



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0072/2023

July 05, 2023

OWNER(S): KERRY MUELLER, 1701-144 Parks Street Waterloo ON N2L 0B6
ACHIM HJ MUELLER, 1701-144 Parks Street Waterloo ON N2L 0B6

AGENT(S): PERRY + PERRY ARCHITECTS INC., 137 Harry Crescent Sudbury ON P3E 3G5

LOCATION: PINs 73581 0146 & 73581 0349, Parcel 10130 and 6056 SEC SES, Survey Plan SR-592 Part(s) 1, Lot Part 2, Concession 3, Township of McKim, 137 Harry Crescent, Sudbury

SUMMARY

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

Application: Approval to construct a single detached dwelling with attached garage and secondary dwelling unit on the subject property providing a high water mark setback, shoreline structure and front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, June 29, 2023

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

For the Owner's information Building Services has the following comments,

- 1) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, for the proposed structure (SFD w/att garage and SU).
- 2) Demolition permit and demolition permit documents to be submitted to the satisfaction of the Chief Building Official, for the structures to be demolished.

CGS: Strategic and Environmental Planning, June 28, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 137 Harry Crescent, 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.

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

1. The existing lot does not have sufficient depth to allow the proponent to comply with the minimum 30 metre setback and the proposed dwelling appears not to extend closer to the highwater mark than the existing dwelling.

Additional points are offered below for the benefit of the property owners:

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

SUBMISSION NO. A0072/2023 Continued.

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).

Source Water Protection Plan, June 28, 2023

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

CGS: Infrastructure Capital Planning Services, June 28, 2023

Roads
No concerns.

SUBMISSION NO. A0072/2023 Continued.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, June 27, 2023

The variances being sought would facilitate construction of a single-detached dwelling containing an attached garage and a secondary dwelling unit having frontage on Harry Crescent in Sudbury. The lands also have water frontage on Ramsey Lake. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", 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 intended to be demolished and the new single-detached dwelling would not further reduce the existing legal non-complying shoreline setback of 12.58 m (41.27 ft) from the high-water mark of Ramsey Lake. Staff also notes that the proposed 12 m (39.37 ft) shoreline setback would occur at one south-westerly point as shown on the submitted sketch with the balance of the new residential dwelling maintains a high-water mark setback in excess of 12 m (39.37 ft). The shoreline setback to the new residential dwelling increases at some points to 16 m (52.49 ft) along the easterly lot line that abuts Ramsey Lake which also generally aligns with the wall of the existing residential dwelling. Staff also notes the new residential dwelling will utilize an existing cleared area given that it will be situated where the existing residential dwelling is located once it has been demolished in favour of the new residential dwelling. Staff further acknowledges that the lot is irregular in shaping given the curvature of the shoreline in this location and there is sloping topography between the street line of Harry Crescent and the shoreline of Ramsey Lake. 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.

The Nickel District Conservation Authority, June 26, 2023

Conservation Sudbury does not oppose Minor Variance A0072/2023. Subject property includes areas regulated by Conservation Sudbury, including floodplain. Proposed structures are located outside of the floodplain. However, any lot grading proposed between the house and the lake requires permission 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.

Greater Sudbury Hydro Inc., June 23, 2023

No Conflict.

Ministry of Transportation, June 23, 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: Development Engineering, June 22, 2023

No objection.

SUBMISSION NO. A0072/2023 Continued.

CGS: Site Plan Control, June 22, 2023

No objections.

The Applicants, Kerry Mueller and Achim Mueller, appeared before the Committee and provided a summary of the Application. The Secretary-Treasurer confirmed that the City had received an email in support of the application on June 29, 2023, from Roberta and Russell Boyles, owners of 125 Harry Crescent. Committee had no comments or questions in relation to this application.

The following decision was reached:

DECISION:

THAT the application by:

KERRY MUELLER AND ACHIM HJ MUELLER

the owner(s) of PINs 73581 0146 & 73581 0349, Parcel 10130 and 6056 SEC SES, Survey Plan SR-592 Part(s) 1, Lot Part 2, Concession 3, Township of McKim, 137 Harry Crescent, Sudbury

for relief from Part 4, Section 4.41, subsections 4.41.2, and 4.41.4 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, as amended, to facilitate the construction of a single detached dwelling with attached garage and secondary dwelling unit providing, firstly, a high water mark setback of 12.0m, 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, secondly, to permit the proposed dwelling and attached garage to be 12.0m 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, and thirdly, a minimum front yard setback of 1.2m, where a minimum 6.0m setback is required, be granted.

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

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

| <i>Member</i> | <i>Status</i> |
|----------------------|----------------------|
| Cathy Castanza | Concurring |
| Justin Sawchuk | Concurring |
| Matt Dumont | Concurring |
| Ron Goswell | Concurring |



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0073/2023

July 05, 2023

OWNER(S): TERRA FLEURY, 19 Burr Oak Road Naughton ON P0M 2M0
CURTIS BOUCK, 19 Burr Oak Road Naughton ON P0M 2M0

AGENT(S): DESTINIE FOURNIER, 457 Gordon Lake Road Chelmsford ON P0M 1L0

LOCATION: PIN 73380 0478, Survey Plan 53R-14112 Part(s) 5, 6, and 11, Lot Part 7, Concession 2, Township of Graham, 19 Burr Oak Road, Naughton

SUMMARY

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

Application: Approval to construct a detached garage on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, June 29, 2023

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

For the Owner's information Building Services has the following comments,

- 1) The submitted conversions on Sketch 3 for Area of Lot, Existing Dwelling, New Garage and Total Coverage are incorrect, however the actual conversions comply with the By-Law.
- 2) The proposed detached garage shall not be used as "Habitable Living Space", as per CGS Zoning By-law 2010-100Z, 4.2 Accessory Buildings, Structures and Uses, unless an approved Secondary Unit Building Permit is issued.

CGS: Infrastructure Capital Planning Services, June 28, 2023

Roads
No concerns.

Transportation and Innovation Support
From the provided drawings it is unclear if there are sufficient sight lines for the driveway entrance. As part of the driveway application process the owner will be required to demonstrate that there are sufficient sight lines for the driveway entrance location.

Active Transportation
No concerns.

CGS: Development Approvals Section, June 27, 2023

The variance being sought would facilitate construction of a detached garage in the rear yard of the lands that have frontage on Burr Oak Road in Naughton. The lands also immediately abut a Crown Reserve along the shoreline of McCharles Lake. The lands are designated Rural in the City's Official Plan and zoned "RS", Rural Shoreline under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The proposed detached garage would be located along the curvature of Burr Oak Road maintaining setbacks from the street line that range from approximately 37.19 m (122.00 ft) to

SUBMISSION NO. A0073/2023 Continued.

66.45 m (218.00 ft). Staff is satisfied that at the setbacks proposed the increased maximum accessory building height would not have any negative impacts on the existing rural character that exists along Burr Oak Road. The lands also contain mature vegetation that can reasonably be expected to provide for buffering and screening to abutting residential properties. It is on this basis that staff does not anticipate any negative land use planning impacts on abutting properties should the variance be approved. Staff in this particular context therefore has no concerns with the requested maximum accessory building height of 6.6 m (21.65 ft) whereas 5 m (16.40 ft) is permitted under Section 4.2.4 a) of the City's Zoning By-law. Staff advises that the proposed detached garage 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 recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, June 26, 2023

Conservation Sudbury does not object to Minor Variance A0073/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Greater Sudbury Hydro Inc., June 23, 2023

No conflict.

Ministry of Transportation, June 23, 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: Development Engineering, June 22, 2023

No objection.

CGS: Site Plan Control, June 22, 2023

No objections.

The Applicants, Terra Fleury and Curtis Bouck, appeared before the Committee and provided a summary of the Application. Committee Member Castanza advised that she did not see any issue with the sightlines as mentioned in the comments from Transportation and Innovation Support. Chair Dumont advised that he agreed but that the applicants were to be in contact with that department to address their comment. Chair Dumont reminded the applicants that the garage is not to be used as a habitable space as mentioned in the comment from Building Services.

The following decision was reached:

DECISION:

THAT the application by:

TERRA FLEURY AND CURTIS BOUCK

the owner(s) of PIN 73380 0478, Survey Plan 53R-14112 Part(s) 5, 6, and 11, Lot Part 7, Concession 2, Township of Graham, 19 Burr Oak Road, Naughton

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 6.6m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

SUBMISSION NO. A0073/2023 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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 |
| Justin Sawchuk | Concurring |
| Matt Dumont | Concurring |
| Ron Goswell | Concurring |



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0074/2023

July 05, 2023

OWNER(S): ASHLYN COUSINEAU, 41 Paul Street Whitefish ON P0M 3E0
KYLE JOKINEN, 41 Paul Street Whitefish ON P0M 3E0

AGENT(S): BRETT PELLARIN, 2124 O'Neil Drive W Garson ON P3L 1L6

LOCATION: PIN 73380 0295, Parcel 28476 SEC SWS, Lot(s) 69 and 70, Subdivision M-245, Lot Part 12, Concession 2, Township of Graham, 41 Paul Street, Whitefish

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 construct a detached garage on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, June 29, 2023

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

For the Owner's information Building Services has the following comments,

- 1) The proposed detached garage shall not be used as "Habitable Living Space", as per CGS Zoning By-law 2010-100Z, 4.2 Accessory Buildings, Structures and Uses, unless an approved Secondary Unit Building Permit is issued.

CGS: Infrastructure Capital Planning Services, June 28, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, June 27, 2023

The variance being sought would facilitate construction of a detached garage to the west of an existing single-detached dwelling on the subject lands that have frontage on Paul Street in Whitefish. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would maintain a setback of 12.19 m (39.99 ft) from the street line of Paul Street whereas a minimum front yard setback of 6 m (19.69 ft) is required for a building in this location under the applicable "R1-2" Zone. Staff is satisfied that with the increased front yard setback the additional building height will not appear excessive in nature or negatively impact the existing residential character that exists along Paul Street. It is on this basis that staff does not anticipate any negative land use planning impacts on abutting properties should the variance be approved. Staff in this particular

SUBMISSION NO. A0074/2023 Continued.

context therefore has no concerns with the requested maximum accessory building height of 6.1 m (20.01 ft) whereas 5 m (16.40 ft) is permitted under Section 4.2.4 a) of the City's Zoning By-law. Staff advises that the proposed detached garage 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 recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, June 26, 2023

Conservation Sudbury does not object to Minor Variance A0074/2023. The subject property is located within a 120m regulated buffer of an adjacent wetland (see attached map). However, Conservation Sudbury does not object to the construction of the detached garage at the location shown.

Greater Sudbury Hydro Inc., June 23, 2023

No conflict.

Ministry of Transportation, June 23, 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: Development Engineering, June 22, 2023

No objection.

CGS: Site Plan Control, June 22, 2023

No objections.

The Agent of the Applicants, Brett Pellerin, appeared before Committee and provided a summary of the application. Committee Member Castanza commented that the garage would provide a nice buffer between the park and the house. The Agent advised that he received letters from neighbours confirming they were in support of the application. No letters were provided to Committee or the City. Committee had no questions in relation to this application.

The following decision was reached:

DECISION:

THAT the application by:

ASHLYN COUSINEAU AND KYLE JOKINEN
the owner(s) of PIN 73380 0295, Parcel 28476 SEC SWS, Lot(s) 69 and 70, Subdivision M-245, Lot Part 12, Concession 2, Township of Graham, 41 Paul Street, 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 6.1m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

SUBMISSION NO. A0074/2023 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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 |
| Justin Sawchuk | Concurring |
| Matt Dumont | Concurring |
| Ron Goswell | Concurring |

SUBMISSION NO. A0046/2023

July 05, 2023
REVISED

OWNER(S): DAVID GAGNON, 1455 Sunnyside Road, Sudbury ON P3G 1J1
LYNDSAY BOUCHARD-GAGNON, 1455 Sunnyside Road, Sudbury ON P3G 1J1

AGENT(S): DENNIS CASTELLAN , 258 Forest Lake Road, Sudbury ON P3G 1K8

LOCATION: PIN 73473 0021, Parcel 47795 SEC SES , Survey Plan 53R-11222 Part(s) 4, 5, 6, 7, 8, 9, and 10, Lot Part 9, Concession 3, Township of McKim, 1455 Sunnyside Road, Sudbury

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 for an existing sauna and garage on the subject property providing side yard setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, June 29, 2023

REVISED

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) Based on a search of our records, it appears that structures (shed, detached garage and sauna) have been built without the benefit of a building permit as applicable. Structures exceeding 10m2 and sheds used for residential storage exceeding 15m2 require Building Permits. Building permit application and building permit documents to be submitted to the satisfaction of the Chief Building Official, as required.
2) Sketch 2 provided with this application is not legible and drawings were not submitted with this application, additional variances may be identified at the time of building permit application(s).

CGS: Infrastructure Capital Planning Services, June 28, 2023

REVISED

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, June 27, 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 application has been amended to remove those components involving additions to the existing residential dwelling. The variances being sought would now recognize the location of an existing detached garage and a sauna building. Staff has no concerns with respect to recognizing the location of the existing detached garage and sauna buildings provided that the owner applies for building permits. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of

both the Official Plan and Zoning By-law are maintained subject to the following condition:

1. That the owner applies for building permits where and if required for the detached garage and/or sauna to the satisfaction of the Chief Building Official within 60 days of the variance decision.

The Nickel District Conservation Authority, June 26, 2023

REVISED

Subject property contains floodplain of Long Lake. The adjusted location of the development is sufficiently far away from the floodplain that a permit from Conservation Sudbury is not required. Conservation Sudbury does not oppose minor variance A0046/2023.

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.

Greater Sudbury Hydro Inc., June 23, 2023

REVISED

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

Ministry of Transportation, June 23, 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.

CGS: Site Plan Control, June 22, 2023

REVISED

No objections.

CGS: Development Approvals Section, May 03, 2023

The variances being sought would recognize the location of an existing detached garage and sauna and facilitate construction of an addition and porch to the existing residential dwelling having frontage on Sunnyside Road in Sudbury. The lands also have water frontage on Long Lake. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff acknowledges that the existing residential dwelling maintains a legal non-complying shoreline setback however there does appear to be sufficient area for an addition to the east of the existing residential dwelling whereby the existing shoreline setback and buffer area would not be further reduced. Staff has also reviewed similar comments received from the City's Strategic and Environmental Planning Section. Staff is unable to support the minor variances being sought for the addition and porch at this time. Staff however does not have any concerns with respect to recognizing the location of the existing sauna at the water or the detached garage situated to the north closer to the front lot line. 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.

Greater Sudbury Hydro Inc., May 03, 2023

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

CGS: Building Services Section, May 03, 2023

Based on the information provided, Building Services has no concerns with this application. However, Applicant/Owner is to be advised of the following comments:

1) We note that relief has been requested for existing structures that may have been built without benefit of a building permit (shed, detached garage, and sauna). Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.

With respect to the proposed construction to build additions (including a porch) on the easterly and southerly faces of the existing single family dwelling, building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.

As the site plan titled SK-1 of 2 provided with this application is not legible and as drawings were not provided with this application, additional variances may be identified at the time of building permit application(s).

CGS: Infrastructure Capital Planning Services, May 03, 2023

Roads
No concerns.
Transportation and Innovation Support
No concerns.
Active Transportation
No concerns.

The Nickel District Conservation Authority, May 03, 2023

Proposed development is adjacent to the floodplain of Long Lake. Conservation Sudbury would like that a condition of the minor variance be the successful obtainment of a section 28 permit from our organization.

CGS: Site Plan Control, May 02, 2023

No objection.

Ministry of Transportation, April 28, 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: Development Engineering, April 27, 2023

No objection.
REVISED: No objection.

CGS: Strategic and Environmental Planning, April 27, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 1455 Sunnyside 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.

After reviewing the proposed development SEP staff do not support the variances for a proposed addition to be setback 18.0 metres from the highwater mark of the lake for the following reasons:

1. The proposed addition encroaches into an already reduced setback when it appears that other locations are available for the proposed addition.

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).

May 10, 2023 - One of the Applicants, David Gagnon, and the Agent, Dennis Castellan, appeared before Committee and provided a summary of the application. David Gagnon described the need for additional room for their family which has grown significantly since purchasing the property, as well as the delay caused by the pandemic. He advised that they had consulted with the neighbours and confirmed that they were in support of the application. The Agent spoke directly to the concerns raised in the letter of concern received from the Long Lake Stewardship Committee and commenting departments. He advised that building to the north, east or west would cause the relocation of existing stairs in the dwelling and would in turn wipe out the entire existing interior layout. An addition to the west would bring the dwelling too close to the drainage swall. Adding to the east would require the clearing of large trees, as well as causing root damage and restrict access to the lake. This direction would also require the need to relocate water and gas lines/meters. Building in those locations would have a greater impact environmentally when considering gas emissions, construction and waste.

Philip Zylberberg attended on behalf of the Long Lake Stewardship Committee expressing concerns with respect the reduced shoreline setback and vegetative buffer being proposed by the Applicants. A letter of concern was received from Mr. Zylberberg on behalf of the Long Lake Stewardship Committee on May 2, 2023, expressing concerns with the shoreline setback and vegetative buffer relief requested.

Committee Member Castanza advised that she had attended the site and upon obtaining a visual perspective on the site, she is in support of the relief sought as changes to the proposed addition location would interfere with the septic system. Chair Dumont inquired of Staff what the difference between the legal non-complying dwelling today and the addition being proposed. Staff outlined on the plan being presented at the meeting the difference between the existing dwelling and proposed addition. Chair Dumont asked the Agent to clarify the difference. The Agent looked at the plan to provide an extra 8.6m being added onto the existing legal non-complying dwelling. Chair Dumont commented about Development Approvals and Strategic and Environmental Planning both not supporting the relief requested, as well as the comment from Conservation Authority that the property is in the flood plain. In response to comments from Development Approvals and Strategic and Environmental Planning, the Agent reiterated the reasons why the additions could not be reasonably added in any other direction than what was proposed in the application. Committee Member Goswell touched on the statement by the Applicant regarding expressions of support from the neighbours and that it would be advisable to have those sentiments in writing when returning to the Committee. The Applicant conceded. Committee Member Goswell advised that it would be a good idea for the Applicant to also to consider the difference between the existing and now further encroachment figures in the future. Committee Member Murray stated the reasons that he did not support the application as being not meeting all the tests for a minor variance and does not conform with the intent of the zoning by-law.

After the resolution was read and voted on, the Applicant questioned whether it would even be worthwhile coming back to Committee, as it appeared that the opinion would not change. Staff advised that commenting departments are always available and willing to meet with applicants and agents in order to work towards solutions for achieving favourable decisions.

July 5, 2023

One of the Applicants, David Gagnon, appeared before Committee and provided a summary of the application. Philip Zylberberg attended on behalf of the Long Lake Stewardship Committee expressing appreciation for the efforts made to plan house additions to comply with the stricter setback and buffer requirements. The Secretary-Treasurer confirmed that the City received a letter from the Long Lake Stewardship Committee on June 30, 2023, acknowledging the efforts made to accommodate the setback and buffer requirements.

Committee Member Goswell referred to the comment notes from Building Services with respect to the sketch not being legible and that further variances may be required. He asked Staff how the comment affects the decision before them. Staff confirmed it was just a cautionary note to the applicants. Committee Member Goswell asked whether Strategic and Environmental Planning supported the changes. Staff confirmed that those comments were updated but did not appear in the comments package.

Chair Dumont made the Applicants aware that revised comments from Development Approvals Section stated support to the application on the condition that the owner apply for building permits where and if required for the detached garage and/or sauna to the satisfaction of the Chief Building Official within 60 days of the variance decision. The Applicant requested 90 days. Committee Member Castanza recommended 120 days. The Applicant agreed.

July 10, 2023

Staff clarified via email that Strategic and Environmental Planning did not provide updated comments - however, revised comments were not issued or required because the shoreline setback and buffer area variances were deleted entirely from the application.

The following decision was reached:

DECISION:

THAT the application by:

DAVID GAGNON AND LYNDSAY BOUCHARD-GAGNON

the owner(s) of PIN 73473 0021, Parcel 47795 SEC SES , Survey Plan 53R-11222 Part(s) 4, 5, 6, 7, 8, 9, and 10, Lot Part 9, Concession 3, Township of McKim, 1455 Sunnyside 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 an existing garage providing an interior side yard setback of 0.27m and existing sauna providing an interior side yard setback of 0.92m, where an accessory building greater than 2.5m in height shall be no closer than 1.2m from the side lot line, be granted, subject to the following condition:

1. That the owner applies for building permits, where and if required, for the detached garage and/or sauna, to the satisfaction of the Chief Building Official, within 120 days of the variance decision.

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

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

| <i>Member</i> | <i>Status</i> |
|----------------------|----------------------|
| Cathy Castanza | Concurring |
| Matt Dumont | Concurring |
| Ron Goswell | Concurring |