



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0144/2021

December 10, 2021

OWNER(S): AHMED SHAKIL ASFAQUE, 836 Prete St Sudbury ON P3E 3Y1

AGENT(S):

LOCATION: PIN 73590 0247, Parcel 31498, Survey Plan SR-222 Part(s) 14, Lot(s) 7, Subdivision M-668, Lot Pt 6, Concession 2, Township of McKim, 836 Prete Street, Sudbury

SUMMARY

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

Application: Approval to allow required parking in the sight triangle on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, December 02, 2021

The variance being sought would facilitate the addition of a secondary dwelling unit on the subject lands that are situated at the corner of Prete Street and Benny Street in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R3-1", Medium Density Residential under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff would first note that Section 4.2.10.5 – Secondary Dwelling Units and Front Yard Parking of the City's Zoning By-law would in this circumstance permit the required parking space for the proposed secondary dwelling unit to be situated within the required front yard to a maximum width of 6.3 m (20.67 ft). Staff notes in this regard that the submitted sketch depicts the existing driveway accessing the lands having a width of 3.35 m (10.99 ft) and the parking space for the secondary dwelling unit would be situated on said driveway and in front of the existing attached garage. With respect to the sight triangle variance, staff notes that both Prete Street and Benny Street are local roads and therefore require a sight triangle measuring 7.5 m (24.61 ft) by 7.5 m (24.61 ft). Staff notes that the parking space for the proposed secondary dwelling unit would only be partially situated within the sight triangle. Staff did attend the lands and are of the opinion that no negative impacts would result in terms of sightlines for vehicles and pedestrians should the variance be granted. Staff notes that the topography rises from York Street in a southerly direction along Prete Street and there appears to be good visibility to and from the lands in both directions. There is also a large and mature tree on the lands which would be situated closer to Prete Street than the proposed second parking space that would be partly within the required sight triangle. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, December 01, 2021

No concerns.

CGS: Infrastructure Capital Planning Services, December 01, 2021

Roads
No concerns.

Transportation & Innovation

SUBMISSION NO. A0144/2021 Continued.

We cannot support this application. Part of the driveway is within the sight triangle at the intersection of Benny Street and Prete Street. The City Zoning By-law 2010-100Z Section 4.35.2 (a)(b)(d) prohibits any parked vehicle, structure, or fence from being placed in the sight triangle. It is critical these sight triangles remain clear of obstructions for the safety of the intersection. A vehicle on the stop sign at the intersection, wouldn't be able to have a clear view of a NB vehicle approaching the intersection, which could lead to a collision.

Recommendation:

According to Section 5.4.3.1.i of the By-law 2010-100Z, you can have a maximum driveway width of 6.3m, and your current driveway width is about 3.5m.

A driveway widening on south driveway could give you the necessary parking needed and avoids sight triangles obstruction.

Transportation and Innovation services is willing to discuss further with homeowner.

Active Transportation

No concerns.

The Nickel District Conservation Authority, December 01, 2021

Conservation Sudbury does not oppose Minor Variance Application A0144/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other natural features subject to Ontario Regulation 156/06.

Notes

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

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

CGS: Site Plan Control, November 29, 2021

No objection.

Greater Sudbury Hydro Inc., November 26, 2021

No Conflict.

CGS: Development Engineering, November 25, 2021

No objection.

Ministry of Transportation, November 25, 2021

No concerns.

The applicant appeared before Committee and explained that he would like an additional parking spot which is after the site triangle on the corner of Prete Street and Benny Street, which leaves 7.52 metres of space adjacent to his garage. The applicant explained that he would like a secondary unit, which requires the additional parking spot. Harvey Prudhomme of 857 Prete Street addressed Committee and explained that he doesn't understand where the parking spot is to be located. Committee Chair Chartrand asked staff to explain the application and requested confirmation that the description matches what was applied for. Staff explained that only one variance is required and that is what was published in the agenda. Staff explained that there is no requirement for the front yard variance as the City recently amended its residential parking standards and a parking spot that is associated with a secondary unit can be provided in tandem and to be partially located in the front yard. Staff further explained that when there is a secondary unit the second parking spot may be in the front yard and it may be in tandem to the main parking space. Staff explained that for this application, the main use parking spot is in the attached garage and with the recent update to the residential parking standards, the second parking spot can be in the front yard and in front of the garage and that is why there is no front yard variance for this application. Staff explained that when there is a second unit, as of right, the parking is permitted to be in the front yard and in tandem. Staff further explained that the variance is for a portion of the second parking spot to be in the site triangle. Committee Chair Chartrand asked staff if the dimensions of the parking spot located closest to the garage would be outside of the site triangle. Staff indicated where the property line was on the applicant's sketch and where the site triangle dimensions would be calculated from which means the parking space is only partly within the site triangle. Harvey Prudhomme confirmed his understanding of what is being proposed and has no issues. The applicant explained that there were always cars parked on the driveway and due to the steep hill, there has not been any issue with site lines on either Prete Street or Benny Street.

The following decision was reached:

DECISION:

THAT the application by:

AHMED SHAKIL ASFAQUE

the owner(s) of PIN 73590 0247, Parcel 31498, Survey Plan SR-222 Part(s) 14, Lot(s) 7, Subdivision M-668, Lot Pt 6, Concession 2, Township of McKim, 836 Prete Street, Sudbury

for relief from Part 5, Section 5.2, subsection 5.2.4.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, in order to facilitate the approval of a secondary unit providing the required parking to be located within the sight triangle, where no part of any parking area shall be located within a sight triangle in accordance with Section 4.35 of the By-law, be granted.

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

Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0145/2021

December 10, 2021

OWNER(S): KARIM OMRI, 934 Roderick Ave Sudbury ON P3E 6J5
MICHELLE FRAPPIER-CHARBONNEAU, 934 Roderick Ave Sudbury ON P3E 6J5

AGENT(S):

LOCATION: PIN 73582 0207, Parcel 47850, Lot(s) 72 and 97, Subdivision M-124, Lot Pt 3, Concession 3, Township of McKim, 934 Roderick Avenue, Sudbury

SUMMARY

Zoning: The property is zoned R1-3 Low Density Residential One according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct an addition on the subject property providing interior side yard setbacks and eaves and variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, December 02, 2021

The variances being sought would facilitate the construction of an addition to an existing residential dwelling having frontage on Roderick Avenue in Sudbury. The lands also have water frontage on Ramsey Lake. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-3", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lots zoned "R1-3" along this portion of Roderick Avenue maintain lot frontages that are undersized (ie. less than 30 m) and therefore legal non-complying in nature while at the same time maintaining lot depths which exceed minimum requirements (ie. more than 30 m). Staff further notes that the lots on the north side of Roderick Avenue also have rear yards that slope downward to Ramsey Lake. Staff did attend the lands and are of the opinion that no negative land use planning impacts would be generated should the variances be granted. Staff also has no concerns with the eaves variance provided that the written decision reflects the resulting setback between the extent of the encroaching eaves and the interior side lot lines. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, December 01, 2021

Based on the information provided, the applicant has requested a relief for the eaves on the east and west elevation to encroach 1.68m into the required interior side yard setbacks, where eaves may encroach 0.6m into the interior side yard setback but not closer than 0.6m to the lot line.

Building Services has no concerns with the applicants requested relief.

Source Water Protection Plan, December 01, 2021

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.

SUBMISSION NO. A0145/2021 Continued.

CGS: Infrastructure Capital Planning Services, December 01, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, December 01, 2021

Conservation Sudbury does not oppose Minor Variance Application A0145/2021 as the proposed addition appears to be outside of the regulated area (measured 15 metres horizontally from the flood elevation of 251.10 metres above sea level).

Notes

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

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

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

CGS: Site Plan Control, November 29, 2021

No objection.

CGS: Environmental Planning Initiatives, November 25, 2021

This correspondence is 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. Public Health Sudbury & Districts have confirmed the presence of cyanobacterial blooms in Ramsey Lake in 2008 and 2010 to 2020, inclusive.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments and holding soil in place. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the lot. Imported soil can introduce considerable quantities of phosphorus.

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

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

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

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

All future planning-related applications relating to this property will be reviewed in light of applicable official plan policies, by-laws and guidelines in place at the time of receipt of the applications.

CGS: Development Engineering, November 25, 2021

No objection.

Ministry of Transportation, November 25, 2021

No concerns.

The applicant appeared before Committee and explained that as shown on the site plan there is an existing retaining wall that was used in 1989 to retain the home and speaking to the original home builder, they had put that in place as part of the design criteria for the home as it was required by a geotechnical engineer at the time. The applicant explained that they are proposing to build on that existing wall to both minimize access and disturbance to the neighbours as well as environmental impact by not having to put additional concrete to create that addition. He explained that they are trying to use what is there to not damage the environment as well as neighbour's accessibility. The applicant explained that they have a structural engineer's report approving the wall to be used for the addition to minimize environmental impact and neighbour disturbance. The applicant further explained that the existing wall is 2.7 feet on one side and 2.4 feet on the other, it is not the 4 feet that is required, but to avoid removing concrete and disturbing the neighbours, they would prefer to use the existing wall to create the addition despite requiring a minor variance as it would be best for the environment and neighbour accessibility. The applicant explained that as the foundation is already existing there would be no damage or change to the neighbours property, and also, there would be no issue with line of sight as there is already an existing deck. Nicola Macey and Kevin Macey of 920 Roderick Avenue addressed Committee in opposition of the application due to concerns regarding the overall work and variance being applied for. Kevin Macey explained that the retaining wall is more of a concrete pad and patio with railings, and he doesn't see how the scope of the work wouldn't impact the neighbours due to the proximity of the structure to the lot line. He explained that there is very little working space to frame the building permit and complete the work and the eaves, soffit and fascia without encroaching onto the neighbour's properties. He also explained that this addition would affect their line of sight of the lake, sunlight, and wind. He further explained that the scope of the work, being large, that there would be extensive number of contractors for a prolonged period of time on this project. Ben Campbell, son of Alex Campbell of 531 Kirkwood, addressed Committee in opposition of this application due to the construction that would occur as well as the view being blocked. The applicant explained that the deck on 920 Roderick is setback near his garage and feels that site lines would not be impacted. The applicant also explained that the site lines for 531 Kirkwood would not change as there is currently a deck where the addition is proposed. The applicant explained that the addition would be permitted if they were 4 feet from the lot line and they are trying to save the environment and contractor exposure by applying for this variance which benefits everyone. Committee Chair Chartrand asked staff if there was a certain area over the lot line that could be crossed for work to be done. Staff advised that when a building permit is pulled there are policies around working in close proximity to lot lines, Building Services would be best suited to answer that question, but there are some affordances to accommodate this type of construction and if there were challenges, all work should be completed on the owners side of the lot line. Committee Chair Chartrand asked staff if Development Approvals or Building Services have concerns with the concept submitted by the applicant. Staff advised that the application was circulated to Building Services and comments did not reflect any concerns around how this might be constructed or the work area and how that work may be completed. Staff further explained that it is typical in Sudbury to have narrow lake lots that are deep with slopping typography and if there were concerns around how this might be constructed or how the work might be completed Building Services would have commented. Staff further advised that a building permit is required and any issues around the work and how it might be completed would be dealt with through the building permit process, not the minor variance process. Committee Member Castanza commented that views from a property are the views from within the side lot lines looking out, not looking into the neighbour's yard, she explained that it is looking straight down. Committee Chair Chartrand expressed support for staff's recommendation and explained that while he does understand the concerns of the neighbours, he doesn't feel that the site lines would be impacted. He further expressed that if the variances were not requested, the applicant would be free to construct the addition within the required setbacks and the structure would still be there and there would most likely be more construction and it seems like they are trying to work with what is existing without doing more damage than is necessary.

The following decision was reached:

DECISION:

THAT the application by:

KARIM OMRI AND MICHELLE FRAPPIER-CHARBONNEAU
the owner(s) of PIN 73582 0207, Parcel 47850, Lot(s) 72 and 97, Subdivision M-124, Lot Pt 3, Concession 3, Township of McKim, 934 Roderick Avenue, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 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, in order to facilitate the construction of an addition providing, firstly, eaves on the east and west elevations to have a setback of 0.12m from the interior side yard setbacks, where eaves may encroach 0.6m into the interior side yard setback but not closer than 0.6m to the lot line, and secondly, minimum interior side yard setbacks on the east and west side of 0.73m, where 1.8m is required, be granted.

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

Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0146/2021

December 10, 2021

OWNER(S): BLAKE DIDONE, 29 Topaz Court Sudbury ON P3E 0G3

AGENT(S):

LOCATION: PIN 73588 1093, Lot(s) 18, Subdivision 53M-1405, Lot Pt 8, Concession 2, Township of McKim, 29 Topaz Court, 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 permit the north and south portions of the retaining wall on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, December 02, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, December 02, 2021

The variance being sought would facilitate construction of a retaining wall in the rear yard of the subject lands that have frontage on Topaz Court in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff did attend the lands and noted that a number of the lots along Topaz Court have a steep and downward sloping topography that is well vegetated with mature trees toward Gold Street. Staff is of the opinion that some degree of relief from the minimum setback requirement for retaining walls greater than 2.5 m (8.20 ft) is warranted in order to ensure there is a functional rear yard capable of supporting an in-ground swimming pool. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, December 01, 2021

Conservation Sudbury does not oppose Minor Variance Application A0146/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other natural features subject to Ontario Regulation 156/06.

Notes
Please be advised that Conservation Sudbury regulates the hazards associated with natural features

SUBMISSION NO. A0146/2021 Continued.

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

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

CGS: Building Services Section, December 01, 2021

No concerns.

CGS: Site Plan Control, November 29, 2021

No objection.

CGS: Development Engineering, November 25, 2021

No objection.

Ministry of Transportation, November 25, 2021

No concerns.

The applicant and their Landscape Designer, Shawn Gingrich, appeared before Committee and the applicant explained that he built a home in the subdivision and as part of the build he was looking to put a pool in his backyard. He explained that when he started looking into engineering and geotechnical it became obvious that the site would need an engineered wall to support the pool and the accompanying pool house cabana. He explained that they made an application because of where the pool needs to sit based on the site typography and the pool company, the contractor, the landscape architect, and the engineer all agreed that it was the best and safest place for the pool. He further explained that they have to build a fairly substantial retaining wall around the pool to protect his and the neighbour's property to make sure that it is safe and it complies to by-law and the minor variance is a result of the placement of the pool and different areas around the pool where certain setbacks and distances don't meet requirements. Shawn Gingrich addressed Committee and explained that the application for this variance is for the north and south wall as the wall height exceeds the 1.2 metres which requires a setback of 1.2 metres. He explained that the wall along the north side at it's lowest point is at grade and increases to approximately 1.4 metres in height. Shawn explained that the site is on an extreme slope with bedrock and this project is to create some function for the rear yard and ultimately, they are requesting the walls to be 0.9 metres closer than the by-law permits. Shawn explained that the pool location is based on the rock as well as the optimal location for sun, patio space, cabana and of course privacy for the pool location, the pool user as well as privacy for the neighbours. He explained that they have integrated green space, trees, plantings and gardens for the site as well as for the neighbouring properties, their decks and visual site lines. Joanne Guizzo of 30 Topaz Court addressed Committee in opposition of the application and her concerns relate to safety and liability as erecting, maintaining, and repairing the structure would require access to her property given the reduction in distance and the concern that someone might be injured or damage her property during these processes. She also expressed concern over an individual climbing on the structure and falling into her property harming themselves. Her second concern was for unknown impacts of the proximal structure on her property, concerns for water flow accumulation and drainage impacts. Her third concern was the potential of the wall having problems and degrade onto her property. Her fourth concern was esthetic impact on her property and her fifth is blocking and preventing access to her backyard, especially emergency access given the narrowing of the distance between the two homes and blocking access for future improvements in her yard and potential reduction in value. The Secretary-Treasurer advise Committee that the City received two emails of concern, the first from Tina Bruno of 158 Gold Street who after speaking with staff no longer has any concerns, and the second from Cameron Beare of 128 Gold Street who has concerns with the excess runoff from the escarpment between Topaz Court and Gold Street and both emails were forwarded to Committee for their consideration. The applicant explained that he has hired and retained qualified professionals, had a geotechnical study done and stamped drawings. He explained that they are constructing an engineered wall and he hopes that as well as the comments received from the City that this will put the neighbour's mind at ease that this will be done properly and professionally. Shawn Gingrich explained that what is being proposed is an improvement to the site due to the levelling and creation of plateaus and adding some green space to slow the water down. He also explained that the front of the house is directing that water towards the road and they are following the lot grading plan, tying into the subdivision lot grading plan and the main concern here is the proximity of the wall. Committee Chair Chartrand asked staff if any concerns were identified regarding drainage or water flow. Staff advised Committee that the application was circulated to appropriate departments and no concerns were expressed around drainage or lot grading. Staff explained that the agent did mention that the design is tying in to the subdivision lot grading and drainage plan as well as being vetted through a normal building permit process, but through the circulation of the minor variance application, there were no concerns identified. Committee Chair Chartrand asked Shawn Gingrich what and where the highest point of the retaining wall would be. Shawn Gingrich explained that the highest point would be the south corner retaining wall and it would be 4.0m in height, centre to the wall would be approximate 2.6m, then moving around the wall it would be 2.6m in height then to 3.9m. Committee Chair Chartrand, referring to the sketch, asked Shawn Gingrich what the height would be on the lot line to the right. Shawn Gingrich explained that the grade comes up dramatically so it would be 1.4m in height at the corner and it comes up to grade as you come up the slope so as it ties into the house it meets finished grade. Committee Chair Chartrand asked if it would be similar on the opposite side of the house and Shawn advised that there is more of a slope on that side of the house. Committee Chair Chartrand asked Shawn Gingrich to confirm that on the north side the maximum height would be 1.4m and Shawn confirmed that was correct. Committee Chair Chartrand asked staff to confirm that because the retaining wall on the north side starts at grade and eventually goes beyond that 2.5m height the whole retaining wall needs a variance. Staff advised that the variance is only required along the lot lines where it relates to the height of the retaining wall along that portion. Committee Chair Chartrand asked staff to confirm that the retaining wall which is less than 2.5m in height would still have to be 1.2m from the lot line because the wall does increase in height and staff advised that anything more than a metre in height along the lot line would require a variance. Staff advised that the entire retaining wall does not require a minor variance, the reason the City has the setbacks along the lot line is so that the larger structures do have setbacks from the side lot lines and staff has no concerns with most of the retaining wall as it does comply, there are only two locations where it doesn't.

SUBMISSION NO. A0146/2021 Continued.

The following decision was reached:

DECISION:

THAT the application by:

BLAKE DIDONE
the owner(s) of PIN 73588 1093, Lot(s) 18, Subdivision 53M-1405, Lot Pt 8, Concession 2, Township of McKim, 29 Topaz Court, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the north portion and the south portion of the retaining wall to provide a minimum interior side yard setback of 0.3m, where an accessory structure greater than 2.5m in height shall be no closer than 1.2m from the side lot line, be granted.

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

Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0147/2021

December 10, 2021

OWNER(S): TASHIA MANNINEN, 100 Westview Crescent Lively ON P3Y 1B6
DYLAN LEHMAN, 100 Westview Crescent Lively ON P3Y 1B6

AGENT(S): ELDON GAINER, 39 Mary Ave Box 320 Naughton ON P0M 2M0

LOCATION: PIN 73375 0119, Parcel 15770, Lot(s) 28, Subdivision M-431, Lot Pt 6, Concession 4, Township of Waters, 100 Westview Crescent, Lively

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 garage on the subject property providing accessory lot coverage and height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, December 02, 2021

The variances being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Westview Crescent in Lively. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. With respect to the requested maximum accessory building height variance, staff would note that the proposed detached garage would be setback approximately 39 m (127.95 ft) from Westview Crescent and would be partially screened by the existing residential dwelling. Staff is satisfied then that the additional building height of 0.8 m (2.62 ft) would not have any negative land use planning impacts on abutting residential properties or on the existing residential character that exists along Westview Crescent. Staff also has no concerns with respect to the increased maximum lot coverage for accessory buildings and structures variance provided that the three existing accessory buildings are removed from the lands. It should also be noted that the proposed detached garage otherwise would appear to comply with all applicable general provisions (eg. yard setbacks) and those specific development standards applicable in the "R1-5" Zone. Staff would however caution the owner that the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained subject to the following condition:

1. That the owner removes the three existing accessory buildings and structures in the rear yard to the satisfaction of the Chief Building Official and the Director of Planning Services within 270 days of the variance decision.

CGS: Building Services Section, December 01, 2021

No concerns.

CGS: Infrastructure Capital Planning Services, December 01, 2021

Roads

SUBMISSION NO. A0147/2021 Continued.

No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, December 01, 2021

Conservation Sudbury does not oppose Minor Variance Application A0147/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other natural features subject to Ontario Regulation 156/06.

Notes

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

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

CGS: Site Plan Control, November 29, 2021

No objection.

CGS: Development Engineering, November 25, 2021

No objection.

Ministry of Transportation, November 25, 2021

No concerns.

The agent, Eldon Gainer, appeared before Committee and explained that the applicants are preposing to build a detached garage larger than what is permitted for storage purposes. The agent explained that it is in keeping with the neighbourhood and is proposed to be in what he calls a wooded area, and he doesn't feel that it will be an eyesore. The agent explained that it will be higher by about 2 feet and the lot coverage is proposed to be 14%, but the owner has agreed in writing to remove the 3 additional accessory structures once the garage is built.

The following decision was reached:

DECISION:

THAT the application by:

TASHIA MANNINEN AND DYLAN LEHMAN

the owner(s) of PIN 73375 0119, Parcel 15770, Lot(s) 28, Subdivision M-431, Lot Pt 6, Concession 4, Township of Waters, 100 Westview Crescent, Lively

for relief from Part 4, Section 4.2, subsections 4.2.3 and 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an accessory building, being a detached garage, providing an accessory lot coverage of 14%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and also, providing a maximum height of 5.8m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted, subject to the following condition:

1. That the owner removes the three existing accessory buildings and structures in the rear yard to the satisfaction of the Chief Building Official and the Director of Planning Services within 270 days of the variance decision.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0148/2021

December 10, 2021

OWNER(S): JASON LEE, 1587 HWY 69 N Val Caron P3N 1M2

AGENT(S):

LOCATION: PIN 73498 0441, Parcel 17706, Lot(s) 62, Subdivision M-296, Lot Pt 5, Concession 3, Township of Blezard, 1587 Highway 69 North, Val Caron

SUMMARY

Zoning: The property is zoned R1-2 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit an eaves encroachment and reduced interior side yard setback for an existing 2-storey single detached dwelling resulting from a lot addition at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, December 02, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, December 02, 2021

Conservation Sudbury does not oppose Minor Variance Application A0148/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other natural features subject to Ontario Regulation 156/06.

Notes

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

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

CGS: Development Approvals Section, December 02, 2021

The variances being sought would act to recognize the location of an existing residential dwelling with

eaves following the completion of a lot consolidation that is intended to resolve an encroachment that presently exists onto abutting lands. The subject lands have frontage on Municipal Road #80 in Val Caron and are designated Living Area 2 in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. There is a concurrent application for consent (File # B0112/2021) that was supported by staff provided that a minor variance recognizing the proposed setbacks associated with the residential dwelling and eaves is obtained. Staff would note then for the benefit of the Committee that a decision on the related consent application by the City's Consent Official is tentatively scheduled for December 6, 2021. Staff has reviewed the resulting lot fabric and has no land use planning concerns with the lot boundary re-alignment that would resolve an encroachment. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, December 01, 2021

No Concerns.

CGS: Site Plan Control, November 29, 2021

No objection.

CGS: Development Engineering, November 25, 2021

Eaves Encroachment Condition:

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be *0 m (0 ft) from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

Ministry of Transportation, November 25, 2021

No concerns

The applicant did not initially appear before Committee and Committee unanimously agreed to move this item to the end of the agenda to provide the applicant an opportunity to login into the meeting. The applicant was able to appear before Committee and explained that there was an agreement between the abutting landowners and the previous owners of his home that expired, and the abutting landowners do not want to renew the agreement and instead want to remove the encroachment. The applicant explained that to remove the encroachment the abutting landowners are selling him the land where the encroachment exists, and this application is to rectify the encroachment of the eaves and side lot line setback.

The following decision was reached:

DECISION:

THAT the application by:

JASON LEE

the owner(s) of PIN 73498 0441, Parcel 17706, Lot(s) 62, Subdivision M-296, Lot Pt 5, Concession 3, Township of Blezard, 1587 Highway 69 North, Val Caron

for relief from Part 4, Section 4.2, Table 4.1 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 approve the resulting lot following a lot addition, which is subject of Consent Application B0112/2021, with an existing 2-storey single detached dwelling to provide, firstly, eaves with no setback from the interior side lot line, where eaves may encroach 0.6m into the interior side yard setback but not closer than 0.6m to the lot line, and secondly, a minimum interior side yard setback of 0.48m, where 1.8m is required, be granted.

SUBMISSION NO. A0148/2021 Continued.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0139/2021

December 10, 2021

OWNER(S): JENNIFER CECCARELLI, 317 Third Ave Sudbury ON P3B 4C5
DARREN CECCARELLI, 317 Third Ave Sudbury ON P3B 4C5

AGENT(S):

LOCATION: PIN 73374 0069, Parcel 24833A, Lot(s) 26, Subdivision M-297, Lot Pt 2, Concession 1, Township of Waters, 1032 Moxam Landing Road, Lively

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 permit an existing attached accessory structure on the subject property providing a setback from the high watermark of a navigable waterbody at variance to the By-law.

Comments concerning this application were submitted as follows:

The Nickel District Conservation Authority, December 02, 2021

REVISED

Conservation Sudbury is requesting the following condition of approval:

1. That the proponent obtain a permit pursuant to Section 28 of the Conservation Authorities Act within one year of the date of conditional approval.

So the proponent is aware, Conservation Sudbury regulates to the regulatory flood hazard elevation of 227.1 metres (CGVD28 datum) on Long Lake, plus an additional 15 metres horizontally inland.

Notes

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

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

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

SUBMISSION NO. A0139/2021 Continued.

CGS: Development Approvals Section, December 02, 2021

REVISED

The variance being sought would recognize an existing gazebo that is attached to an existing single-detached dwelling situated on the subject lands that have frontage on Moxam Landing Road in Lively. The lands also have water frontage on Long Lake. Staff would note in particular that the existing gazebo is approximately in the same location as a former accessory structure that has been demolished. Staff would note in this regard then that the variance being sought would minimize the amount of further disturbance that is required within the shoreline buffer area. It is also noted that a number of residential dwellings and accessory buildings and structures appear to maintain legal non-complying setbacks to the high-water mark of Long Lake along this portion of Moxam Landing Road. It is on this basis that staff has no concerns with respect to the proposed setback to the gazebo of 9.99 m (32.78 ft) whereas 12 m (39.37 ft) is required to the high-water mark of Long Lake. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, December 01, 2021

REVISED

No concerns.

CGS: Infrastructure Capital Planning Services, December 01, 2021

REVISED

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

CGS: Site Plan Control, November 29, 2021

REVISED

No objection.

CGS: Environmental Planning Initiatives, November 25, 2021

This correspondence is 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. Public Health Sudbury & Districts have confirmed the presence of cyanobacterial blooms in Long Lake in 2008, 2011, 2012, 2013, 2014, 2016, 2019, and 2021.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments and holding soil in place. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from

outside of the lot. Imported soil can introduce considerable quantities of phosphorus.

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

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

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

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

All future planning-related applications relating to this property will be reviewed in light of applicable official plan policies, by-laws and guidelines in place at the time of receipt of the applications.

Ministry of Transportation, November 25, 2021

Revised

No concerns.

Ministry of Transportation, November 23, 2021

No Objection

CGS: Building Services Section, November 18, 2021

Based on the information provided, Building Services is requesting a deferral on the grounds that the requested 11.15m does not match our records in which the distances from the purposed additional attached room is 9.99m from the high water mark.

CGS: Infrastructure Capital Planning Services, November 18, 2021

Roads

SUBMISSION NO. A0139/2021 Continued.

No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, November 18, 2021

Staff understands this application has been deferred at the request of the owner in order to amend their application to properly reflect the setback that is being sought to the high-water mark of Long Lake. Staff will provide full comment on the amended application once it has been recirculated to agencies and departments for comment and placed back on a future agenda.

Greater Sudbury Hydro Inc., November 16, 2021

No concerns.

CGS: Site Plan Control, November 16, 2021

No objection.

CGS: Development Engineering, November 12, 2021

No objection.

The applicant appeared before Committee and explained that he and his wife bought the cottage a few years ago and built the attached gazebo. He explained that when they built the gazebo, they had to add a wall on one side to block the wind. He then explained that Building Services advised them that the gazebo is no longer considered a gazebo due to the wall and a minor variance would be required because they are too close to the shoreline. He advised Committee that he provided letters of no objection from surrounding neighbours and that the gazebo is on Heli-Piles about 8 feet off the ground, so the actual structure is not that close to the shoreline, only the under part is. Richard Whitham on behalf of the Long Lake Stewardship Committee, addressed Committee with concerns about the proposal as it has been constructed without a building permit. He expressed concerns that this is a common occurrence on the lake to circumvent by-laws where people have gone ahead and built structures that don't conform to existing by-laws, then after the fact request a minor variance to get them approved. He explained that the second concern is that the City will shortly be moving to a 30.0m setback on February 1, 2022 and the reason for this is that the current setback is insufficient to protect the water quality of the lake and that's the reason why the City will be moving to a 30.0m setback for new construction and the Stewardship is concerned that people may be requesting a number of minor variance to circumvent that particular by-law even though it is to mitigate the harm caused to the lake. The Secretary-Treasurer advised Committee that the City received an email request from Robert and Sandra Hickman of 1030 Moxam Landing Road but only to request meeting information. The Secretary-Treasurer also advised that a number of no objection letters were received from the following area residents: Richard Makela of 1036 Moxam Landing Road, Chessa Clouthier of 1024 Moxam Landing Road, Paul and Tania Shanks of 1034 Moxam Landing Road, Angela and Nick Adams of 1020 Moxam Landing Road and Sandra Kuula and Noel Mejia of 1038 Moxam Landing Road. The applicant advised Committee that they are not trying to circumvent getting a permit, the structures that were existing when they purchased the cottage were unsafe and it was his misunderstanding that if you replaced an existing structure you did not need a permit. He explained that a portion of the deck which was towards the water and painted was replaced with Heli-Piles and now there is less environmental impact on the water. Committee Member Laing asked staff, referring to Conservation Authority's comments, for clarity on the Section 28 permit application as well as the requirement for building permit. Staff advised that it is their understanding that a building permit would be required for the gazebo and the Conservation Authority has provided comments that there is regulation area on the property and pursuant to their comments a Section 28 permit approval would be required and that would be taken care of through the regular building permit process. Committee Chair Chartrand asked staff to expand on the new setbacks that are coming into effect. Staff advised Committee that the changes being referred to are coming into effect on February 1, 2022, and the changes are to the shoreline setback requiring that non-shoreline structures to maintain a 30.0m setback from the high water mark of the lake or river. Staff advised that the current by-law does allow these structures to be closer but as of February 1, that setback will be increasing to 30.0m.

The following decision was reached:

DECISION:

THAT the application by:

JENNIFER CECCARELLI AND DARREN CECCARELLI

the owner(s) of PIN 73374 0069, Parcel 24833A, Lot(s) 26, Subdivision M-297, Lot Pt 2, Concession 1, Township of Waters, 1032 Moxam Landing Road, Lively

for relief from Part 4, Section 4.41, subsection 4.41.2 of By-law 2010-100Z, being the Zoning Bylaw for the City of Greater Sudbury, as amended, to permit an existing attached accessory structure providing an 9.99m setback from the high water mark of a navigable waterbody, where no person shall erect any residential building or other accessory building or structure closer than 12.0m to the high water mark of a navigable waterbody, be granted.

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

Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

SUBMISSION NO. A0139/2021 Continued.

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