 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a carport and vestibule addition providing, firstly, a minimum front yard setback of 2.0m with eaves encroaching 1.0m into the proposed 2.0m front yard setback, where a minimum front yard setback of 6.0m is required and where eaves may encroach 1.2m into the required front yard but not closer than 0.6m to the lot line, and secondly, a high water mark setback of 15.7m for the carport and 17.76m for the vestibule, 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.

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
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0131/2023

December 20, 2023

OWNER(S): FRED MENS, 499 John Street, Sudbury ON P3E 1R4
ANNE ARCHER, 499 John Street, Sudbury ON P3E 1R4

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

LOCATION: PIN 73583 0633, Surveys Plan 53R-20136 Part(s) 3 and 4 & Plan 53R-20136 as in SD201636 Part(s) 4, Lot(s) Part Block O, Subdivision 5-S-A, Lot 4, Concession 3, Township of McKim, 491 John Street, Sudbury

SUMMARY

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

Application: Approval to permit a retaining wall on the subject property providing an interior side yard setback, a setback from the high water mark and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, December 14, 2023

The variances being sought would facilitate the retaining walls on an existing residential parcel. The lands are designated Living Area 1 in the City's Official Plan and are zoned "R2-2", Low Density Residential Two per the City's Zoning By-law 2010-100Z. The variances are analyzed below.
Minor Variances – (1) a minimum interior side yard setback of 0.2m for a retaining wall, where an accessory structure 2.5m and less in height shall be no closer than 0.6m from the side lot line; (2) a 14.3m setback from the high water mark of a lake or river for a retaining wall, where no person shall erect any residential building or structure closer than 30.0m to the high water mark of a lake or a river; and, (3) 14.3m setback from the high water mark of a lake or a river for a retaining wall, 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

Intent of the Official Plan – The Official Plan permits residential development of all type and tenure in Living Area 1 areas. Associated accessory structures that support and/or enhance the parcel are also permitted, subject to the zoning by-law. The Official Plan also includes policies relating to shoreline development and where encroachment into the minimum setbacks are permitted. Per the comments from Strategic and Environmental Planning, staff is of the opinion that the intent of the Official Plan is maintained.

Intent of Zoning By-law 2010-100Z – The intent of Zoning By-law 2010-100Z is to permit accessory structures that are accessory to, and not the dominant built form and/or use on the subject lands. The intent of the standards associated with shoreline development are to protect the lake and its habitat, while allowing the continued enjoyment of the many lakes and rivers in the City's limits. Per the comments from Strategic and Environmental Planning, staff is of the opinion that the intent of the Zoning By-law is maintained.

Is the variance minor? – The proposed variances would permit the continued enjoyment of an existing legal lot of record while minimizing the impact to the lake. The vestibule and carport are not closer to the shoreline than the existing dwelling. Staff is of the opinion that the variances are minor.

Is the variance desirable? – The proposed variances would permit the continued enjoyment of an existing legal lot of record while minimizing the impact to the lake. Staff is of the opinion that the variances are desirable for the continued enjoyment of the subject parcel.

Staff is of the opinion that the proposed minor variances pass the four tests of minor variance. Staff recommends approval of A0131/2023.

Source Water Protection Plan, December 13, 2023

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

CGS: Building Services Section, December 13, 2023

Based on the information provided, we can advise that Building Services has no concerns with this application.

Owner to be informed of the following information:

1. Retaining walls 1m in height or greater, require a building permit, and an approved Professional Engineers design, licensed in the Province of Ontario would be required.

Retaining walls, of any height, which retain any soils and or backfill providing support for the structure shall be designed by a Professional Engineer, licensed in the Province of Ontario.

CGS: Infrastructure Capital Planning Services, December 12, 2023

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

The Nickel District Conservation Authority, December 12, 2023

Conservation Sudbury does not oppose Minor Variance A0131/2023. Part of the subject property is within a regulated area of the Conservation Authority, including floodplain. However, the proposed retaining wall is sufficiently far from these regulated areas.

Notes

Future development in a regulated area of the Conservation Authority 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. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

Greater Sudbury Hydro Inc., December 12, 2023

No conflict.

Ministry of Transportation, December 11, 2023

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

CGS: Site Plan Control, December 08, 2023

No objection.

CGS: Strategic and Environmental Planning, December 08, 2023

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, December 06, 2023

No objection.

The Agent of Applicants, Ken Kaltiainen, appeared before the Committee and provided a summary of the Application. The Agent advised that the lot had been created through significant blasting. Due to the slope of the property towards the lake, the Applicants required the retaining walls to be able to make full use of the lot for outdoor living space. The driveway width was also reduced to be able to protect the existing trees on the property.

The Secretary-Treasurer advised that an email of support was received from Brian Gates and Sue Gates, owners of 501 John Street, Sudbury. The email of support was provided to the Applicant, Agent and the Committee of Adjustment members prior to the meeting.

Committee had no comments or questions in relation to this application.

The following decision was reached:

DECISION:

THAT the application by:

FRED MENS AND ANNE ARCHER

the owner(s) of PIN 73583 0633, Surveys Plan 53R-20136 Part(s) 3 and 4 & Plan 53R-20136 as in SD201636 Part(s) 4, Lot(s) Part Block O, Subdivision 5-S-A, Lot 4, Concession 3, Township of McKim, 491 John Street, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 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, to permit the retaining wall to provide firstly, a minimum interior side yard setback of 0.2m, where an accessory structure 2.5m and less in height shall be no closer than 0.6m from the side lot line, secondly, a 14.3m setback from the high water mark of a lake or river, where no person shall erect any residential building closer than 30.0m to the high water mark of a lake or a river, and thirdly, to be 14.3m setback from the high water mark of a lake or a river, where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3, be granted.

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