

SUBMISSION NO. A0062/2023

July 19, 2023

OWNER(S): 5010889 ONTARIO INC., 560 Skead Road, Skead ON P3L 1N2

AGENT(S):

LOCATION: PIN 73374 0156, Parcel 12615 SEC SWS, Lot(s) 44, Subdivision M-297, Lot 2, Concession 1, Township of Waters, 21 Uphill Road, Lively

SUMMARY

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

Application: Approval to construct a single detached dwelling and covered deck on the subject property providing high water mark setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, July 13, 2023

REVISED

Based on the information provided, Building Services has no concerns with the requested Minor Variance.

To further on the application, Committee should be advised that the "No Build Area" identified on the owner's sketch is an area with constraints due to the demolition of a previous dwelling. The demolition was a requirement of an Order to Comply issued by this department. Unless a Professional Engineer provides review and reports for the structural adequacy of the foundations or provides methodology of the safe removal of the foundations, the area indicated is not safe to proceed with the construction of any structures.

CGS: Infrastructure Capital Planning Services, July 13, 2023

REVISED

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Strategic and Environmental Planning, July 12, 2023

REVISED

The Strategic and Environmental Planning (SEP) Section has reviewed the revised proposed development at 21 Uphill Road, Lively. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

Staff understand that the proponent has requested the minor variances in part due to the "no build area" identified by the proponent, at the location of the previous seasonal dwelling. However, staff also understand that this area is a result of the remaining foundation from the partially demolished seasonal

dwelling. To resolve the "no build area", staff understand that the remaining foundation must be assessed by a professional engineering team to either determine its structural integrity or to have the foundation removed safely and to prevent damage to adjacent structures.

Staff also understand that the proponent may be intending to locate the septic system between the proposed dwelling and the road. However, the proponent has not provided any plan or permit indicating this intent.

Therefore, after reviewing the revised proposed development SEP staff do not support the application for the following reasons:

1. There appears to be sufficient area to comply with the required 30 metre setback.

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

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

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

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

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

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

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

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

CGS: Development Approvals Section, July 12, 2023

REVISED

This application was previously deferred in order to afford the owner the opportunity to address those comments received from circulated agencies and departments. Staff understands that the owner has submitted an updated sketch depicting a shoreline setback of 21.4 m (70.21 ft) whereas 30 m (98.43 ft) is required under Section 4.41.2 of the City's Zoning By-law. It is noted that originally the owner was proposing a shoreline setback of 18.29 m (60.00 ft) with the updated sketch therefore having increased the proposed shoreline setback by 3.11 m (10.20 ft). Staff also acknowledges that there is an existing concrete foundation where a residential dwelling formerly existed prior to the north-west of the proposed new residential dwelling. Staff further understands that the existing concrete foundation is not necessarily a "no build area" but rather any construction proposed atop the existing foundation would require an engineering report confirming that the existing foundation is capable of supporting a new residential dwelling. The alternative to this would be to remove the existing foundation and construct a new residential dwelling in this location with a new foundation and retaining walls being constructed where necessary. Staff understands however that the owner may be intending to situate a new private septic system to the north-west of the proposed residential dwelling. If the Committee wishes to approve the variances, it is recommended that a condition be included requiring that the owner provide an updated sketch depicting the septic system in this location along with a copy of an approved permit for the septic system from the Sudbury and District Health Unit. Staff remains unable to support the variances being sought at this time on the basis that there does appear to be opportunity to locate the new residential dwelling in compliance with shoreline setback requirements. Staff recommends that the application be deferred in order to afford the owner the opportunity to address the above noted comments.

Ministry of Transportation, July 10, 2023

REVISED

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

Greater Sudbury Hydro Inc., July 10, 2023

REVISED

No concerns.

The Nickel District Conservation Authority, July 10, 2023

REVISED

Conservation Sudbury does not oppose Minor Variance A0062/2023.

While it does not appear that development for the single family dwelling is located within 15m of the high water mark, please note that any future development, including lot grading within in this area will require a permit from Conservation Sudbury.

Notes

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

CGS: Site Plan Control, July 06, 2023

REVISED

No objections.

CGS: Development Approvals Section, June 01, 2023

The variances being sought would facilitate construction of a single-detached dwelling having frontage on Uphill Road in Lively. The lands also have water frontage on Long Lake. The lands are designated Rural in the City's Official Plan and zoned "SLS", Seasonal Limited Service under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands have a lot depth measuring approximately 73 m (239.50 ft) and with this it is further noted that sufficient lot depth exists to locate the proposed single-detached dwelling on the lands in compliance with shoreline buffer setback and shoreline buffer area development standards established under Section 4.41 of the City's Zoning By-law. Staff would note that while the existing shoreline buffer area may have been disturbed it would not represent good land use planning to bring permanence to this by permitting a permanent residential dwelling in this location. Staff would note that the opportunity to re-naturalize the shoreline buffer area would remain should the proposed residential dwelling be situated further back from the shoreline of Long Lake. Staff recommends that the application be deferred in order to afford the owner the opportunity to address those comments received from circulated agencies and departments.

CGS: Building Services Section, May 31, 2023

Approval to construct a single detached dwelling and covered deck on the subject property providing high water mark setback and shoreline structures at variance to the By-law.

Building services has no objection to the requested Minor Variance.

To further on the application, the property has constraints for the location of the proposed single family dwelling due to the demolition of a previous dwelling that was required under Order to Comply to be removed. Based on the Professional Engineer's review, the area of the original building is considered a "No Build Area", and the applicant has provided a plan which reflects this constraint (see attached).

CGS: Infrastructure Capital Planning Services, May 31, 2023

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Strategic and Environmental Planning, May 31, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 21 Uphill Road, Lively. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

After reviewing the proposed development SEP staff do not support the application for the following reasons:

1. There appears to be sufficient area to comply with the required 30 metre setback.

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

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

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

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

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
 2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
 3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
 4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
 5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.
 6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.
 7. Private sewage systems should be inspected and pumped at least every three years.
- Property owners are encouraged to contact the City's Lake Water Quality Program at (705) 674-4455 ext. 4604 to book a free, confidential and non-regulatory shoreline home visit. During the visit, qualified staff will provide ideas and advice on shoreline management techniques to maintain and improve lake water quality.

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

CGS: Site Plan Control, May 30, 2023

No objection.

Ministry of Transportation, May 30, 2023

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

Greater Sudbury Hydro Inc., May 29, 2023

Outside of our territory, therefore we have no concerns.

The Nickel District Conservation Authority, May 29, 2023

Conservation Sudbury does not oppose Minor Variance A0062/2023. Development of the single family dwelling is located on a steep slope and appropriate geotechnical and engineering is required.

Any development, including lot grading within 15m of the shoreline will require a permit from Conservation Sudbury.

Notes

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

CGS: Development Engineering, May 25, 2023

No objection.

REVISED: No objection.

REVISED: No objection.

June 7, 2023

The owner appeared before the Committee and briefly described the application. Susan Darling from the Long Lake Stewardship Committee (LLSG) appeared before the Committee and explained that LLSG operates under a Terms of Reference which includes ensuring that Long Lake as a waterbody is protected and has a voice. Ms. Darling explained that each variance application is looked at by LLSG individually and that they rely in part on comments received from expert agencies and departments. It was offered that the existing 30 m (98.43 ft) shoreline setback requirement was considered to be appropriate in this context and setting. The owner noted that the setback proposed will allow for the private septic system to be situated as far back as possible from Long Lake. Chair Dumont asked the owner if the proposed residential dwelling could be moved further back from the shoreline and noted that the drawing which depicts a "no build zone" would appear to suggest that might be possible. Chair Dumont also noted that the owner could consider reducing the building footprint in order to maximize the shoreline setback. The owner advised that in order to properly access the proposed residential dwelling and facilitate placement of a septic system on the lands that it would not be possible to further increase the shoreline setback being sought.

July 19, 2023

The Applicant, Shawn Rossi of 5010889 Ontario Inc., appeared before Committee and provided a summary of the application.

Committee Member Sawchuk asked the Applicant if there was any consideration of redesigning the house footprint in order to meet the setback requirements. The Applicant advised that the footprint of the house is under 1500 feet, that just the lot is small.

Committee Member Murray inquired of Staff of the reason why there is no support of the application and if it was merely related to the septic. Staff advised that the current state of the old foundation was a "no build" area but that it has been confirmed that engineering work could be done to determine whether the foundation could be safely removed and rebuilt and albeit costly, there are engineering options available to the applicant to allow the building to be further from the shoreline. Staff indicated that if Committee wished to entertain an approval, it would be prudent to have a revised sketch indicating the septic bed system on the northwest portion of the property, together with an approved permit as a condition.

Committee Member Murray asked for clarification from Staff with respect to previous approval, the appeal and change in zone requirements. Staff provided clarification of the sequence of events for the property.

Committee Member Sawchuk and Committee Member Murray discussed possibilities of alternate resolutions of approval with conditions. The resolution to defer was read and defeated. A motion to amend the resolution and particulars of the condition, specifically timing to complete the condition, was discussed. The motion to amend the resolution was moved and seconded.

The following decision was reached:

DECISION:

THAT the application by:

5010889 ONTARIO INC.

the owner(s) of PIN 73374 0156, Parcel 12615 SEC SWS, Lot(s) 44, Subdivision M-297, Lot 2, Concession 1, Township of Waters, 21 Uphill Road, Lively

for relief from Part 4, Section 4.41, subsection 4.41.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a single detached dwelling with covered deck providing a high water mark setback of 21.4m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, be approved, subject to following condition:

1. That the owner provide an updated sketch depicting the septic system in a location north-west of the proposed residential dwelling to the satisfaction of the Director of Planning Services, along with a copy of an approved permit for the septic system from the Sudbury and District Health Unit, within 365 days of the variance decision.

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

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

<i>Member</i>	<i>Status</i>
David Murray	Concurring
Justin Sawchuk	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0077/2023

July 19, 2023

OWNER(S): DARCY BEITES, 1663 Fourth Street Val Caron ON P3N 1K3

AGENT(S):

LOCATION: PIN 73501 1018, Parcel 28954 SEC SES SRO, Lot(s) 60, Subdivision M-419, Lot Part 7, Concession 5, Township of Blezard, 1663 Fourth Street, Val Caron

SUMMARY

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

Application: Approval to construct an addition on the existing detached garage on the subject property providing a height and corner side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, July 13, 2023

Based on the information provided, Building Services has no concerns with the request for variance for building height or corner side yard encroachment. However, it should be noted that consideration of further eave encroachment has not been addressed. Eaves may encroach 1.2m into the required yard but not closer than 0.6 m to the lot line.

CGS: Infrastructure Capital Planning Services, July 13, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, July 12, 2023

The variances being sought would facilitate construction of an addition to an existing detached garage on the subject lands that have frontage on Fourth Street in Val Caron. The lands form a corner lot as the lands abut an unopened road allowance to the west. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the elevation plan depicts the detached garage addition having a garage door facing south toward the rear lot line. It is noted that the westerly corner side yard has already been reduced to 1.22 m (4.00 ft) when the Committee of Adjustment authorized variances to construct the existing detached garage (File # A0082/2012). The easterly interior side yard setback to the existing residential dwelling is also 1.22 m (4.00 ft). It is further noted that building permit drawings depict a 3.66 m (12.00 ft) internal opening between the existing and proposed sections of the detached garage. This configuration allows for a "pull-through" option from Fourth Street to the existing garage and out into the rear yard. Staff would note for clarification purposes that utilizing the unopened road allowance is not permitted as there is an existing driveway entrance onto Fourth Street and only one driveway is permitted on the lands under Section 5.4.2 of the City's Zoning By-law. Staff has no concerns with respect to the detached garage addition having a maximum height of 5.2 m (17.06 ft) whereas 5 m (16.40 ft) is permitted under Section 4.2.4 a) of the City's Zoning By-law. Staff further notes that the proposed addition would be situated behind the existing detached garage and it would maintain a height that is less than what the previous variance

authorized. Staff advises that the proposed detached garage addition would otherwise appear to comply with all other applicable development standards for an accessory building on a residential lot. Staff would caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also caution the owner that the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff notes for clarification purposes that the "R1-5" Zone requires a minimum corner side yard setback of 4.5 m (14.76 ft) while Table 4.1 does not permit accessory buildings to encroach into a corner side yard on a residential lot. Staff would recommend that the resolution presented to Committee for consideration also include a reference to the "R1-5" Zone provision. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Greater Sudbury Hydro Inc., July 10, 2023

No concerns.

The Nickel District Conservation Authority, July 10, 2023

Conservation Sudbury does not object to Minor Variance A0077/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Ministry of Transportation, July 10, 2023

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

CGS: Site Plan Control, July 06, 2023

No objections.

CGS: Development Engineering, July 05, 2023

No objection.

The Applicant, Darcy Beites, appeared before the Committee and provided a summary of the Application.

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

The following decision was reached:

DECISION:

THAT the application by:

DARCY BEITES

the owner(s) of PIN 73501 1018, Parcel 28954 SEC SES SRO, Lot(s) 60, Subdivision M-419, Lot Part 7, Concession 5, Township of Blezard, 1663 Fourth Street, Val Caron

for relief from Part 4, Section 4.2, subsection 4.2.4 a), Section 4.2.5., 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 an addition on the existing detached garage providing firstly, a maximum height of 5.2m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, and secondly, to permit the addition to the detached garage to encroach 3.28m into the required corner side yard, where accessory buildings and structures greater than 2.5m in height are not permitted to encroach into the corner side yard and providing a corner side yard setback of 1.22m, where 4.5m is required, be granted.

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

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

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

SUBMISSION NO. A0078/2023

July 19, 2023

OWNER(S): KERRY CHARUK, 389 Walford Road, Sudbury, ON P3E 2H1
DAN SCHOLTZ, 389 Walford Road, Sudbury, ON P3E 2H1

AGENT(S): TOTAL HOME CENTRE, Attn: Roger Carriere 754 B LaSalle Blvd. Sudbury, ON P3E 4V4

LOCATION: PIN 73594 0012, Parcel 51128 SEC SES, Survey Plan 53R-12614 Part(s) 5, Lot Part 5, Concession 1, Township of McKim, 389 Walford Road, Sudbury

SUMMARY

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

Application: Approval to construct two uncovered decks on the subject property providing an encroachment into the required front yard at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, July 13, 2023

- Based on the information provided, Building Services has no concerns with the request for variance for front yard encroachment. However, it should be noted that the sketch has not provided dimensions from the proposed decks perpendicular to the front lot line. The requested setbacks may not be accurately represented.

CGS: Infrastructure Capital Planning Services, July 13, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Strategic and Environmental Planning, July 12, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the revised proposed development at 389 Walford Road, Sudbury. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

Staff recognize that the proposed minor variance is for a structure that is permitted within the shoreline buffer and the minor variance is in keeping with the shoreline policies of the Official Plan.

Therefore, after reviewing the revised proposed development SEP staff do not oppose the application for the following reasons:

1. The minor variance is consistent with the shoreline development policies of the Official Plan.

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

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

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

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

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

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

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

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

CGS: Development Approvals Section, July 12, 2023

The variances being sought would facilitate construction of two decks encroaching into the front yard of the subject lands that have frontage on Walford Road in Sudbury. The lands also have water frontage on Lake Nepahwin. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the existing residential dwelling is askew to the front lot line and the lot itself is irregular in shape and situated at the end of Walford Road. Staff further notes that the proposed decks would immediately face toward the unopened road allowance portion of Walford Road. The unopened road allowance is also currently well-vegetated and the lands to the north are zoned "OSR", Open Space – Recreation (ie. Idylwyld Golf & Country Club). Staff does not anticipate any negative land use planning impacts on abutting properties or on the existing urban residential and outdoor recreational character of the area should the variances be approved. Staff recommends that the variances be

approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Ministry of Transportation, July 10, 2023

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

Greater Sudbury Hydro Inc., July 10, 2023

No concerns.

The Nickel District Conservation Authority, July 10, 2023

Conservation Sudbury does not oppose Minor Variance A0078/2023. Subject property includes areas regulated by Conservation Sudbury, including floodplain. Available elevation data indicates that the uncovered deck is outside of the floodplain.

Notes

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

CGS: Site Plan Control, July 06, 2023

No objections.

CGS: Development Engineering, July 05, 2023

No objection.

The Agents of the Applicants, Dennis Payment of Total Home Centre, appeared before the Committee and provided a summary of the Application.

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

Staff brought the comments from Building Services to the attention of the Committee that the setbacks may not be accurate based on the measurements provided on the sketch and that a further variance may be required. Staff advised that they could proceed as long as the Agents and Owners were comfortable in proceeding and restricting the proposed decks to the relief granted based on the sketch. Chair Dumont asked the Agents if they were comfortable proceeding based on the relief sought and the Agents advised that they would restrict the build to be within the relief being sought.

The following decision was reached:

DECISION:

THAT the application by:

KERRY CHARUK AND DAN SCHOLTZ

the owner(s) of PIN 73594 0012, Parcel 51128 SEC SES, Survey Plan 53R-12614 Part(s) 5, Lot Part 5, Concession 1, Township of McKim, 389 Walford Road, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the construction of firstly, one uncovered deck providing a 3.07m encroachment into the required front yard and maintaining a 1.73m front yard setback, where uncovered decks 1.2m or less in height above finished grade may encroach 1.2m into the required front yard, and secondly, a second uncovered deck encroaching 4.66m into the required front yard, where uncovered decks greater than 1.2m in height are not permitted to encroach into the front yard, be granted.

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

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

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

SUBMISSION NO. A0080/2023

July 19, 2023

OWNER(S): NASH GIL DOORS INC., Attn: Tony Nash 26 Meehan Ave, Capreol, ON P0M 1H0

AGENT(S):

LOCATION: PINs 73507 1149 & 73507 0175, Parcels 16551 SEC SES & 46765 SEC SES, Survey Plan 53R-4369
Part(s) 1, Lot Part 10, Concession 6, Township of Capreol, 26 Meehan Avenue, Capreol

SUMMARY

Zoning: The property is zoned I (41) (Institutional) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit an addition on the existing building providing an interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, July 13, 2023

Based on the information provided, Building Services has no concerns with this application. However, for the Owner's information Building Services has the following comments:

1. We acknowledge receipt of permit BP-ADD-2023-00013 which requires further documentation be submitted to the satisfaction of the Chief Building Official, for the proposed addition.

CGS: Infrastructure Capital Planning Services, July 13, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns

CGS: Development Approvals Section, July 12, 2023

The variance being sought would facilitate construction of an addition to the existing light manufacturing and office building on the subject lands having frontage on Meehan Avenue in Capreol. The lands are designated Living Area 1 in the City's Official Plan and zoned "I (41)", Institutional Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed addition would maintain an interior side yard setback of 6.3 m (20.67 ft) whereas the "I (41)" Zone recognizes the existing building maintains a 4.51 m (14.80 ft) interior side yard setback from the easterly lot line. Staff notes the addition would face abutting lands zoned "I (1)" which permits the full range of institutional uses as well as a commercial recreation centre, a rooming house, a trade school, and an office. Staff has no concerns with respect to the proposed addition having any negative land use planning impacts on abutting lands. The proposed addition would also appear to otherwise comply with all other applicable general provisions, parking and loading provisions and development standards within the "I (41)" Zone. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Ministry of Transportation, July 10, 2023

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

Greater Sudbury Hydro Inc., July 10, 2023

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

The Nickel District Conservation Authority, July 10, 2023

Conservation Sudbury does not object to Minor Variance A0080/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, July 06, 2023

The proposed addition and shed are not considered a substantial increase to the usability of the site and would not require site plan control. However, If the design changes, additional consultation with Planning Staff will be required prior to applying for a building permit.

CGS: Development Engineering, July 05, 2023

No objection.

The Applicants, Tony Nash and Ron Gilbeault of Nash Gil Doors Inc., appeared before Committee and provided a summary of the application.

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

The following decision was reached:

DECISION:

THAT the application by:

NASH GIL DOORS INC.

the owner(s) of PINs 73507 1149 & 73507 0175, Parcels 16551 SEC SES & 46765 SEC SES, Survey Plan 53R-4369 Part(s) 1, Lot Part 10, Concession 6, Township of Capreol, 26 Meehan Avenue, Capreol

for relief from Part 10, Section 10.3, Table 10.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an addition on the existing building providing a minimum interior side yard setback of 6.3m, where 10.0m is required, be granted.

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

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

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