

SUBMISSION NO. A0092/2022

July 13, 2022

OWNER(S): DIANE HAMELINCK, PO box 592 Azilda ON P0M 1B0
RALPH HAMELINCK, PO box 592 Azilda ON P0M 1B0

AGENT(S):

LOCATION: PINs 73347 1246 & 73347 1245, Parcels 17305 & 17986 SEC SWS SRO, Lot Pt Broken 8, Concession 6,
Township of Snider, 2191 Fire Route P-1, Azilda

SUMMARY

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

Application: Approval to permit an inground pool on the subject property providing high water mark setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 08, 2022

No comments received.

The Nickel District Conservation Authority, July 07, 2022

Conservation Sudbury does not object to Minor Variance A0092/2022 as the in-ground pool is located outside of the floodplain. No fill from the construction of the pool can be placed within the floodplain.

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.

CGS: Building Services Section, July 06, 2022

No concerns.

CGS: Environmental Planning Initiatives, July 05, 2022

The Strategic and Environmental Planning Section is not opposed to this application based on the following reasons:

- The proposed pool will not be within the Shoreline Buffer Area and will not be closer to the lake than the existing residence.

Notwithstanding the above, the following measures are recommended to reduce negative environmental effects related to this application:

- Trees and shrubs cover a considerable portion of the Shoreline Buffer Area, which represents excellent shoreline stewardship. Great care should be taken to minimize removal and damage to existing trees and shrubs during the construction of the proposed pool.

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. Public Health Sudbury & Districts has not confirmed the presence of cyanobacterial blooms in Whitewater Lake.

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, July 04, 2022

The variance being sought would facilitate construction of an in-ground swimming pool within the shoreline setback of the subject lands that have water frontage on Whitewater Lake in Azilda. The lands are also accessed via a private road (ie. Fire Route P-1). Staff notes that the proposed in-ground swimming pool would be situated further back from the high water mark of Whitewater Lake than the existing residential dwelling. Staff also acknowledges that the existing detached garage to the north of the proposed location for the in-ground swimming pool does create a site constraint. There would appear to be little opportunity to move the in-ground swimming pool any further to the north away from Whitewater Lake. Staff also notes that the owner is not proposing to situate the in-ground swimming pool between the existing residential dwelling and the shoreline of Whitewater Lake.

Staff is therefore of the opinion that some degree of relief from the shoreline setback development standards is warranted in this particular instance. Staff is therefore in support of the placement of an in-ground swimming pool having a shoreline setback of approximately 25.17 m (82.58 ft) from the high water mark of Whitewater 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 is maintained.

CGS: Site Plan Control, June 30, 2022

No concerns.

CGS: Development Engineering, June 29, 2022

No objection.

The owner and his son appeared before the Committee and briefly explained the application. Committee Member Sawchuk noted that the proposed swimming pool is in very close proximity to the wall of the residential dwelling. Committee had no questions and proceeded to consider the resolution prepared by the Acting Secretary-Treasurer.

The following decision was reached:

DECISION:

THAT the application by:

DIANE HAMELINCK AND RALPH HAMELINCK
the owner(s) of PINs 73347 1246 & 73347 1245, Parcels 17305 & 17986 SEC SWS SRO, Lot Pt Broken 8, Concession 6, Township of Snider, 2191 Fire Route P-1, Azilda

for relief from Part 4, Section 4.41, subsection 4.41.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an inground pool providing a high water mark setback of 25.172m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, be granted.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0093/2022

July 13, 2022

OWNER(S): SHEILA DIMARIO, 330 Catherine Drive Garson ON P3L 1G7
LUCIANO DIMARIO, 330 Catherine Drive Garson ON P3L 1G7

AGENT(S): LUCIANO DIMARIO, 330 Catherine Drive Garson ON P3L 1G7

LOCATION: PIN 73495 0409, Parcel 42285 SEC SES, Lot(s) 103, Subdivision M-891, Lot Pt 5, Concession 3, Township of Garson, 330 Catherine Drive, Garson

SUMMARY

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

Application: Approval to permit the addition of a mudroom on the existing single detached dwelling on the subject property providing a front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 08, 2022

No comments received.

The Nickel District Conservation Authority, July 07, 2022

Conservation Sudbury does not object to Minor Variance A0093/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Building Services Section, July 06, 2022

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

However, Owner to be advised of the following:

1) Owner to be advised that the building permit application (B22-0995) should be updated accordingly to reflect the same plot plan and information as provided for this minor variance application.

CGS: Development Approvals Section, July 04, 2022

The variance being sought would facilitate construction of a mudroom addition to the existing single-detached dwelling having frontage on Catherine Drive in Garson. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff attended the lands and noted that the residential dwellings along Catherine Drive maintain a consistent building line in terms of front yard setbacks. Staff is however satisfied that the proposed mudroom addition is not excessive in nature and it would not negatively impact the urban residential character that exists along this portion of Catherine Drive. It is on this basis that staff has no concerns with the variance that would allow for the mudroom addition to maintain a front yard setback that is 1.05 m (3.44 ft) closer to the street line of Catherine Drive than what is required in the "R2-2" Zone. Staff also notes that the proposed mudroom addition would otherwise appear to comply with all other applicable development standards for an accessory building situated within the "R2-2" Zone. 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 is maintained.

CGS: Site Plan Control, June 30, 2022

No concerns.

CGS: Development Engineering, June 29, 2022

No objection.

The owners appeared before Committee and advised that they purchased the lands within the last year and they require a larger entrance area. Chair Chartrand confirmed with the owners that the numbers provided in their application were correct. Staff also noted that they had spoken with the owners prior to the public hearing and they advised the owners of those comments from Building Services relating to the need to update building permit drawings to match those provided in support of their minor variance application.

The following decision was reached:

DECISION:

THAT the application by:

SHEILA DIMARIO AND LUCIANO DIMARIO
the owner(s) of PIN 73495 0409, Parcel 42285 SEC SES, Lot(s) 103, Subdivision M-891, Lot Pt 5, Concession 3,
Township of Garson, 330 Catherine Drive, Garson

for relief from Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a mudroom addition on the existing single detached dwelling providing a minimum front yard setback of 4.95m, where 6.0m is required, be granted.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0094/2022

July 13, 2022

OWNER(S): DENISE COADE, 547 Ontario St Sudbury ON P3E 4K5

AGENT(S):

LOCATION: PIN 73586 1119, Lot(s) 472, Subdivision 20SB, Lot Pt 7, Concession 3, Township of McKim, 547 Ontario 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 the existing shed addition on the existing detached garage on the subject property providing eaves, accessory lot coverage, an interior side yard setback and rear yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 08, 2022

No comments received.

The Nickel District Conservation Authority, July 07, 2022

Conservation Sudbury does not object to Minor Variance A0094/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Building Services Section, July 06, 2022

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

1) With respect to the proposed relief requested for the interior side yard setback of 0.70 m, a review of a survey on record indicates a setback from the existing garage to the interior westerly side yard of 4.66 m. Given this, with the garage addition being 3.9 m in width, relief of 0.76 m is required rather than 0.70 m. We note this will also impact the relief requested for the encroachment of the eaves.

2) With respect to the garage addition built without benefit of a building permit, building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official. Given the proximity of the garage addition to the interior and rear lot lines (less than 1.2m / 4'), Owner/Applicant to be informed that non-combustible construction will be required for the respective walls of the structure in accordance with Section 9.10.15.5. of the Ontario Building Code.

CGS: Development Approvals Section, July 04, 2022

The variances being sought would recognize an existing "lean-to shed" addition to an existing detached garage in the rear yard of the subject lands that have frontage on Ontario Street in Sudbury. The rear portion of the lands including the accessory building itself are also accessible from a lane that is maintained by the municipality (ie. Un-Named Lane #36). Staff is satisfied in this particular urban residential context that the owner would be capable of maintaining the area between the detached garage with lean-to shed as well as the accessory building itself should the variances be approved. Staff also noted during a site visit that similar yard setbacks to other accessory buildings and structures exist in the area given the presence of rear yard lanes. Staff also would note that the lots in the general area along Ontario Street were first developed in the early 1900s and there would therefore appear to be a number of accessory buildings and structures setbacks that are legal non-complying in nature. Staff is satisfied that the variances being sought would not have any negatively impacts on abutting residential properties. Staff also does not anticipate any negative impacts on the existing older urban residential character that exists along Ontario Street and Un-Named Lane #36. Staff has no concerns with the eaves variance. 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 is maintained.

CGS: Site Plan Control, June 30, 2022

No concerns.

Greater Sudbury Hydro Inc., June 30, 2022

No conflict.

CGS: Development Engineering, June 29, 2022

No objection.

The owner appeared before Committee and briefly described the application. Committee Member Dumont noted that Building Services has indicated in their comments that there may be a discrepancy between a survey plan and the submitted sketch provided by the owner in support of their variance application. Staff noted that no further public notice would be triggered should the setback noted by Building Services be correct as it would result in a greater interior side yard setback for the "lean-to" accessory structure. Staff also noted that the resolution that has been prepared for Committee's consideration references the interior side yard setback provided by the owner.

The following decision was reached:

DECISION:

THAT the application by:

DENISE COADE

the owner(s) of PIN 73586 1119, Lot(s) 472, Subdivision 20SB, Lot Pt 7, Concession 3, Township of McKim, 547 Ontario Street, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.3 and Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing shed addition on the existing detached garage providing, firstly, an accessory lot coverage of 16.1%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and secondly, a rear yard setback of 0.91m and a west interior side yard setback of 0.70m, with eaves encroaching 0.305m into the proposed 0.70m west interior side yard setback, where accessory buildings and structures greater than 2.5m in height shall be no closer than 1.2m from the rear or side lot line and where eaves may encroach 0.6m into the required interior side yard but not closer than 0.6m to the 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.

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
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0095/2022

July 13, 2022

OWNER(S): CAROLINA BOHRER, 1140 Ramsey Lake Road Sudbury ON P3E 6J7
NORMAN DOUCET, 1140 Ramsey Lake Road Sudbury ON P3E 6J7

AGENT(S):

LOCATION: PIN 73592 0187, Parcel 33662 SEC SES, Survey Plan SR-1228 Part(s) 3, Lot Pts 2 and 3, Concession 2, Township of McKim, 1140 Ramsey Lake Road, 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 a detached garage on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

Source Water Protection Plan, July 08, 2022

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: Infrastructure Capital Planning Services, July 08, 2022

No comments received.

The Nickel District Conservation Authority, July 07, 2022

Conservation Sudbury does not object to Minor Variance A0095/2022. The subject property contains regulated area, however Conservation Sudbury has no objections to the location of the detached garage.

CGS: Building Services Section, July 06, 2022

No concerns.

CGS: Development Approvals Section, July 04, 2022

The variance being sought would facilitate construction of a detached garage on the subject lands that have frontage on Ramsey Lake Road 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 proposed detached garage would be situated on a "dog leg" lot and maintain an approximate setback of 44.7 m (146.75 ft) from the street line of Ramsey Lake Road. There are also a number of mature trees providing visual screening from Ramsey Lake Road. Staff also notes that the lands slope in a north-westerly direction toward Ramsey Lake. Staff therefore does not anticipate any negative land use planning impacts on abutting residential properties or any negative impacts on the existing urban residential character that exists along this portion of Ramsey Lake Road should the additional height be approved. Staff also notes that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building situated within the "R2-2" Zone.

Staff would caution the owner that the proposed detached garage portion may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also caution the owner that the proposed accessory building may only be used for the purposes of human habitation if legally permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. 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 is maintained.

CGS: Site Plan Control, June 30, 2022

No concerns.

Greater Sudbury Hydro Inc., June 30, 2022

All structures, equipment and personnel must maintain proper clearance from energized electrical conductors and apparatus as per the latest edition of the Ontario Electrical Safety Code.

CGS: Development Engineering, June 29, 2022

No objection.

The owners appeared before the Committee and briefly explained the application. Committee had no questions and proceeded to consider the resolution prepared by the Acting Secretary-Treasurer.

The following decision was reached:

DECISION:

THAT the application by:

CAROLINA BOHRER AND NORMAN DOUCET
the owner(s) of PIN 73592 0187, Parcel 33662 SEC SES, Survey Plan SR-1228 Part(s) 3, Lot Pts 2 and 3, Concession 2, Township of McKim, 1140 Ramsey Lake Road, Sudbury

for relief from Part 4, Section 4.2, subsection 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 a detached garage providing a maximum height of 7.88m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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