

SUBMISSION NO. A0056/2024

July 17, 2024

OWNER(S): LUCIANA SIMEONI, 1878 Fairbank East Road Whitefish ON P0M 3E0  
DENNIS SIMEONI, 1878 Fairbank East Road Whitefish ON P0M 3E0

AGENT(S):

LOCATION: PIN 73366 0008, Parcel 10787 SEC SWS, Lot Part Broken 11, Concession 1, Township of Fairbank, 1878 Fairbank East Road, Whitefish

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SUMMARY

Zoning: The property is zoned SLS (4) (Seasonal Limited Service) 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 maximum height at variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., July 15, 2024

REVISED  
No concerns, outside of our service territory.

CGS: Strategic and Environmental Planning, July 11, 2024

REVISED  
The following advice is provided for informational purposes only:

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

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

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

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

1. A natural vegetated buffer of at least 20 metres (the wider the better) from the high-water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. Cleared areas are allowed up to 276 square meters.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake or river through erosion. Finally, lawns are expensive and time-consuming to maintain.

3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake or river. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.
6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake or river as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

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

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

CGS: Development Approvals Section, July 11, 2024

#### REVISED

The purpose and effect of the application is to construct a 167 m<sup>2</sup> accessory building with a height of 8.5 m, whereas the maximum height permitted for accessory buildings is 5 m.

The subject lands contain a 69 m<sup>2</sup> single detached dwelling which has a height of 5.45 m, a sauna and a boathouse. The subject lands are serviced by a private septic system and lake water, and have an existing access from Fairbank East Road.

The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan, are zoned 'SLS (4)' Seasonal Limited Service within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).

Surrounding uses are seasonal residential and rural in nature.

Subsequent to the previous meeting, the applicant clarified the intended use of the building as being accessory in nature. Staff's previous comments in regard to the use of the proposed building have been addressed.

A seasonal dwelling is permitted within this zone category and is defined as "a single detached dwelling or mobile home dwelling erected and used as a secondary place of residence for seasonal vacations and recreational purposes and not as the principal residence of the owner or occupant thereof."

The applicant has advised that the 8.5 m height is being requested in order to construct a two-storey garage for storage purposes. Accessory is defined as "a use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot." Staff have concerns with the size and height of the garage exceeding that of the main use of the lands, being the seasonal dwelling, but are of the opinion that the intended use of the building will be accessory to the main residential use.

The subject lands are located in an area with natural vegetation, which would act as a buffer between the proposed building and Fairbank East Road. Staff have further reviewed accessory buildings in the area and are now satisfied that the proposal would maintain the character of surrounding land uses. Staff do not anticipate negative impacts to surrounding land uses as a result of the increased height. Staff are of the opinion that the variance is considered to be minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted subject to the following condition:

1. That the shipping container be removed from the subject lands within a six month time period to the satisfaction of the Director of Planning Services.

CGS: Infrastructure Capital Planning Services, July 10, 2024

REVISED

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, July 10, 2024

REVISED

Building Services has reviewed your revised application and sketches for the requested minor variance and can advise that we have the following comments:

We have no concerns with the requested variance as listed.

We acknowledge receipt of BP-NEW-2024-00885 for the construction of a detached garage. The garage is not to be used for any living accommodations as per the permitted uses within a SLS - Seasonal Limited-Service zone.

We were unable to find any records for the existing Boat House and Existing Sauna. A Building Permit to the satisfaction of the Chief Building Official will be required for these structures.

It is understood that the fabric storage building, and the Seacan Shipping Container are going to be removed. Please be advised that Storage and Shipping Containers are not permitted as per Section 4.34. of the Zoning By-law and must be removed.

Nickel District Conservation Authority, July 08, 2024

REVISED

Conservation Sudbury does not object to Minor Variance A0056/2024. Subject property does contain areas regulated by Conservation Sudbury. Future development in these areas requires permission of Conservation Sudbury.

Notes

Please note that any additional development or lot grading within areas regulated by the Conservation Authority, requires permission prior to development. '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.

CGS: Site Plan Control, July 04, 2024

REVISED  
No objection.

Ministry of Transportation, July 03, 2024

REVISED

The subject lands are not located within the MTO's permit control area; therefore, we have no comments to provide at this time.

CGS: Infrastructure Capital Planning Services, June 14, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, June 14, 2024

The purpose and effect of the application is to construct a 167 m<sup>2</sup> accessory building with a height of 8.5 m, whereas the maximum height permitted for accessory buildings is 5 m.

The subject lands contain a 69 m<sup>2</sup> single detached dwelling which has a height of 5.45 m, a sauna and a boathouse. The subject lands are serviced by a private septic system and lake water and have an existing access from Fairbank East Road.

The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan, are zoned 'SLS (4)' Seasonal Limited Service within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).

Surrounding uses are seasonal residential and rural in nature.

A seasonal dwelling is permitted within this zone category and is defined as a single detached dwelling or mobile home dwelling erected and used as a secondary place of residence for seasonal vacations and recreational purposes and not as the principal residence of the owner or occupant thereof.

The applicant has advised that the 8.5 m height is being requested in order to construct a two-storey garage for storage purposes. Accessory is defined as a use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot. Staff have concerns with the size and height of the garage exceeding that of the main use of the lands being the seasonal dwelling. Staff are not satisfied that the proposed building is accessory to the seasonal dwelling.

The second-storey shown on the concept appears to be intended for more than storage purposes, given the window and covered deck. Staff request clarification on the intended use of the second-storey in order to evaluate against the applicable zoning standards. Building Services has noted that the garage is not to be used for any living accommodations.

The subject lands are located in an area with natural vegetation, which would act as a buffer between the proposed building and Fairbank East Road. However, the proposed accessory building would not maintain character of surrounding seasonal dwelling lots, which consist of seasonal dwellings with accessory buildings that are subordinate in size in comparison to the main use.

Staff are not in a position to support the application as proposed and recommend that the application be deferred to allow the applicant an opportunity to address staff comments on the intended use of the second-storey and the scale of the building in comparison to the dwelling.

CGS: Strategic and Environmental Planning, June 14, 2024

The following advice is provided for informational purposes only:

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

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

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

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

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

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

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

Nickel District Conservation Authority, June 13, 2024

Conservation Sudbury does not object to Minor Variance A0056/2024. Subject property does contain areas regulated by Conservation Sudbury. Future development in these areas requires permission of Conservation Sudbury.

#### Notes

Please note that any additional development or lot grading within areas regulated by the Conservation Authority, requires permission prior to development. '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.

CGS: Building Services Section, June 12, 2024

Building Services has reviewed your application and sketches for the requested minor variance and can advise that we have the following comment:

We have no concerns with the requested variance as listed.

Applicant to be advised that a Building Permit will be required for the construction of the new garage to the satisfaction of the Chief Building Official. The garage is not to be used for any living accommodations as per the permitted uses within a SLS - Seasonal Limited-Service zone.

We were unable to find any records for the existing Boat House and Existing Sauna. A Building Permit will be required for these structures.

Greater Sudbury Hydro Inc., June 12, 2024

No concerns - The following application is outside of our territory.

CGS: Site Plan Control, June 06, 2024

No objection.

CGS: Development Engineering, June 06, 2024

No objection.

REVISED: No objection.

June 20, 2024

The applicant, Dennis Simeoni, appeared before Committee and provided a summary of the Application. He advised Committee that he had a copy of the building permit drawings if Committee would like to see them. He also explained that neighbours on either side have similar buildings, one of which a minor variance was obtained.

Committee Member Goswell asked Committee if the drawings referred to by the applicant would be provided to Committee if the application were deferred. Committee Chair Dumont provided to context to the applicant about the request.

Committee Member Sawchuk noted staff's comments about the size of the garage in comparison to the dwelling and asked the applicant if there was an option to build an attached garage or possibly build the garage the same size as the house. The applicant explained why the garage could not be attached due to the constraints on the lot and that it would not be worth building a garage the same size as the house due to the small size. Committee Member Sawchuk expressed support for the Application.

Committee Chair Dumont noted the height and explained staff's comments and requested the applicant to provide context on the use. The applicant explained that the deck would no longer be covered and that the plan was to put the gym equipment in it. Committee Chair Dumont expressed support for staff's recommendation. Committee Chair Dumont asked the applicant about the size of the heavy duty equipment and the applicant provided him with the weight and size.

July 17, 2024

The applicant, Dennis Simeoni, appeared before Committee and provided a summary of the Application.

Committee Chair Dumont asked the applicant if the timeframe proposed to remove the shipping containers was acceptable and the applicant confirmed that it was. Committee Chair Dumont expressed support for the Application.

The following decision was reached:

**DECISION:**

THAT the application by:

LUCIANA SIMEONI AND DENNIS SIMEONI

the owner(s) of PIN 73366 0008, Parcel 10787 SEC SWS, Lot Part Broken 11, Concession 1, Township of Fairbank, 1878 Fairbank East Road, Whitefish

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 8.5m, 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 shipping container be removed from the subject lands within 6 months of the date of decision, to the satisfaction of the Director of Planning Services.

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

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0058/2024

July 17, 2024

OWNER(S): 1558680 ONTARIO INC., 255 Larch Street Sudbury ON P3B 1M2

AGENT(S): MARISSA SARRAZIN, 233 Brady Street Suite 400 Sudbury ON P3B 4H5

LOCATION: PIN 73590 0299, Parcel 27690 SEC SES SRO, Lot Part 6, Concession 2, Township of McKim, 888 Crown Street, Sudbury

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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 existing dwelling on the subject property providing a north side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., July 15, 2024

No conflict.

CGS: Strategic and Environmental Planning, July 11, 2024

No concerns.

CGS: Development Approvals Section, July 11, 2024

The purpose and effect of the application is to recognize an existing single detached dwelling with an interior side yard setback of 0.53 m, whereas, 0.6 m was granted under Minor Variance Application A0170/1988.

The subject lands contain a single detached dwelling that is serviced by a municipal water and sanitary connection. Access to the lands is by way of an easement from Crown Street.

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

Surrounding uses are residential and open space in nature.

No changes are proposed to the subject lands at this time.

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

CGS: Infrastructure Capital Planning Services, July 10, 2024

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Building Services Section, July 10, 2024

Building Services has reviewed your application and sketches for the requested minor variance and can advise that we have no concerns.

Building Services acknowledges the existing conditions and advises the owner that due to the proximity to the property line, no additional openings are permitted as per Ontario Building Code and changes to the existing cladding may require additional fire protection.

Nickel District Conservation Authority, July 08, 2024

Conservation Sudbury does not object to Minor Variance A0058/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, July 04, 2024

No objection.

Ministry of Transportation, July 03, 2024

The subject lands are not located within the MTO's permit control area; therefore, we have no comments to provide at this time.

CGS: Development Engineering, July 03, 2024

No objection.

The agent, Marissa Sarrazin and Cole Bignucolo of Weaver Simmons, appeared before Committee and provided a summary of the Application.

The Committee had no questions or comments. Committee Chair Dumont expressed support for the Application.

The following decision was reached:

**DECISION:**

THAT the application by:  
1558680 ONTARIO INC.

the owner(s) of PIN 73590 0299, Parcel 27690 SEC SES SRO, Lot Part 6, Concession 2, Township of McKim, 888 Crown Street, Sudbury

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 permit the existing dwelling to provide a north side yard setback of 0.53m, where 0.6m was granted under Minor Variance Application A0170/1988, be granted.

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

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0060/2024

July 17, 2024

OWNER(S): ALISON FERA (MILLWARD), 535 Moonlight Beach Road Sudbury ON P3B 3W7  
TREVOR FERA, 535 Moonlight Beach Road Sudbury ON P3B 3W7

AGENT(S):

LOCATION: PIN 73559 0114, Parcel 44400, Surveys Plan 53R-7096 Part(s) 3, 4, 7, and 8 & Plan 53R-16903 Part(s) 1, Lot Part 9, Concession 2, Township of Neelon, 535 Moonlight Beach Road, Sudbury

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### SUMMARY

**Zoning:** The property is zoned R1-1(6) Low Density Residential One according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval to construct a garage on the subject property providing a maximum accessory lot coverage, height, eaves, setback and maximum lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., July 15, 2024

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: Strategic and Environmental Planning, July 11, 2024

The following advice is provided for informational purposes only:

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

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

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

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 Approvals Section, July 11, 2024

The purpose and effect of the application is to construct a 53 m<sup>2</sup> accessory building with the following variances:

1. A height of 7 m, whereas the maximum height permit for residential accessory buildings is 5 m;
2. A front yard setback of 3.4 m, whereas the minimum front yard setback is 6 m;
3. An eave encroachment of 0.61 m into the 3.4 m setback, whereas eaves may encroach 1.2 m into the require front yard no closer than 0.6 m;
4. An accessory building lot coverage of 13%, whereas the maximum permitted is 10%; and
5. A maximum lot coverage of 26%, whereas the maximum permitted is 25%.

The subject lands contain a 158 m<sup>2</sup> single detached dwelling which has a height of 6.5 m and a 100 m<sup>2</sup> accessory building with a height of 5 m. The subject lands are serviced by a municipal sanitary connection and lake water, and have an existing access from Moonlight Beach Road. The subject lands are designated 'Living Area II' within the City of Greater Sudbury Official Plan, are zoned 'R1-1(6)' Low Density Residential One Special within the City of Greater Sudbury Zoning By-law, are located within the Ramsey Lake intake protection zone of the source water protection plan, and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are residential and park in nature.

Accessory is defined as "a use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot." The applicant has advised that the 7 m height is being requested in order to construct a storage loft. Staff have some concern with the height of the garage exceeding that of the main use of the lands, being the single detached dwelling; however, we recognize that the size and use of the building will be subordinate to the single detached dwelling. Additionally, staff are of the opinion that the building would not be out of character with surrounding land uses.

Staff acknowledge that the accessory building is proposed to be located outside of the 30 m high water mark and, as such, a relief for front yard setback is required. The new accessory building will be setback further from the road than the existing accessory building. Staff have no concerns with pedestrian or vehicular sightline visibility as a result of the front yard deficiency. Staff have no concerns in regard to the requested accessory building lot coverage and total lot coverage.

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

CGS: Infrastructure Capital Planning Services, July 10, 2024

Roads

We have no concerns with this application. However, from the provided sketch, it is unclear how the garage would be accessed from the existing driveway. The City does not permit more than one driveway entrance for residential lots.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

Source Water Protection Plan, July 10, 2024

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

CGS: Building Services Section, July 10, 2024

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

Owner to be advised of the following:

A Building Permit to the satisfaction of the Chief Building Official will be required for the new proposed garage.

Both the existing garage and the proposed garage have been reviewed based on a use without permitted habitation. Should any portions be utilized as a Secondary Dwelling unit, a Change of Use Permit and Secondary Dwelling Registration to the satisfaction of the Chief Building Official will be required.

Nickel District Conservation Authority, July 08, 2024

Conservation Sudbury does not object to Minor Variance A0060/2024. Subject property does contain areas regulated by Conservation Sudbury, including floodplain. The proposed garage is located outside of regulated areas.

Future development in regulated areas requires permission of Conservation Sudbury.

Notes

Please note that any additional development or lot grading within areas regulated by the Conservation Authority, requires permission prior to development. '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.

CGS: Site Plan Control, July 04, 2024

No objection.

Ministry of Transportation, July 03, 2024

The subject lands are not located within the MTO's permit control area; therefore, we have no comments to provide at this time.

CGS: Development Engineering, July 03, 2024

No objection.

The applicant, Trevor Fera, appeared before the Committee and provided a summary of the Application. Committee Member Sawchuk asked staff to clarify the comments regarding the number of driveways and staff clarified the comments. He asked staff about the number of existing driveways and staff advised that there was existing access. Committee Chair Dumont requested the applicant to provide context for the driveway and the applicant explained how the garage would be accessed. Committee Chair Dumont cautioned the applicant that only one driveway entrance was permitted. Committee Chair Dumont expressed support for the Application.

The following decision was reached:

**DECISION:**

THAT the application by:

ALISON FERA (MILLWARD) AND TREVOR FERA

the owner(s) of PIN 73559 0114, Parcel 44400, Surveys Plan 53R-7096 Part(s) 3, 4, 7, and 8 & Plan 53R-16903 Part(s) 1, Lot Part 9, Concession 2, Township of Neelon, 535 Moonlight Beach Road, Sudbury

for relief from Part 4, Section 4.2, subsections 4.2.3, 4.2.4 a) and 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 facilitate the construction of a detached garage providing, firstly, an accessory lot coverage of 13%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, secondly, a maximum height of 7.0m, where the maximum height of any building or structure accessory to a residential dwelling shall be 5.0m, thirdly, a minimum front yard setback of 3.4m with eaves projecting 0.61m into the proposed 3.4m front yard setback, where 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 fourthly, a maximum lot coverage of 26%, where a maximum of 25% is permitted for partially or unserviced lots, 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.

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0125/2023

July 17, 2024

OWNER(S): PAVAN KUMAR KOKA, 988 Dew Drop Road, Sudbury ON P3G 1L2  
BELINDA KOKA, 988 Dew Drop Road, Sudbury ON P3G 1L2

AGENT(S): TULLOCH ENGINEERING, 1942 Regent Street Unit L, Sudbury, ON P3E 5V5

LOCATION: PIN 73476 0735, Survey Plan 53R-18135 Part(s) 1, 2, 3, 4, 5, 6 and 7, Lot Part 8, Concession 3, Township of Broder, 988 Dew Drop Road, Sudbury

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### 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 the installation of patios/terraces/pool structure, inground pool, hot tub, retaining walls, and accessory structure together with the pool and hot tub utilities contained therein on the subject property providing high water mark setbacks, shoreline structures, an increase in the permitted cleared area within the shoreline buffer and length of the cleared area measured at the high water and interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., July 15, 2024

REVISED  
No conflict.

CGS: Strategic and Environmental Planning, July 11, 2024

REVISED  
Despite well-intentioned attempts to reduce environmental impacts associated with the proposed swimming pool, approval of this Minor Variance application involving the construction of a pool is not recommended. The proposed pool does not maintain the purpose and intent of the Official Plan (OP) and Zoning By-law provisions aimed at protecting the integrity of the lake ecosystem, which includes its shoreline. The pool does not meet the criteria in OP policy 8.4.1.3 that would allow the consideration of a further encroachment into the setback to the highwater mark. Also, the pool is closer to the highwater mark than the existing main house and encroaches into the shoreline buffer area, which is intended to be protective of the lake ecosystem.

The applicants propose at least three elements to the pool development that would lessen its environmental effects: 1) hauling the pool water away so it is not drained into the lake; 2) covering the pool when not in use, and 3) re-naturalizing an area within the shoreline buffer area. While these efforts are laudable, concerns remain as to the consistent application of these mitigation measures moving forward. An in-ground pool is typically a long-lived structure; future owners of the property may not have the same stewardship objectives as the current owners and may not resort to a haulage service to deal with the pool water or diligently cover the pool when not in use. The intent to restore a healthy cover of natural vegetation in the shoreline buffer area is also a laudable objective but should be done for its own sake, not used as a bargaining chip. Healthy shorelines and healthy lakes ultimately benefit everyone.

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 Approvals Section, July 11, 2024

#### REVISED

The purpose and effect of the application is to permit the construction of an inground pool, hot tub, upper and lower level patios/terraces/pool support structure, retaining wall, and an accessory structure containing pool and hot tub utilities with the following variances:

#### Section 4.41.2a) Setback Requirements for Residential Buildings and Accessory Structures

1. a setback of 17.1 m from the high water mark for the inground pool, whereas a 30 m setback is required for accessory structures;
2. a setback of 22.2 m from the high water mark for the hot tub, whereas a 30 m setback is required for accessory structures;
3. a setback of 14.97 m from the high water mark for the accessory structure containing pool and hot tub utilities, whereas a 30 m setback is required for accessory structures;

4. a setback of 11.51 m from the high water mark for the lower level retaining wall, whereas a 30 m setback is required for accessory structures;
5. a setback of 19.05 m from the high water mark for the upper level retaining wall, whereas a 30 m setback is required for accessory structures;
6. a setback of 11.82 m from the high water mark for the lower level patio/terrace/pool support structure, whereas a 30 m setback is required for accessory structures;
7. a setback of 14.66 m from the high water mark for the upper level patio/terrace/pool support structure, whereas a 30 m setback is required for accessory structures;

#### Section 4.41.3a) Shoreline Buffer Areas

8. a maximum of 66.3% (309.7 m<sup>2</sup>) clearance of natural vegetation within the shoreline buffer, whereas a maximum of 25% not exceeding 276 m<sup>2</sup> is permitted;
9. a maximum of 100% (20.1 m) clearance of natural vegetation along the shoreline, whereas a maximum of 25% not exceeding 23 m in length is permitted;

#### Section 4.41.4a) Shoreline Structures and Facilities

10. an inground pool within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area;
11. an accessory structure containing pool and hot tub utilities within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area;
12. a retaining wall within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area;
13. a pool/terrace/pool support structure within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area;

#### Section 4.1

14. an interior side yard setback of 0.6 m for the upper retaining wall, whereas an accessory structure greater than 2.5 m in height shall be no closer than 1.2 m from the side lot line.  
The subject lands are designated 'Living Area II' within the Greater City of Sudbury Official Plan', are zoned 'Low Density Residential One (R1-2)' within the Greater City of Sudbury Zoning By-law and are regulated by the Nickel District Conservation Authority (NDCA).  
Surrounding uses are residential in nature.

The subject lands contain a single detached dwelling and a sauna. Currently, 80.23% (372.5 m<sup>2</sup>) is cleared within the natural vegetation buffer, predominantly comprised of manicured grass, as well as the sauna and deck. The applicants are proposing to introduce 64.82 m<sup>2</sup> of natural vegetation, which will have the effect of reducing the clearance area to 66.3 % (309.7 m<sup>2</sup>).

In terms of existing shoreline clearance, 100% (20.1 m) is currently cleared and the applicants are requesting to formally recognize the existing deficiency.

Staff acknowledge that the current owners intend to haul pool water from the property, as well as use technology to reduce run-off; however, staff have concerns with the long term implications of a permanent pool structure within the 30 m high water setback.

#### Are the Variances Minor in Nature?

Staff are of the opinion that the proposed variances are not considered to be minor in nature, as they would result in increased run-off into the lake, which could negatively impact lake quality. Increasing the hard surface structures in the shoreline buffer area will result in the subject lands being further away from compliance with the zoning provisions for shoreline buffers and setbacks.

#### Are the Variances an Appropriate Use of the Land?

The subject lands are 4,418 m<sup>2</sup> in area and are irregular in shape in the form of an upside down letter 'L'. The existing dwelling is setback greater than 54 m from Dew Drop Road. The applicants have advised that due to topography challenges, blasting and or relocating of the existing septic system would be required to locate the pool in a location outside of the 30 m setback. Staff maintain their position that there appears to be sufficient space outside of the 30 m setback and septic area that could support an inground pool. Staff, therefore, are of the opinion that the variances are not considered to be an appropriate use of the land.

**Do the Variances Meet the Intent of the Official Plan?**

The Official Plan includes policies that direct shoreline development and identify when relief to shoreline zoning standards are justified. Policies in 8.4.1.3 states that "a minimum 30 metre setback from the normal highwater mark of a lake or river... will be require for all new development, excluding shoreline structures". Swimming pools and retaining walls are not shoreline structures. Policy 8.4.1.3 further provides criteria for lesser setbacks and are: a) sufficient lot depth is not available; b) terrain or soil conditions exist which make other locations on the lot less suitable; c) the proposal is for an addition to an existing building or replacement of a leaching bed where the setback is not further reduced; or. d) redevelopment is proposed on an existing lot and a net improvement is achieved. Staff are of the opinion that the intent of the Official Plan is not maintained as a result of the proposed variances, as the policy criteria for setback reduction are not being met.

**Do the Variances Meet the Intent of the Zoning By-law?**

The intent of the shoreline buffer and setback policies is to protect waterbody quality and waterbody ecosystems. The intent of limiting clearance of shoreline areas is to maintain natural vegetation which helps filter sediment and other pollutants (such as fertilizers and pesticides) from runoff that flows from the land into waterways, thus protecting the waters from nearby land uses. Staff are of the opinion that the proposed variances do not maintain the intent of the Zoning By-law, as it would result in introducing hard surface features within a shoreline buffer area.

Staff are of the opinion that the Minor Variance Application does not meet the four tests of a minor variance and recommend that the application be denied.

CGS: Infrastructure Capital Planning Services, July 10, 2024

**REVISED**

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Building Services Section, July 10, 2024

**REVISED**

Building Services has reviewed your application documents and sketches for the requested minor variances and can advise that we have no objection to the proposal.

Applicant/Owner to be advised of the following Building Permit requirements:

- With respect to the proposed in-ground swimming pool, hot tub, utility room, deck, and retaining walls, a Building Permit application with all supplementary documentation is to be submitted to the satisfaction of the Chief Building Official.
- With respect to the proposed retaining walls, a sealed Engineer's design for the retaining wall construction and required guards will be required. Further, as the proposed utility room and in-ground pool are encompassed within the retaining wall system, a sealed Engineer's design will also be required for the in-ground pool and utility room.
- A search of our records indicates an incomplete permit for the subject property to add a 2nd storey addition, finished basement, attached deck, and covered patio (B19-0970). Owner to contact Building Services to discuss the outstanding permit.

Nickel District Conservation Authority, July 08, 2024

REVISED

Conservation Sudbury accepts the modified toe erosion allowance of 10.7 m as presented on the provided sketches dated June 17, 2024. The proposed pool, hot tub, lock stone pool deck, and raised deck are supported by a retaining wall system constructed at the limit of the toe erosion allowance. The proposed location of these features can be accepted provided the supporting retaining wall is constructed to function and provide structural support independent of the lower tiers of retaining walls and landscape features located within the toe erosion allowance.

As the acceptance of the placement of the proposed features is conditional on technical requirements to ensure safe functionality within and adjacent to the erosion hazard, Conservation Sudbury requires the proponent to obtain a permit under Section 28 of the Conservation Authorities Act as a condition of the Minor Variance.

Notes

The proposed tiered retaining walls are located within the limits of the toe erosion allowance. The owner should understand that these features are potentially at risk of damage due to their location within the limits of the shoreline erosion hazard. Conservation Sudbury does not object to the proposed location of these features provide it is demonstrated that the proposed development does not aggravate the hazard.

CGS: Site Plan Control, July 04, 2024

REVISED

No objection.

Ministry of Transportation, July 03, 2024

REVISED

The subject lands are not located within the MTO's permit control area; therefore, we have no comments to provide at this time.

CGS: Infrastructure Capital Planning Services, March 21, 2024

REVISED:

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Strategic and Environmental Planning, March 21, 2024

REVISED

Approval of this Minor Variance application involving the construction of a pool is not recommended. The proposed pool does not maintain the purpose and intent of the Official Plan (OP) and Zoning By-law provisions aimed at protecting the integrity of the lake ecosystem, which includes its shoreline. The pool does not meet the criteria in OP policy 8.4.1.3 that would allow the consideration of a further encroachment into the setback to the highwater mark. Also, the pool is closer to the highwater mark than the existing main house and encroaches into the shoreline buffer area, which is intended to be protective of the lake ecosystem.

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 Approvals Section, March 21, 2024

**REVISED:**

The purpose and effect of the application is to permit the construction of an inground pool, hot tub, retaining wall, and an accessory structure containing pool and hot tub utilities with the following variances:

**Section 4.41.2a) Setback Requirements for Residential Buildings and Accessory Structures**

1. a setback of 16.5 m from the high water mark for the inground pool, whereas a 30 m setback is required for accessory structures;
2. a setback of 22.2 m from the high water mark for the hot tub, whereas a 30 m setback is required for accessory structures;
3. a setback of 14.2 m from the high water mark for the accessory structure containing pool and hot tub utilities, whereas a 30 m setback is required for accessory structures;
4. a setback of 10.9 m from the high water mark for the retaining wall, whereas a 30 m setback is required for accessory structures;

**Section 4.41.3a) Shoreline Buffer Areas**

5. a maximum of 96% (447 m<sup>2</sup>) clearance of natural vegetation within the shoreline buffer, whereas a maximum of 25% not exceeding 276 m<sup>2</sup> is permitted;

6. a maximum of 100% (20.1 m) clearance of natural vegetation along the shoreline, whereas a maximum of 25% not exceeding 23 m in length is permitted;

Section 4.41.4a) Shoreline Structures and Facilities

7. an inground pool within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area;

8. an accessory structure containing pool and hot tub utilities within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area;

9. a retaining wall within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area; and

Section 4.2.11 Swimming Pools & Table 4.1

10. an interior side yard setback of 1.2 m for the pool and hot tub utilities, whereas a 1.5 m interior side yard setback is required for water circulating, heating or pumping equipment.

The subject lands are designated 'Living Area II' within the Greater City of Sudbury Official Plan', are zoned 'Low Density Residential One (R1-2)' within the Greater City of Sudbury Zoning By-law and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are residential in nature. The subject lands contain a single detached dwelling and a sauna. Currently, 96% (447 m<sup>2</sup>) is cleared within the natural vegetation buffer, predominantly comprised of manicured grass, as well as the sauna and deck. The applicants have advised they will be maintaining the existing clearance area, however, are proposing to introduce permanent structures within the buffer area in the form of an inground pool, hot tub, retaining wall, and accessory structure containing the pool and hot tub equipment. In terms of existing shoreline clearance, 100% (20.1 m) is currently cleared and the applicant is requesting to formally recognize the existing deficiency. Although the level of clearance in the shoreline buffer is being maintained, adding permanent hard surface structures further exacerbates run-off into the lake and greatly reduces the potential for regrowth/naturalization to occur in that area in the future.

Are the Variances Minor in Nature?-No

Staff are of the opinion that the proposed variances are not considered to be minor in nature, as they would result in increased run-off into the lake, which could negatively impact lake quality. The subject lands currently are predominantly cleared of natural vegetation in the shoreline buffer area. Converting the existing landscaped area to hard surface structures will result in the subject lands being further away from compliance with the zoning provisions for shoreline buffers and setbacks.

Are the Variances an Appropriate Use of the Land?-No

The subject lands are 4,418 m<sup>2</sup> in area and are irregular in shape in the form of an upside down letter 'L'. The existing dwelling is setback greater than 54 m from Dew Drop Road. Staff maintains their position that there appears to be sufficient space outside of the 30 m setback and septic area that could support an inground pool. The applicant has not provided sufficient justification to demonstrate other locations are not viable. Staff therefore are of the opinion that the variances are not considered to be an appropriate use of the land.

Do the Variances Meet the Intent of the Official Plan?-No

The Official Plan includes policies that direct shoreline development and identify when relief to shoreline zoning standards are justified. Policies in 8.4.1.3 states that "a minimum 30 metre setback from the normal highwater mark of a lake or river... will be required for all new development, excluding shoreline structures". Swimming pools and retaining walls are not shoreline structures. Policy 8.4.1.3 further provides criteria for lesser setbacks and are: a) sufficient lot depth is not available; b) terrain or soil conditions exist which make other locations on the lot less suitable; c) the proposal is for an addition to an existing building or replacement of a leaching bed where the setback is not further reduced; or. d) redevelopment is proposed on an existing lot and a net improvement is achieved. Staff are of the opinion that the intent of the Official Plan is not maintained as a result of the proposed variances, as the policy criteria for setback reduction are not being met.

Do the Variances Meet the Intent of the Zoning By-law?-No

The intent of the shoreline buffer and setback policies is to protect waterbody quality and waterbody ecosystems. The intent of limiting clearance of shoreline areas is to maintain natural vegetation which helps filter sediment and other pollutants (such as fertilizers and pesticides) from runoff that flows from the land into waterways, thus protecting the waters from nearby land uses. Staff are of the opinion that the proposed variances do not maintain the intent of the Zoning By-law, as it would result in introducing hard surface features within a shoreline buffer area, which already has a clearance of 96%.

Staff are of the opinion that the Minor Variance Application does not meet the four tests of a minor variance and recommend that the application be denied.

Nickel District Conservation Authority, March 20, 2024

**REVISED**

Conservation Sudbury accepts the modified toe erosion allowance of 10.7 m as presented on the provided sketches dated February 27, 2024. The proposed pool, hot tub, lock stone pool deck, and raised deck are supported by a retaining wall system constructed at the limit of the toe erosion allowance. The proposed location of these features can be accepted provided the supporting retaining wall is constructed to function and provide structural support independent of the lower tiers of retaining walls and landscape features located within the toe erosion allowance.

As the acceptance of the placement of the proposed features is conditional on technical requirements to ensure safe functionality within and adjacent to the erosion hazard, Conservation Sudbury requires the proponent to obtain a permit under Section 28 of the Conservation Authorities Act as a condition of the Minor Variance.

**Notes**

The proposed fire pit and tiered retaining walls and landscaping features are located within the limits of the toe erosion allowance. The owner should understand that these features are potentially at risk of damage due to their location within the limits of the shoreline erosion hazard. Conservation Sudbury does not object to the proposed location of these features provide it is demonstrated that the proposed development does not aggravate the hazard.

CGS: Building Services Section, March 19, 2024

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

1) With respect to the proposed in-ground swimming pool, hot tub, utility room, deck, and retaining walls, Building Permit application and all supplementary documentation to be submitted to the satisfaction of the Chief Building Official.

With respect to the proposed retaining walls, Applicant/Owner to be aware that retaining walls greater than 1m in height, are considered designated structures. As the proposed retaining walls are greater than 1m in height, a sealed Engineer's design for the retaining walls and guards will be required in accordance with OBC Div A, Part 1, Sections 1.1.2.2.(2)(c) & 1.3.1.1.(1)(a) and Div B, Part 4, Section 4.4.3.3.(1). Further, as the proposed utility room and in-ground pool are encompassed within the aforementioned retaining wall, a sealed Engineer's design will also be required for the in-ground pool and utility room.

2) A review of the plot plan provided indicates an existing gazebo. Owner/Applicant to be advised that any accessory building greater than 10 m<sup>2</sup> (108 ft<sup>2</sup>) would be subject to the Ontario Building Code and would require a Building Permit. Should the proposed structures be less than 10 m<sup>2</sup> (108 ft<sup>2</sup>), compliance with applicable Zoning By-law provisions remains required.

3) Owner/Applicant to be informed that a portion of the subject property abutting the waterfront of Long Lake is located in a flood plain. At the time of building permit, approval from Conservation Sudbury will be required.

4) Owner/Applicant to be informed that as the subject property is not municipally serviced with water/waste water, at the time of building permit, approval from Public Health will be required.

Owner/Applicant to also be advised of the following comments:

5) A search of our records indicates an incomplete permit for the subject property to add a 2nd storey addition, finished basement, attached deck, and covered patio (B19-0970). Owner to contact Building Services to discuss the outstanding permit.

Greater Sudbury Hydro Inc., March 18, 2024

REVISED: No conflict.

Ministry of Transportation, March 18, 2024

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, March 13, 2024

REVISED: No objection.

CGS: Development Approvals Section, December 14, 2023

The variances being sought would facilitate the construction of an inground pool with retaining walls between the dwelling and the shoreline of Long Lake. The lands are designated Living Area 2 in the City's Official Plan and are zoned R1-2, Low Density Residential 1 per the City's Zoning By-law 2010-100Z. Staff notes that there appear to be variances that have not been requested that would be required in order to permit the development as proposed. They include:

- 4.41.2 a) - No person shall erect any residential building or other accessory building or structure closer than 30.0 metres to the high water mark of a lake or river. A retaining wall greater than 1 metre in height is a structure and is subject to this provision.
- 4.41.3 a)i) – a maximum of 25% of the required shoreline buffer area, but in no case shall exceed a maximum of 276m<sup>2</sup>. The proposed development appears to constitute a removal of shoreline buffer area greater than 25% of the required buffer area.
- 4.41.3 a)ii) - The maximum length of the cleared area measured at the high water mark shall be 25% of the length of the shoreline of the lot but in no case shall the maximum length of cleared area measured at the high water mark exceed 23 metres in length. The proposed development appears to constitute greater than 25% of the width of the required buffer area.
- 4.41.4 a) - Within 20.0 metres of the high water mark of a lake or river, or 12.0 metres of the high water mark of a permanently flowing stream, only the following structures shall be permitted within the area permitted to be cleared of natural vegetation in Section 4.41.3 above. A retaining wall greater than 1 metre in height is considered a structure and is subject to this provision.

Given the additional variances required, staff is recommending deferral of application A0125/2023.

The comments below are provided for consideration as part of the resubmission. The Official Plan includes policies that direct shoreline development and identify when relief to shoreline zoning standards are justified. Policies in 8.4.1.3 states that "a minimum 30 metre setback from the normal highwater mark of a lake or river... will be required for all new development, excluding shoreline structures". Swimming pools and retaining walls are not shoreline structures. Policy 8.4.1.3 further provides criteria for lesser setbacks and are:

- a) sufficient lot depth is not available;
  - b) terrain or soil conditions exist which make other locations on the lot less suitable;
  - c) the proposal is for an addition to an existing building or replacement of a leaching bed where the setback is not further reduced; or.
  - d) redevelopment is proposed on an existing lot and a net improvement is achieved.
- Staff notes that there appears to be sufficient space outside of the 30 metre setback that could support an inground pool. Staff additionally notes that the works proposed would further encroach into the required setback than currently exists on the subject parcel. Staff is of the opinion that the proposed development does not meet the above noted criteria.

CGS: Building Services Section, December 13, 2023

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

1) With respect to the proposed in-ground swimming pool, Building Permit application and all supplementary documentation to be submitted to the satisfaction of the Chief Building Official.

Also, a review of the plot plan provided indicates a proposed boathouse and gazebo. Owner/Applicant to be advised that any accessory building greater than 10 m<sup>2</sup> (108 ft<sup>2</sup>) would be subject to the Ontario Building Code and would require a Building Permit. Should the proposed structures be less than 10 m<sup>2</sup> (108 ft<sup>2</sup>), compliance with applicable Zoning By-law provisions remains required.

At the time of building permit application, Applicant/Owner to verify compliance with subsection 4.41.3. for shoreline buffer areas which indicates that:

a) On any residential lot,

I. a maximum of 25% of all required shoreline buffer area, but in no case shall exceed a maximum of 276 m<sup>2</sup>, and

II. The maximum length of the cleared area measured at the high water mark shall be 25% of the length of the shoreline of the lot but in no case shall the maximum length of cleared area measured at the high water mark exceed 23 meters in length.

As Building Services did not have sufficient information with this application to verify compliance with the above provision, an additional minor variance may be required at the time of permit application.

2) Owner/Applicant to be informed that a portion of the subject property abutting the waterfront of Long Lake is located in a flood plain. At the time of building permit, approval from Conservation Sudbury will be required.

3) Owner/Applicant to be informed that as the subject property is not municipally serviced with water/waste water, at the time of building permit, approval from Public Health will be required.

Owner/Applicant to also be advised of the following comments:

4) A search of our records indicates an incomplete permit for the subject property to add a 2nd storey addition, finished basement, attached deck, and covered patio (B19-0970). Owner to contact Building Services to discuss the outstanding permit.

CGS: Infrastructure Capital Planning Services, December 12, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Nickel District Conservation Authority, December 12, 2023

Conservation Sudbury does not oppose Minor Variance A0125/2023. The erosion hazard extends 15m back from the shoreline of Long Lake. All retaining walls required to support the lockstone patio and pool shall be placed outside of the toe erosion allowance. All development within 15 m of the toe erosion allowance will require a Section 28 permit.

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](mailto: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

Approval of this Minor Variance application involving the construction of a pool is not recommended. The proposed pool does not maintain the purpose and intent of the Official Plan (OP) and Zoning By-law provisions aimed at protecting the integrity of the lake ecosystem, which includes its shoreline. The pool does not meet the criteria in OP policy 8.4.1.3 that would allow the consideration of a further encroachment into the setback to the highwater mark. Also, the pool is closer to the highwater mark than the existing main house and encroaches into the shoreline buffer area, which is intended to be protective of the lake ecosystem.

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.  
REVISED: No objection.  
REVISED: No objection.

March 27, 2024

The Applicants and their agent, David Dorland of DS Dorland Limited, together with Craig Boyer of Sunswim Pool Concepts Design and Frank Pugh of Environmental Ecosystems Inc. appeared before Committee and each provided a summary of the Application.

Committee Chair Dumont requested Frank Pugh to expand on his comments and Mr. Pugh provided a further explanation on his opinion.

Mr. Dorland advised Committee that Peter Firla of EXP was available to answer any engineering and drainage questions and provided further comments regarding the application, including comparable variances. Committee Chair Dumont requested Mr. Dorland to expand on the comparable variances.

Philip Zylberberg appeared before Committee on behalf of the Long Lake Stewardship Committee and summarized the Stewardship Committee's position on the application.

The Secretary-Treasurer advised Committee that a letter of concern was received from the Long Lake Stewardship Committee and a letter of support from Brian and Debbie Vendramin of 1010 Dew Drop Road and confirmed that Committee received the letters in their comment package.

The agent and the Applicant, Dr. Koka, addressed the concerns expressed by the Long Lake Stewardship Committee. Committee Member Goswell expressed appreciation for the information and the type of pool that is being applied for. He commented that pools absorb water with no runoff and in different parts of the world a pool is encouraged and expressed support for a deferral to allow the Applicants the opportunity to address comments.

Committee Chair Dumont, referring to the sketches, commented on the scale of the development and the relief being requested and asked the Applicants to provide more context to the scale of the development. The Applicant, Dr. Koka, explained that the support posts could be changed but expressed that the aesthetics of the development are important. Committee Chair Dumont asked the Applicants if they would be willing to scale down the development and if they would be open to a deferral. The Applicant, Dr. Koka, advised that they did look at different locations on the property, but the septic system, holding tank and privacy made them keep where it is proposed.

Committee Member Costanza addressed the agent's comments regarding the comparable variances and supports a deferral.

Committee Chair Dumont reminded the Applicants that the relief and focus is not just the pool, but the other structures requiring relief as well.

Committee Member Sawchuk addressed the agent's comments regarding the comparable variances and existing cleared state of the property. He commented that there should be an effort to improve and not to take advantage. He advised that he's not suggesting what should be done, but there's room for improvement.

Committee Member Murray expressed support for a deferral to allow the Applicants the opportunity to address staff's comments.

The agent expressed appreciation for all the comments and support for a deferral.

Committee Chair Dumont reiterated the concerns of staff and Committee.

Staff provided comments regarding the other variance applications mentioned, the expansion of the development towards the lake, the importance of the shoreline buffer and the natural vegetation, the reduced opportunity to revegetate the property and the importance of re-naturalizing.

Committee Member Sawchuk put forward a motion to defer the application and Committee Member Murray seconded the motion. The motion was supported and carried.

July 17, 2024

The applicant's agents, Vanessa Smith and Kevin Jarus of Tulloch Engineering, appeared before Committee. Vanessa Smith provided a summary of the Application addressing the four tests of a minor variance.

Philip Zylberberg appeared before Committee on behalf of the Long Lake Stewardship Committee and summarized the Stewardship Committee's position on the Application.

Kevin Jarus addressed concerns expressed by Mr. Zylberberg.

Committee Member Castanza expressed support for the Application.

Committee Member Goswell asked the agents to speak to the permeable pavers proposed in the Project Profile drawing and Kevin Jarus provided the reasoning why that product was chosen for the development. Committee Member Goswell confirmed with the Secretary-Treasurer if he could question Mr. Zylberberg which was confirmed and proceeded to ask Mr. Zylberberg what his comfort level was between registering a buffer zone on title versus by-law enforcement. Mr. Zylberberg explained that his attendance at the hearing was to oppose the development and Committee must balance its own practicality to the development. Committee Member Goswell expressed concern over enforcement to ensure that the development continued to conform with what would be approved in the future and requested staff for their opinion.

Staff explained the enforcement of the Zoning By-law and the challenge of an agreement on title and its enforceability. Committee Member Goswell expressed support for the Application.

Committee Member Sawchuk expressed appreciation that the applicant improved the Application and disagreed with staff's recommendation based on his understanding of the improvements that were being proposed. He asked staff if they accept the opinion from Environmental Ecosystems and if their opinion was taken into consideration in staff's comments. Stephen Monet, Manager of Strategic and Environmental Planning, advised Committee that he did not doubt the varsity of the opinion and commended the applicant for reducing the impact of the development. Committee Member Sawchuk asked staff if they were still of the opinion that the pool could be located somewhere else on the lot and staff explained that they acknowledge the difficulties of the site but still prefer that the pool be located outside of the buffer. Committee Member Sawchuk expressed support for the Application.

Committee Member Murray asked Stephen Monet if he still felt that the pool poses a risk to the lake with the mitigating factors that the applicant was proposing. Mr. Monet acknowledged the efforts made relating to the environmental impacts of the pool but explained the long terms concerns that should be considered as a pool is a long-lived structure. Mr. Monet emphasized that the revegetation of the lot should be a goal to achieve, not a bargaining tool to gain approval for the development. Committee Member Murray asked Mr. Monet for his opinion if the revegetation, in addition to the pool, was not a net improvement to the site. Mr. Monet provided his opinion to Committee regarding the revegetation. Committee Member Murray expressed support for the Application.

Committee Chair Dumont expressed support for the Application. Committee Member Goswell put forward a motion to amend the resolution to grant the Application and Committee Member Castanza seconded the motion. The motion was carried.

Committee Member Murray expressed support for the Application.

Committee Chair Dumont expressed support for the Application. Committee Member Goswell put forward a motion to amend the resolution to grant the Application and Committee Member Castanza seconded the motion. The motion was carried.

Committee Member Murray expressed support for the Application.

Committee Chair Dumont expressed support for the Application.

Committee Member Goswell put forward a motion to amend the resolution to grant the Application and Committee Member Castanza seconded the motion. The motion was carried.

The following decision was reached:

**DECISION:**

THAT the application by:

PAVAN KUMAR KOKA AND BELINDA KOKA

the owner(s) of PIN 73476 0735, Survey Plan 53R-18135 Part(s) 1, 2, 3, 4, 5, 6 and 7, Lot Part 8, Concession 3, Township of Broder, 988 Dew Drop Road, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Section 4.41, subsections 4.41.2, 4.41.3 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 installation of upper and lower-level patios/terraces/pool support structure, retaining walls, an inground pool, a hot tub, and accessory structure being a mechanical/utility room together with the pool and hot tub utilities contained therein, firstly, to permit the east portion of the upper retaining wall to provide a minimum interior side yard setback of 0.6m, where an accessory structure greater than 2.5m in height shall be no closer than 1.2m from the side lot line, secondly, providing a high water mark setback of

14.66m for the upper-level patio/terrace/ pool support structure, 11.82m for the lower-level patio, 17.1m for the inground pool, 22.24m for the hot tub, 14.97m for the accessory structure together with the pool and hot tub utilities contained therein, 19.05m for the upper level retaining wall and 11.51m for the lower level retaining wall, 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, thirdly, to permit the upper level patio/terrace/pool support structure to be 14.66m, the lower level patio to be 11.82m, the inground pool to be 17.1m setback, the accessory structure together with the pool and hot tub utilities contained therein to be 14.97m setback, the upper level retaining wall to be 19.05m and the lower level retaining wall to be 11.51m setback from the high water mark of a lake, 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, fourthly, to permit a maximum of 66.3% of the required shoreline buffer area to be cleared of natural vegetation, where a maximum of 25%, but in no case shall exceed a maximum of 276.0 sq.m of the required shoreline buffer area is permitted, and fifthly, to permit a 100% of the length of the shoreline at the high water mark to be cleared of natural vegetation, where the maximum length of the cleared area measured at the high water mark shall be 25% of the length of the shoreline of the lot but in no case shall the maximum length of cleared area measured at the high water exceed 25.0 metres in length, 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.

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring