



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0073/2021

July 07, 2021

OWNER(S): ROCK FORTIN, 1624 Sherwood Ave Sudbury ON P3A 4L3
LIZETTE FORTIN, 1624 Sherwood Ave Sudbury ON P3A 4L3

AGENT(S):

LOCATION: PIN 73565 0575, Parcel 25393, Lot(s) 163, Subdivision M-381, Lot 10, Concession 6, Township of Neelon, 1624 Sherwood Avenue, 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 shed on the subject property, providing a maximum allowable lot coverage for an accessory building at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 06, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, July 02, 2021

Conservation Sudbury does not oppose Minor Variance Application A0073/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

Notes

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

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

SUBMISSION NO. A0073/2021 Continued.

CGS: Development Approvals Section, June 30, 2021

The variance being sought would facilitate the construction of a shed in the rear yard of the subject lands at the corner of Sherwood Avenue and Robin Street in Sudbury. The lands are zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. It is noted that the owners have applied for a maximum accessory buildings and structures lot coverage of 15% whereas a maximum accessory buildings and structures lot coverage of 10% is permitted on a residential lot. Staff has however calculated that a maximum accessory buildings and structures lot coverage of 13.40% would result based on the submitted sketch. Staff is able to support a maximum accessory buildings and structures lot coverage of 13.50% in this context and note that an additional 0.10% has been afforded in this case to provide the owners with some latitude in terms of constructing the new shed. Staff is not supportive of a maximum accessory buildings and structures lot coverage of 13.50% in this particular urban residential context. It is also noted that an existing shed in the rear yard is proposed to be removed in order to provide for a maximum accessory buildings and structures lot coverage that is no greater than 13.50%. 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 subject to the following condition:

1. That the owners remove the existing shed in the rear yard labelled on the submitted sketch as "Remove Existing Shed" within 90 days of the variance decision and to the satisfaction of the Director of Planning Services.

CGS: Building Services Section, June 30, 2021

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

However, Owner to be advised of the following comments;

1) With respect to the existing 10'x10' shed, in accordance with Part 4, Section 4.1 of the CGS Zoning By-law 2010-100Z, accessory structures greater than 2.5 m (8 ft) in height (measured from the highest point of the structure facing the front lot line to the finished grade of the wall) shall be no closer than 1.2 m (4 ft) from the side lot line. Should the shed be greater than 2.5m (8 ft), the shed shall be moved to meet the aforementioned setback or a minor variance will be required.

2) A search of our records indicates an incomplete building permit for the subject property for a detached garage (permit number B13-1208). Please contact Building Services to proceed in closing this project.

Greater Sudbury Hydro Inc., June 25, 2021

No Conflict.

CGS: Development Engineering, June 24, 2021

No concerns.

The owners appeared before Committee and briefly described the application. Chair Chartrand noted that the Development Approvals Section was supportive of the application on the basis that one of the existing sheds labelled "Remove Existing Shed" on the submitted sketch be removed from the lands. Chair Chartrand also confirmed with the owners that they understood those comments provided by Building Services with respect to yard setbacks for accessory buildings and structures. The owners explained briefly that the existing shed that is to remain would comply with yard setback requirements noted by Building Services in their comments.

The following decision was reached:

DECISION:

THAT the application by:

ROCK FORTIN AND LIZETTE FORTIN

the owner(s) of PIN 73565 0575, Parcel 25393, Lot(s) 163, Subdivision M-381, Lot 10, Concession 6, Township of Neelon, 1624 Sherwood Avenue, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, in order to permit the construction of a shed providing a lot coverage of 15%, where permitted lot coverage for an accessory building shall not exceed 10%, be granted, subject to the following condition:

1. That the owners remove the existing shed in the rear yard labelled on the submitted sketch as "Remove Existing Shed" within 90 days of the variance decision and 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 building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0074/2021

July 07, 2021

OWNER(S): HENRY MUST, 1755 South Lane Road Sudbury ON P3G 1N9
DONNA MUST, 1755 South Lane Road Sudbury ON P3G 1N9

AGENT(S): JEAN SAUVE, 1881 South Lane Road Sudbury ON P3G 1C8
JEANNE SAUVE, 1881 South Lane Road Sudbury ON P3G 1C8
RENE GRAVELLE, 1881 South Lane Road Sudbury ON P3G 1C8

LOCATION: PIN 73477 0250, Parcel 53854 SES, Survey Plan 53R-17252 Part(s) 1 & 2, Lot Part 1, Concession 4, Township of Broder, 1755 South Lane Road, Sudbury

SUMMARY

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

Application: Approval of the lot to be retained, subject of Consent Application B0054/2021, providing a lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 06, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

CGS: Building Services Section, July 06, 2021

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

1) With respect to the existing 10'x12' shed, our records indicate this structure was built without benefit of a building permit. Owner to be informed that any structure 10m2 (108 ft2) in area or more requires a building permit. We acknowledge your correspondence received on July 6, 2021 indicating that your intention is to reduce the size of the shed to 10'x10'. Based on the current size of the structure, Building permits and building permit documents to be submitted to the satisfaction of the Chief Building Official.

2) Owner to be informed that a search of our records indicates an incomplete building permit for the subject property for single family dwelling with attached garage (permit number 04-1196). We acknowledge your correspondence received on July 6, 2021 indicating that you will be contacting Building Services to close this project.

The Nickel District Conservation Authority, July 02, 2021

Conservation Sudbury does not oppose Minor Variance Applications A0074/2021 & A0075/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be

required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

Notes

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

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

CGS: Development Approvals Section, June 30, 2021

The above noted applications were submitted concurrently and seek to facilitate the creation of one new rural waterfront lot having public road frontage on South Lane Road and water frontage on Raft Lake in Sudbury. Both the severed and retained lands require minor variances to permit a reduced minimum lot frontage and in both cases the variances being sought are consistent with other similar variances granted where rural waterfront lots are being created under Section 5.2.2(4) of the City's Official Plan. There are also two related consent applications (Files # B0054/2021 & B0055/2021) associated with the overall development proposal. Staff would further note that the overall rural waterfront lot creation development proposal is related to other concurrently submitted applications (Files # A0076/2021, A0077/2021 & A0078/2021, B0056/2021, B0057/2021 & B0058/2021). The lands are zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has no concerns with the minor variances being applied for as they would implement a development proposal for rural waterfront lot creation through the consent process for which staff is supportive.

Recommendation for A0074/2021

Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, June 30, 2021

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

- 1) We recommend deferral of this application and request a survey from the Owner to include all existing buildings and structures on the property along with their dimension and setbacks to the proposed property lines.
- 2) A search of our records indicates multiple accessory structures on the subject property that may have been built without benefit of a building permit. Owner to be informed that all structures must comply with the zoning requirements of the CGS Zoning By-law 2010-100Z, and any structure 10m2 (108 ft2) in area or more requires a building permit. Building permits and building permit documents to be submitted to the satisfaction of the Chief Building Official.
- 3) Our research indicates there may be shipping and storage containers located on the subject property. In accordance with Section 4.40.7 of the CGS Zoning By-law, shipping and storage containers, shall be permitted on a residential lot for a maximum of 14 consecutive days. Shipping and storage containers to be removed.
- 4) Owner to be informed that a search of our records indicates an incomplete building permit for the subject property for single family dwelling with attached garage (permit number 04-1196) as well as an associated Order to Comply for occupying a residence without review and approval. Please contact Building Services to proceed in closing this project and rectifying the outstanding order.

SUBMISSION NO. A0074/2021 Continued.

Greater Sudbury Hydro Inc., June 25, 2021

No Conflict.

CGS: Development Engineering, June 24, 2021

No objection.

Prior to the public hearing, Committee Member Castanza introduced a resolution to hear two applications that both pertain to the subject lands at the same time. The motion was seconded by Committee Member Coupal. The resolution carried and staff noted that both applications would be read into the public record and further that two resolutions would be required at the end of the public hearing in order to ensure that proper decision-making processes was followed by Committee on both applications.

The owner's agent appeared before Committee and briefly explained the overall development proposal to create rural waterfront lots on Raft Lake that would also have public road frontage on South Lane Road. The agent further explained that the applications pertaining to 1755 South Lane Road amounts to a lot boundary re-alignment and the creation of one new rural waterfront lot. The agent noted that immediately surrounding neighbours were supportive of the applications. Michael Mirka then appeared before Committee as a local resident and in his role as President of the Raft Lake Ratepayers Association. Mr. Mirka explained that the Ratepayers are not in support of the applications and it is their opinion that the applications at 1755 South Lane Road should be considered within the context of those other applications submitted concurrently to the City involving abutting lands known municipally as 1881 South Lane Road. Mr. Mirka stated that five new rural waterfront lots would result should all the applications be approved and it was therefore submitted to Committee that the overall development proposal does not conform to rural lot creation policies set out in the City's Official Plan.

The agent responded that they had consulted with the City's Planning Services Division, as well as the Nickel District Conservation Authority, prior to filing the applications and that it was their opinion that the proposed rural waterfront lots were in conformity with the City's Official Plan.

Chair Chartrand noted that Building Services had updated their comments and no longer were requesting a deferral of File # A0074/2021. Staff confirmed that it was their understanding that additional information had been provided by the agent to Building Services and updated comments had removed their request to defer File # A0074/2021. The agent also confirmed that they had provided additional information to Building Services and that it was their opinion that a deferral was no longer necessary. Staff also explained that the concern from Building Services was that additional buildings and structures not shown on the submitted sketch may require minor variances with respect to yard setbacks and that it would be to the owner's benefit to address all required relief from the City's Zoning By-law in one application as opposed to later having to submit another application.

Chair Chartrand asked staff to explain the rural lot creation policies in the City's Official Plan. Staff explained that the City's Official Plan includes one set of policies with respect to rural waterfront lot creation policies and another set of policies with respect to non-waterfront rural lot creation policies. Staff noted that in this particular instance the rural waterfront policies were applicable and that there was no limit on the number of rural waterfronts that could be created. Staff further noted though that for non-waterfront rural lot creation there is a limit of three rural lots that may be created from the single parent parcel that was in existence on June 14, 2006.

Committee Member Castanza expressed support for the applications and noted that the owners would be required to obtain all necessary approvals, if any, from the Sudbury District Health Unit and the Nickel District Conservation Authority.

Chair Chartrand then asked staff to expand upon those comments provided by Environmental Planning Initiatives with respect to species-at-risk. Staff advised that the comments were cautionary in nature and directed to the owners for their own benefit and information. Staff more specifically noted that throughout the land use planning and development process the owners are required under statute law to ensure that site alteration does not contravene the provincial Endangered Species Act or the federal Migratory Birds Convention Act.

The following decision was reached:

DECISION:

THAT the application by:

HENRY MUST AND DONNA MUST

the owner(s) of PIN 73477 0250, Parcel 53854 SES, Survey Plan 53R-17252 Part(s) 1 & 2, Lot Part 1, Concession 4, Township of Broder, 1755 South Lane Road, Sudbury

for relief from Part 9, Table 9.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to approve the lands to be retained, subject of Consent Application B0054/2021, providing a minimum lot frontage of approximately 45.0m, where 90.0m 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.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0075/2021

July 07, 2021

OWNER(S): HENRY MUST, 1755 South Lane Road Sudbury ON P3G 1N9
DONNA MUST, 1755 South Lane Road Sudbury ON P3G 1N9

AGENT(S): JEAN SAUVE, 1881 South Lane Road Sudbury ON P3G 1C8
JEANNE SAUVE, 1881 South Lane Road Sudbury ON P3G 1C8
RENE GRAVELLE, 1881 South Lane Road Sudbury ON P3G 1C8

LOCATION: PIN 73477 0250, Parcel 53854 SES, Survey Plan 53R-17252 Part(s) 1 & 2, Lot Part 1, Concession 4, Township of Broder, 1755 South Lane Road, Sudbury

SUMMARY

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

Application: Approval of the lot to be severed, subject of Consent Application B0054/2021, providing a lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 06, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, July 02, 2021

Conservation Sudbury does not oppose Minor Variance Applications A0074/2021 & A0075/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

Notes

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

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

SUBMISSION NO. A0075/2021 Continued.

CGS: Development Approvals Section, June 30, 2021

The above noted applications were submitted concurrently and seek to facilitate the creation of one new rural waterfront lot having public road frontage on South Lane Road and water frontage on Raft Lake in Sudbury. Both the severed and retained lands require minor variances to permit a reduced minimum lot frontage and in both cases the variances being sought are consistent with other similar variances granted where rural waterfront lots are being created under Section 5.2.2(4) of the City's Official Plan. There are also two related consent applications (Files # B0054/2021 & B0055/2021) associated with the overall development proposal. Staff would further note that the overall rural waterfront lot creation development proposal is related to other concurrently submitted applications (Files # A0076/2021, A0077/2021 & A0078/2021, B0056/2021, B0057/2021 & B0058/2021). The lands are zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has no concerns with the minor variances being applied for as they would implement a development proposal for rural waterfront lot creation through the consent process for which staff is supportive.

Recommendation for A0075/2021

Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, June 30, 2021

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

CGS: Environmental Planning Initiatives, June 30, 2021

This correspondence is for informational purposes only. Shoreline property owners are encouraged to continue adopting lake-friendly practices.

The subject lands are immediately adjacent to Raft Lake, Township of Dill, City of Greater Sudbury.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have not confirmed the presence of cyanobacterial blooms in Raft Lake.

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

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

1. A natural vegetated buffer of at least 30 metres (the wider the better) from the high water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or stream bank or up to 23 metres, whichever is less, is allowable.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more

available for uptake by the turf grass.

4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.

5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.

6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.

7. Private sewage systems should be inspected and pumped at least every three years.

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

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

SITE ALTERATION

Portions of the subject lands have a high potential of serving as habitat for two species protected by the Endangered Species Act: the Eastern Whip-poor-will and the Blanding's Turtle.

The owners are solely responsible for ensuring that site alteration on the subject lands, including the removal of existing vegetation, does not contravene Ontario's Endangered Species Act and the federal Migratory Birds Convention Act.

Greater Sudbury Hydro Inc., June 25, 2021

No Conflict.

CGS: Development Engineering, June 24, 2021

No objection.

Prior to the public hearing, Committee Member Castanza introduced a resolution to hear two applications that both pertain to the subject lands at the same time. The motion was seconded by Committee Member Coupal. The resolution carried and staff noted that both applications would be read into the public record and further that two resolutions would be required at the end of the public hearing in order to ensure that proper decision-making processes was followed by Committee on both applications.

The owner's agent appeared before Committee and briefly explained the overall development proposal to create rural waterfront lots on Raft Lake that would also have public road frontage on South Lane Road. The agent further explained that the applications pertaining to 1755 South Lane Road amounts to a lot boundary re-alignment and the creation of one new rural waterfront lot. The agent noted that immediately surrounding neighbours were supportive of the applications. Michael Mirka then appeared before Committee as a local resident and in his role as President of the Raft Lake Ratepayers Association. Mr. Mirka explained that the Ratepayers are not in support of the applications and it is their opinion that the applications at 1755 South Lane Road should be considered within the context of those other applications submitted concurrently to the City involving abutting lands known municipally as 1881 South Lane Road. Mr. Mirka stated that five new rural waterfront lots would result should all the applications be approved and it was therefore submitted to Committee that the overall development proposal does not conform to rural lot creation policies set out in the City's Official Plan.

The agent responded that they had consulted with the City's Planning Services Division, as well as the Nickel District Conservation Authority, prior to filing the applications and that it was their opinion that the proposed rural waterfront lots were in conformity with the City's Official Plan.

Chair Chartrand noted that Building Services had updated their comments and no longer were requesting a deferral of File # A0074/2021. Staff confirmed that it was their understanding that additional information had been provided by the agent to Building Services and updated comments had removed their request to defer File # A0074/2021. The agent also confirmed that they had provided additional information to Building Services and that it was their opinion that a deferral was no longer necessary. Staff also explained that the concern from Building Services was that additional buildings and structures not shown on the submitted sketch may require minor variances with respect to yard setbacks and that it would be to the owner's benefit to address all required relief from the City's Zoning By-law in one application as opposed to later having to submit another application.

Chair Chartrand asked staff to explain the rural lot creation policies in the City's Official Plan. Staff explained that the City's Official Plan includes one set of policies with respect to rural waterfront lot creation policies and another set of policies with respect to non-waterfront rural lot creation policies. Staff noted that in this particular instance the rural waterfront policies were applicable and that there was no limit on the number of rural waterfronts that could be created. Staff further noted though that for non-waterfront rural lot creation there is a limit of three rural lots that may be created from the single parent parcel that was in existence on June 14, 2006.

Committee Member Castanza expressed support for the applications and noted that the owners would be required to obtain all necessary approvals, if any, from the Sudbury District Health Unit and the Nickel District Conservation Authority.

Chair Chartrand then asked staff to expand upon those comments provided by Environmental Planning Initiatives with respect to species-at-risk. Staff advised that the comments were cautionary in nature and directed to the owners for their own benefit and information. Staff more specifically noted that throughout the land use planning and development process the owners are required under statute law to ensure that site alteration does not contravene the provincial Endangered Species Act or the federal Migratory Birds Convention Act.

The following decision was reached:

DECISION:

THAT the application by:

HENRY MUST AND DONNA MUST

the owner(s) of PIN 73477 0250, Parcel 53854 SES, Survey Plan 53R-17252 Part(s) 1 & 2, Lot Part 1, Concession 4, Township of Broder, 1755 South Lane Road, Sudbury

for relief from Part 9, Table 9.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to approve the lands to be severed, subject of Consent Application B0055/2021, providing a minimum lot frontage of approximately 45.0m, where 90.0m is required, be granted.

SUBMISSION NO. A0075/2021 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-Law and the Official Plan are maintained. Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0076/2021

July 07, 2021

OWNER(S): JEAN SAUVE, 1881 South Lane Road Sudbury ON P3G 1C8
JEANNE SAUVE, 1881 South Lane Road Sudbury ON P3G 1C8
RENE GRAVELLE, 1881 South Lane Road Sudbury ON P3G 1C8

AGENT(S): JEAN SAUVE, 1881 South Lane Road Sudbury ON P3G 1C8

LOCATION: PINs 73479 0553 & 73479 0554 & 73479 0153, Parcel 9921 SEC SES, Surveys Plan 53R-21142 Part(s) 1, 2, 3 and 4 & Plan 53R-6411 Part(s) 11 & Plan 53R-21142 Part(s) 5, Lot 11 & 12 (Broken), Concession 4, Township of Dill, 1881 South Lane Road, Sudbury

SUMMARY

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

Application: Approval of the lot to be transferred, subject of Consent Application B0056/2021, providing a lot frontages at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 06, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, July 02, 2021

Conservation Sudbury does not oppose Minor Variance Applications A0076/2021, A0077/2021, nor A0078/2021 as the frontage of the proposed parcels is not a concern. However, the proponent is advised that comments may be received as part of the associated Consent Applications, being B0056/2021, B0057/2021, and B0058/2021, that may impact the proposed development. Additionally, works within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, 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.

Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is

SUBMISSION NO. A0076/2021 Continued.

developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

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

CGS: Development Approvals Section, June 30, 2021

The above noted applications were submitted concurrently and seek to facilitate the creation of three new rural waterfront lots having public road frontage on South Lane Road and water frontage on Raft Lake in Sudbury. Both the severed and retained lots require minor variances to permit a reduced minimum lot frontage and in both cases the variances being sought are consistent with other similar variances granted where rural waterfront lots are being created under Section 5.2.2(4) of the City's Official Plan. There are also three related consent applications (Files # B0056/2021, B0057/2021 & B0058/2021) associated with the overall development proposal. Staff would further note that the overall rural waterfront lot creation development proposal is related to other concurrently submitted applications (Files # A0074/2021, A0075/2021, B0054/2021 & B0055/2021). The lands are zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has no concerns with the minor variances being applied for as they would implement a development proposal for rural waterfront lot creation through the consent process for which staff is supportive.

Recommendation for A0076/2021

Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, June 30, 2021

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

However, Owner to be advised of the following comments:

Proposed/Retained Lands

1) Owner to be informed that a search of our records indicates incomplete building permits for the subject property as follows: B19-1696 (single family dwelling, attached garage, deck, and secondary unit) & B19-0881 (siding). Please contact Building Services to proceed in closing these projects.

CGS: Environmental Planning Initiatives, June 30, 2021

This correspondence is for informational purposes only. Shoreline property owners are encouraged to continue adopting lake-friendly practices.

The subject lands are immediately adjacent to Raft Lake, Township of Dill, City of Greater Sudbury.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have not confirmed the presence of cyanobacterial blooms in Raft Lake.

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

Shoreline and stream bank residents can help reduce phosphorus levels or maintain them at low levels

by following a few guidelines:

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

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

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

SITE ALTERATION

Portions of the subject lands have a high potential of serving as habitat for two species protected by the Endangered Species Act: the Eastern Whip-poor-will and the Blanding's Turtle.

The owners are solely responsible for ensuring that site alteration on the subject lands, including the removal of existing vegetation, does not contravene Ontario's Endangered Species Act and the federal Migratory Birds Convention Act.

Greater Sudbury Hydro Inc., June 25, 2021

No Conflict.

CGS: Development Engineering, June 24, 2021

No objection.

Prior to the public hearing, Committee Member Castanza introduced a resolution to hear three applications that collectively pertain to the subject lands at the same time. The motion was seconded by Committee Member Coupal. The resolution carried and staff noted that the applications would be read into the public record and further that three resolutions would be required at the end of the public hearing in order to ensure that proper decision-making processes was followed by Committee on the three applications.

The owner appeared before Committee and explained that the three applications being made on lands known municipally as 1881 South Lane Road are similar in nature to the two applications made on lands described municipally as being 1755 South Lane Road. The owner noted that the overall development proposal to create rural waterfront lots is in keeping with applicable rural lot creation policies in the City's Official Plan. The owner further noted that the lots would exceed the minimum lot area requirement of 0.8 hectares for rural waterfront lots set out in the rural waterfront lot creation policies of the City's Official Plan. The owner also noted that immediately surrounding neighbours were supportive of the applications.

Michael Mirka then appeared before Committee as a local resident and in his role as President of the Raft Lake Ratepayers Association. Mr. Mirka explained that the Ratepayers are not in support of the applications. Mr. Mirka expressed an opinion that the City's Official Plan limited the number of rural lots that can be created to three new rural lots. Mr. Mirka noted he has the same concerns with the current applications at 1885 South Lane Road as he does and had shared with respect to the related applications at 1755 South Lane Road. Mr. Mirka shared concerns with respect to an existing trail on the lands and who would be able to utilize the trail should the development proposal proceed. Mr. Mirka also inquired about the possibility of a public boat launch being located in the future at the end of the trail on Raft Lake. Mr. Mirka noted that he was aware of nearby residents that were not in support of the development proposal. The owner in response noted that the proposed rural waterfront lots would meet incoming and amended policies in the City's Official Plan with respect to development along shorelines. More specifically, the owner noted that the lots could each be developed in a manner that would not involve the placement of buildings within 30 metres of the Raft Lake shoreline.

Committee Member Dumont asked if the sequence of applications was correct insofar as the minor variance applications were being considered before the related consent applications. Staff advised that it is considered good land use planning and certainly a "best practice" to have all required planning approvals in place prior to applying to sever lands. Staff noted that related consent application had been received by the City, but no decisions had been rendered on said applications by the City's Consent Official.

Chair Chartrand asked staff to explain the right-of-way that would exist across the lands from South Lane Road down to the shoreline of Raft Lake. Staff explained that the related consent applications included a request to establish an access easement that would benefit the owners of the proposed future lots thereby providing driveway access from South Lane Road into each of the lots and down toward the shoreline of Raft Lake.

Staff then reiterated that there are two sets of rural lot creation policies in the City's Official Plan that should be viewed as individual "streams" and that both do not apply at the same time. In this instance, the lots would have water frontage on Raft Lake and therefore the rural waterfront lot creation policies are applicable and not the non-waterfront rural lot creation policies. Staff then explained that when utilizing the rural waterfront lot creation policies it is possible also to have lots being created that have both water frontage and public road frontage. Staff further explained that in these situations a minor variance is somewhat common and to some degree technical in nature as the variance applications would allow for the minimum required public road frontage to match what the City's Official Plan permits in terms of minimum required water frontage for new rural waterfront lots.

The following decision was reached:

DECISION:

THAT the application by:

JEAN SAUVE, JEANNE SAUVE AND RENE GRAVELLE
the owner(s) of PINs 73479 0553 & 73479 0554 & 73479 0153, Parcel 9921 SEC SES, Surveys Plan 53R-21142 Part(s) 1, 2, 3 and 4 & Plan 53R-6411 Part(s) 11 & Plan 53R-21142 Part(s) 5, Lot 11 & 12 (Broken), Concession 4, Township of Dill, 1881 South Lane Road, Sudbury

for relief from Part 9, Table 9.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to approve the lands to be severed, subject of Consent Application B0056/2021, providing a minimum lot frontage of approximately 45.0m, where 90.0m is required, be granted.

SUBMISSION NO. A0076/2021 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-Law and the Official Plan are maintained. Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0077/2021

July 07, 2021

OWNER(S): JEANNE SAUVE, 1881 South Lane Road Sudbury ON P3G 1C8
JEAN SAUVE, 1881 South Lane Road Sudbury ON P3G 1C8
RENE GRAVELLE, 1881 South Lane Road Sudbury ON P3G 1C8

AGENT(S): JEAN SAUVE, 1881 South Lane Road Sudbury ON P3G 1C8

LOCATION: PINs 73479 0553 & 73479 0554 & 73479 0153, Parcel 9921 SEC SES, Surveys Plan 53R-21142 Part(s) 1, 2, 3 and 4 & Plan 53R-6411 Part(s) 11 & Plan 53R-21142 Part(s) 5, Lot 11 & 12 (Broken), Concession 4, Township of Dill, 1881 South Lane Road, Sudbury

SUMMARY

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

Application: Approval of the lot to be transferred, subject of Consent Application B0057/2021, providing a lot frontages at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 06, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, July 02, 2021

Conservation Sudbury does not oppose Minor Variance Applications A0076/2021, A0077/2021, nor A0078/2021 as the frontage of the proposed parcels is not a concern. However, the proponent is advised that comments may be received as part of the associated Consent Applications, being B0056/2021, B0057/2021, and B0058/2021, that may impact the proposed development. Additionally, works within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, 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.

Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is

SUBMISSION NO. A0077/2021 Continued.

developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

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

CGS: Development Approvals Section, June 30, 2021

The above noted applications were submitted concurrently and seek to facilitate the creation of three new rural waterfront lots having public road frontage on South Lane Road and water frontage on Raft Lake in Sudbury. Both the severed and retained lots require minor variances to permit a reduced minimum lot frontage and in both cases the variances being sought are consistent with other similar variances granted where rural waterfront lots are being created under Section 5.2.2(4) of the City's Official Plan. There are also three related consent applications (Files # B0056/2021, B0057/2021 & B0058/2021) associated with the overall development proposal. Staff would further note that the overall rural waterfront lot creation development proposal is related to other concurrently submitted applications (Files # A0074/2021, A0075/2021, B0054/2021 & B0055/2021). The lands are zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has no concerns with the minor variances being applied for as they would implement a development proposal for rural waterfront lot creation through the consent process for which staff is supportive.

Recommendation for A0077/2021

Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, June 30, 2021

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

However, Owner to be advised of the following comments:

Proposed/Retained Lands

1) Owner to be informed that a search of our records indicates incomplete building permits for the subject property as follows: B19-1696 (single family dwelling, attached garage, deck, and secondary unit) & B19-0881 (siding). Please contact Building Services to proceed in closing these projects.

CGS: Environmental Planning Initiatives, June 30, 2021

This correspondence is for informational purposes only. Shoreline property owners are encouraged to continue adopting lake-friendly practices.

The subject lands are immediately adjacent to Raft Lake, Township of Dill, City of Greater Sudbury.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have not confirmed the presence of cyanobacterial blooms in Raft Lake.

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

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

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

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

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

SITE ALTERATION

Portions of the subject lands have a high potential of serving as habitat for two species protected by the Endangered Species Act: the Eastern Whip-poor-will and the Blanding's Turtle.

The owners are solely responsible for ensuring that site alteration on the subject lands, including the removal of existing vegetation, does not contravene Ontario's Endangered Species Act and the federal Migratory Birds Convention Act.

Greater Sudbury Hydro Inc., June 25, 2021

No Conflict.

CGS: Development Engineering, June 24, 2021

No objection.

Prior to the public hearing, Committee Member Castanza introduced a resolution to hear three applications that collectively pertain to the subject lands at the same time. The motion was seconded by Committee Member Coupal. The resolution carried and staff noted that the applications would be read into the public record and further that three resolutions would be required at the end of the public hearing in order to ensure that proper decision-making processes was followed by Committee on the three applications.

The owner appeared before Committee and explained that the three applications being made on lands known municipally as 1881 South Lane Road are similar in nature to the two applications made on lands described municipally as being 1755 South Lane Road. The owner noted that the overall development proposal to create rural waterfront lots is in keeping with applicable rural lot creation policies in the City's Official Plan. The owner further noted that the lots would exceed the minimum lot area requirement of 0.8 hectares for rural waterfront lots set out in the rural waterfront lot creation policies of the City's Official Plan. The owner also noted that immediately surrounding neighbours were supportive of the applications.

Michael Mirka then appeared before Committee as a local resident and in his role as President of the Raft Lake Ratepayers Association. Mr. Mirka explained that the Ratepayers are not in support of the applications. Mr. Mirka expressed an opinion that the City's Official Plan limited the number of rural lots that can be created to three new rural lots. Mr. Mirka noted he has the same concerns with the current applications at 1885 South Lane Road as he does and had shared with respect to the related applications at 1755 South Lane Road. Mr. Mirka shared concerns with respect to an existing trail on the lands and who would be able to utilize the trail should the development proposal proceed. Mr. Mirka also inquired about the possibility of a public boat launch being located in the future at the end of the trail on Raft Lake. Mr. Mirka noted that he was aware of nearby residents that were not in support of the development proposal. The owner in response noted that the proposed rural waterfront lots would meet incoming and amended policies in the City's Official Plan with respect to development along shorelines. More specifically, the owner noted that the lots could each be developed in a manner that would not involve the placement of buildings within 30 metres of the Raft Lake shoreline.

Committee Member Dumont asked if the sequence of applications was correct insofar as the minor variance applications were being considered before the related consent applications. Staff advised that it is considered good land use planning and certainly a "best practice" to have all required planning approvals in place prior to applying to sever lands. Staff noted that related consent application had been received by the City, but no decisions had been rendered on said applications by the City's Consent Official.

Chair Chartrand asked staff to explain the right-of-way that would exist across the lands from South Lane Road down to the shoreline of Raft Lake. Staff explained that the related consent applications included a request to establish an access easement that would benefit the owners of the proposed future lots thereby providing driveway access from South Lane Road into each of the lots and down toward the shoreline of Raft Lake.

Staff then reiterated that there are two sets of rural lot creation policies in the City's Official Plan that should be viewed as individual "streams" and that both do not apply at the same time. In this instance, the lots would have water frontage on Raft Lake and therefore the rural waterfront lot creation policies are applicable and not the non-waterfront rural lot creation policies. Staff then explained that when utilizing the rural waterfront lot creation policies it is possible also to have lots being created that have both water frontage and public road frontage. Staff further explained that in these situations a minor variance is somewhat common and to some degree technical in nature as the variance applications would allow for the minimum required public road frontage to match what the City's Official Plan permits in terms of minimum required water frontage for new rural waterfront lots.

The following decision was reached:

DECISION:

THAT the application by:

JEANNE SAUVE, JEAN SAUVE AND RENE GRAVELLE
the owner(s) of PINs 73479 0553 & 73479 0554 & 73479 0153, Parcel 9921 SEC SES, Surveys Plan 53R-21142 Part(s) 1, 2, 3 and 4 & Plan 53R-6411 Part(s) 11 & Plan 53R-21142 Part(s) 5, Lot 11 & 12 (Broken), Concession 4, Township of Dill, 1881 South Lane Road, Sudbury

for relief from Part 9, Table 9.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to approve the lands to be severed, subject of Consent Application B0057/2021, providing a minimum lot frontage of approximately 45.0m, where 90.0m is required, be granted.

SUBMISSION NO. A0077/2021 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-Law and the Official Plan are maintained. Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0078/2021

July 07, 2021

OWNER(S): JEAN SAUVE, 1881 South Lane Road Sudbury ON P3G 1C8
JEANNE SAUVE, 1881 South Lane Road Sudbury ON P3G 1C8
RENE GRAVELLE, 1881 South Lane Road Sudbury ON P3G 1C8

AGENT(S): JEAN SAUVE, 1881 South Lane Road Sudbury ON P3G 1C8

LOCATION: PINs 73479 0553 & 73479 0554 & 73479 0153, Parcel 9921 SEC SES, Surveys Plan 53R-21142 Part(s) 1, 2, 3 and 4 & Plan 53R-6411 Part(s) 11 & Plan 53R-21142 Part(s) 5, Lot 11 and 12 (Broken), Concession 4, Township of Dill, 1881 South Lane Road, Sudbury

SUMMARY

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

Application: Approval of the lot to be transferred, subject of Consent Application B0058/2021, providing a lot frontages at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 06, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

CGS: Environmental Planning Initiatives, July 02, 2021

This correspondence is for informational purposes only. Shoreline property owners are encouraged to continue adopting lake-friendly practices.

The subject lands are immediately adjacent to Raft Lake, Township of Dill, City of Greater Sudbury.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have not confirmed the presence of cyanobacterial blooms in Raft Lake.

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

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

1. A natural vegetated buffer of at least 30 metres (the wider the better) from the high water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or stream bank or up to 23 metres, whichever is less, is allowable.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
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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.

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

SITE ALTERATION

Portions of the subject lands have a high potential of serving as habitat for two species protected by the Endangered Species Act: the Eastern Whip-poor-will and the Blanding's Turtle.

The owners are solely responsible for ensuring that site alteration on the subject lands, including the removal of existing vegetation, does not contravene Ontario's Endangered Species Act and the federal Migratory Birds Convention Act.

The Nickel District Conservation Authority, July 02, 2021

Conservation Sudbury does not oppose Minor Variance Applications A0076/2021, A0077/2021, nor A0078/2021 as the frontage of the proposed parcels is not a concern. However, the proponent is advised that comments may be received as part of the associated Consent Applications, being B0056/2021, B0057/2021, and B0058/2021, that may impact the proposed development. Additionally, works within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, 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.

Notes

SUBMISSION NO. A0078/2021 Continued.

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

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

CGS: Development Approvals Section, June 30, 2021

The above noted applications were submitted concurrently and seek to facilitate the creation of three new rural waterfront lots having public road frontage on South Lane Road and water frontage on Raft Lake in Sudbury. Both the severed and retained lots require minor variances to permit a reduced minimum lot frontage and in both cases the variances being sought are consistent with other similar variances granted where rural waterfront lots are being created under Section 5.2.2(4) of the City's Official Plan. There are also three related consent applications (Files # B0056/2021, B0057/2021 & B0058/2021) associated with the overall development proposal. Staff would further note that the overall rural waterfront lot creation development proposal is related to other concurrently submitted applications (Files # A0074/2021, A0075/2021, B0054/2021 & B0055/2021). The lands are zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has no concerns with the minor variances being applied for as they would implement a development proposal for rural waterfront lot creation through the consent process for which staff is supportive.

Recommendation for A0078/2021

Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, June 30, 2021

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

However, Owner to be advised of the following comments:

Proposed/Retained Lands

1) Owner to be informed that a search of our records indicates incomplete building permits for the subject property as follows: B19-1696 (single family dwelling, attached garage, deck, and secondary unit) & B19-0881 (siding). Please contact Building Services to proceed in closing these projects.

Greater Sudbury Hydro Inc., June 25, 2021

No Conflict.

CGS: Development Engineering, June 24, 2021

No objection.

Prior to the public hearing, Committee Member Castanza introduced a resolution to hear three applications that collectively pertain to the subject lands at the same time. The motion was seconded by Committee Member Coupal. The resolution carried and staff noted that the applications would be read into the public record and further that three resolutions would be required at the end of the public hearing in order to ensure that proper decision-making processes was followed by Committee on the three applications.

The owner appeared before Committee and explained that the three applications being made on lands known municipally as 1881 South Lane Road are similar in nature to the two applications made on lands described municipally as being 1755 South Lane Road. The owner noted that the overall development proposal to create rural waterfront lots is in keeping with applicable rural lot creation policies in the City's Official Plan. The owner further noted that the lots would exceed the minimum lot area requirement of 0.8 hectares for rural waterfront lots set out in the rural waterfront lot creation policies of the City's Official Plan. The owner also noted that immediately surrounding neighbours were supportive of the applications.

Michael Mirka then appeared before Committee as a local resident and in his role as President of the Raft Lake Ratepayers Association. Mr. Mirka explained that the Ratepayers are not in support of the applications. Mr. Mirka expressed an opinion that the City's Official Plan limited the number of rural lots that can be created to three new rural lots. Mr. Mirka noted he has the same concerns with the current applications at 1885 South Lane Road as he does and had shared with respect to the related applications at 1755 South Lane Road. Mr. Mirka shared concerns with respect to an existing trail on the lands and who would be able to utilize the trail should the development proposal proceed. Mr. Mirka also inquired about the possibility of a public boat launch being located in the future at the end of the trail on Raft Lake. Mr. Mirka noted that he was aware of nearby residents that were not in support of the development proposal. The owner in response noted that the proposed rural waterfront lots would meet incoming and amended policies in the City's Official Plan with respect to development along shorelines. More specifically, the owner noted that the lots could each be developed in a manner that would not involve the placement of buildings within 30 metres of the Raft Lake shoreline.

Committee Member Dumont asked if the sequence of applications was correct insofar as the minor variance applications were being considered before the related consent applications. Staff advised that it is considered good land use planning and certainly a "best practice" to have all required planning approvals in place prior to applying to sever lands. Staff noted that related consent application had been received by the City, but no decisions had been rendered on said applications by the City's Consent Official.

Chair Chartrand asked staff to explain the right-of-way that would exist across the lands from South Lane Road down to the shoreline of Raft Lake. Staff explained that the related consent applications included a request to establish an access easement that would benefit the owners of the proposed future lots thereby providing driveway access from South Lane Road into each of the lots and down toward the shoreline of Raft Lake.

Staff then reiterated that there are two sets of rural lot creation policies in the City's Official Plan that should be viewed as individual "streams" and that both do not apply at the same time. In this instance, the lots would have water frontage on Raft Lake and therefore the rural waterfront lot creation policies are applicable and not the non-waterfront rural lot creation policies. Staff then explained that when utilizing the rural waterfront lot creation policies it is possible also to have lots being created that have both water frontage and public road frontage. Staff further explained that in these situations a minor variance is somewhat common and to some degree technical in nature as the variance applications would allow for the minimum required public road frontage to match what the City's Official Plan permits in terms of minimum required water frontage for new rural waterfront lots.

The following decision was reached:

DECISION:

THAT the application by:

JEAN SAUVE, JEANNE SAUVE AND RENE GRAVELLE
the owner(s) of PINs 73479 0553 & 73479 0554 & 73479 0153, Parcel 9921 SEC SES, Surveys Plan 53R-21142 Part(s) 1, 2, 3 and 4 & Plan 53R-6411 Part(s) 11 & Plan 53R-21142 Part(s) 5, Lot 11 and 12 (Broken), Concession 4, Township of Dill, 1881 South Lane Road, Sudbury

for relief from Part 9, Table 9.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to approve the lands to be severed, subject of Consent Application B0058/2021, providing a minimum lot frontage of approximately 45.0m, where 90.0m is required, be granted.

SUBMISSION NO. A0078/2021 Continued.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-Law and the Official Plan are maintained. Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0079/2021

July 07, 2021

OWNER(S): MICHAEL HOWARD, 4059 Classic Parkway Hanmer ON P3P 1Y4
WHITNEY MARSHALL, 4059 Classic Parkway Hanmer ON P3P 1Y4

AGENT(S): JAMES KIRKLAND, OLS, 2651 Desloges Road, Sudbury, ON P3G 1C5

LOCATION: PIN 73508 0746, Parcel 24006, Lot(s) 17, Subdivision M-410, Lot 12, Concession 3, Township of Capreol, 36 Oscar Street, Hanmer

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 of the lot to be severed, subject of Consent Application B0053/2021, providing a rear yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 06, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, July 02, 2021

Conservation Sudbury does not oppose Minor Variance Applications A0079/2021 nor A0080/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

Notes

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

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

CGS: Development Approvals Section, June 30, 2021

The above noted applications were submitted concurrently and the variances being sought would facilitate the creation of one new urban residential lot at the corner of Oscar Street and Rita Street in Hanmer. There is also a concurrent application for consent (File # B0053/2021) that does not yet have the benefit of a decision from the City's Consent Official. The lands are zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff note that there is an existing shed in the proposed rear yard of the lands to be severed that does not appear to maintain the required minimum yard setback of 1.2 m (3.94 ft) for accessory buildings and structures from the proposed new lot line. Staff advise that the shed would either need to be removed entirely or otherwise relocated in compliance with minimum yard setback requirements for accessory buildings and structures on a residential lot. If the shed is to remain in its present location, staff would note that the application will need to be amended in order to request an additional variance that would allow for the shed to remain. With respect to the rear yard setback variance, Staff has no concerns and would note that sufficient rear yard outdoor amenity space would be provided within the north-east portion (ie. to the east of the existing attached garage) of the proposed new severed lot. With respect to the reduced lot depth variance, staff is satisfied that the proposed retained lot would yield a satisfactory building envelope and it is further noted that said retained lot would provide for a lot frontage on Rita Street which exceeds the minimum required lot frontage of 15 m (49.21 ft). Staff also attended the lands and do not anticipate any negative impacts on abutting residential properties, including the proposed retained lot, should the variances be collectively approved.

Recommendation for A0079/2021

Staff therefore recommends that the application be deferred into order to afford the owner the opportunity to address the above comments related to the need for an additional minor variance associated with the existing shed being required.

CGS: Building Services Section, June 30, 2021

Relief from Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to approve the lands to be severed, subject of Consent Application B0053/2021, providing a minimum rear yard setback of approximately 6.43m, where 7.5m is required. ALSO SUBJECT TO MINOR VARIANCE APPLICATION A0080/2021 AND CONSENT APPLICATION B0053/2021.

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

However, Owner to be advised of the following comments:

1) With respect to the existing shed reflected on the easterly side of the severed property, Owner to be informed that although the size of the shed does not require a building permit, the structure is required to comply with setback requirements as detailed in Part 4, Table 4.1 of the CGS Zoning By-law 2010-100Z for an accessory structure. The shed shall be moved to meet zoning setbacks or further minor variance will be required.

Also, with respect to the existing shed located on the northerly side of the severed property, the shed does not comply with the required setbacks in accordance with CGS Zoning By-law 2010-100Z. The shed shall be moved to meet zoning setbacks or further minor variance will be required.

2) Owner to be informed that a search of our records indicates incomplete building permits for the subject property as follows: B19-1966 (foundation repair and weeping tile) and B19-2165 (interior/exterior alteration to create a 2nd unit in basement and detached deck) Please contact Building Services to proceed in closing these projects.

CGS: Development Engineering, June 24, 2021

No objection.

The owner appeared before Committee and briefly explained the application. The owner also noted that they were aware of those comments provided by Building Services and that they intend on moving the sheds into compliance with zoning requirements.

Committee Member Dumont expressed support for the application given that the owner intends to move or demolish the sheds thereby coming into compliance with zoning requirements for accessory buildings and structures. Committee Member Castanza agreed and advised the owner that Building Services had also noted that outstanding building permits needed to be addressed. The owner explained that they purchased the lands in 2019 and significant work has been done in the residential dwelling and that they fully intend on properly closing all outstanding building permits.

Committee Member Dumont asked the owner how many days would be reasonable to bring the sheds into compliance or otherwise demolish them. The owner noted the sheds could be dealt with immediately. Staff noted that if Committee were to approve the application that an updated sketch should be required depicting either the demolition of the sheds or the relocation of the sheds in compliance with the City's Zoning By-law. Staff also agreed with Committee Member Dumont that there would need to be a timeframe included in any condition of approval in order to give clear instruction to the owner and staff with respect to clearing said condition. Committee Member Dumont expressed an opinion that 90 days is reasonable to afford the owner time to address the sheds. Staff confirmed that they were otherwise supportive of the application and had no concerns with an approval provided the sheds are addressed via a condition of approval.

The resolution to defer the application was then defeated. Committee Member Dumont motioned that the application be approved subject to conditions that an updated sketch be provided and that the sheds be either demolished or relocated in compliance with the City's Zoning By-law within 90 days of the variance decision. The second resolute was seconded by Committee Member Coupal. The second resolution carried.

The following decision was reached:

DECISION:

THAT the application by:

MICHAEL HOWARD AND WHITNEY MARSHALL
the owner(s) of PIN 73508 0746, Parcel 24006, Lot(s) 17, Subdivision M-410, Lot 12, Concession 3, Township of Capreol, 36 Oscar Street, Hanmer

for relief from Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to approve the lands to be severed, subject of Consent Application B0053/2021, providing a minimum rear yard setback of approximately 6.43m, where 7.5m is required, be granted subject to the following conditions:

1. That the owners submit a revised sketch demonstrating that the two sheds have been relocated or otherwise demolished in compliance with the City's Zoning By-Law, to satisfaction of the Director of Planning Services.
2. That the owners shall relocate or otherwise demolish the two sheds to the north of the existing residential dwelling within 90 days of the variance decision to 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 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.

<u>Member</u>	<u>Status</u>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0080/2021

July 07, 2021

OWNER(S): MICHAEL HOWARD, 4059 Classic Parkway Hanmer ON P3P 1Y4
WHITNEY MARSHALL, 4059 Classic Parkway Hanmer ON P3P 1Y4

AGENT(S): JAMES KIRKLAND, OLS, 2651 Desloges Road, Sudbury, ON P3G 1C5

LOCATION: PIN 73508 0746, Parcel 24006, Lot(s) 17, Subdivision M-410, Lot 12, Concession 3, Township of Capreol, 36 Oscar Street, Hanmer

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 of the lot to be retained, subject of Consent Application B0053/2021, providing a lot depth at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 06, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, July 02, 2021

Conservation Sudbury does not oppose Minor Variance Applications A0079/2021 nor A0080/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

Notes

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

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

CGS: Development Approvals Section, June 30, 2021

The above noted applications were submitted concurrently and the variances being sought would facilitate the creation of one new urban residential lot at the corner of Oscar Street and Rita Street in Hanmer. There is also a concurrent application for consent (File # B0053/2021) that does not yet have the benefit of a decision from the City's Consent Official. The lands are zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff note that there is an existing shed in the proposed rear yard of the lands to be severed that does not appear to maintain the required minimum yard setback of 1.2 m (3.94 ft) for accessory buildings and structures from the proposed new lot line. Staff advise that the shed would either need to be removed entirely or otherwise relocated in compliance with minimum yard setback requirements for accessory buildings and structures on a residential lot. If the shed is to remain in its present location, staff would note that the application will need to be amended in order to request an additional variance that would allow for the shed to remain. With respect to the rear yard setback variance, Staff has no concerns and would note that sufficient rear yard outdoor amenity space would be provided within the north-east portion (ie. to the east of the existing attached garage) of the proposed new severed lot. With respect to the reduced lot depth variance, staff is satisfied that the proposed retained lot would yield a satisfactory building envelope and it is further noted that said retained lot would provide for a lot frontage on Rita Street which exceeds the minimum required lot frontage of 15 m (49.21 ft). Staff also attended the lands and do not anticipate any negative impacts on abutting residential properties, including the proposed retained lot, should the variances be collectively approved.

Recommendation for A0080/2021

Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, June 30, 2021

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

CGS: Development Engineering, June 24, 2021

No objection.

The owner appeared before Committee and briefly explained the application. Committee Member Dumont asked if any conditions of approval would be necessary as the application was related to File # A0079/2021 that required conditions to address two sheds on the lands. Staff confirmed that no conditions of approval would be necessary as the two sheds in question are dealt with more appropriately on the other application (ie. File # A0079/2021).

The following decision was reached:

DECISION:

THAT the application by:

MICHAEL HOWARD AND WHITNEY MARSHALL
the owner(s) of PIN 73508 0746, Parcel 24006, Lot(s) 17, Subdivision M-410, Lot 12, Concession 3, Township of Capreol, 36 Oscar Street, Hanmer

for relief from Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to approve the lands to be retained, subject of Consent Application B0053/2021, providing a minimum lot depth of approximately 25.3m, where 30.0m is required, be approved.

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

SUBMISSION NO. A0080/2021 Continued.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0085/2021

July 07, 2021

OWNER(S): CLIFFORD DUSICK, Box 383 Dowling ON P0M 1R0
MONA DUSICK, PO BOX 383 DOWLING, ON P0M 1R0

AGENT(S):

LOCATION: PIN 73354 0165, Parcel 18513, Surveys Plan SR-87 Part(s) 1 & Plan SR-960 Part(s) 3, Lot 11, Concession 4, Township of Dowling, 135 D Burma Road, Dowling

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 reconstruct a legal non-complying building and attached deck on a legal non-complying lot providing eaves, gross floor area, shoreline setback, shoreline buffer and front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, July 06, 2021

Roads
No concerns.

Transportation & Innovation
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, July 05, 2021

* REVISED*

The development as it is proposed cannot proceed without permission from Conservation Sudbury. Permission for the development will be in the way of a permit pursuant to Section 28 of the Conservation Authorities Act. The proponent currently has an active permit application, however any changes to the proposed development as a result of this, or any other application, must be provided for review as part of the Section 28 review process. As such, Conservation Sudbury is requesting the following conditions:

1. "That the proponent obtain a permit pursuant to Section 28 of the Conservation Authorities Act within one year of the condition approval of Minor Variance A0085/2021."
- The applicant should be aware that should this Minor Variance Application result in any changes to the information provided as part of the Section 28 application, the following will be required:
1. Plans/drawings demonstrating all structures, foundations and attached decks are at or above the flood elevation of 339.22m;
 2. Plans/drawings demonstrating that all openings are at or above 339.52m; and,
 3. Any proposed changes to the plot plan must clearly be shown and identified on an updated plot plan.

Notes

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

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

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

The Nickel District Conservation Authority, July 02, 2021

The development as it is proposed cannot proceed without permission from Conservation Sudbury. Permission for the development will be in the way of a permit pursuant to Section 28 of the Conservation Authorities Act. The proponent currently has an active permit application, however any changes to the proposed development as a result of this, or any other application, must be provided for review as part of the Section 28 review process. As such, Conservation Sudbury is requesting the following conditions:

1. "That the proponent obtain a permit pursuant to Section 28 of the Conservation Authorities Act within one year of the condition approval of Minor Variance A0085/2021."

The applicant should be aware that should this Minor Variance Application result in any changes to the information provided as part of the Section 28 application, the following will be required:

1. Plans/drawings demonstrating all structures, foundations and attached decks are at or above the flood elevation of 339.22m;
2. Plans/drawings demonstrating that all openings are at or above 339.52m; and,
3. Any proposed changes to the plot plan must clearly be shown and identified on an updated plot plan.

Notes

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

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

CGS: Building Services Section, July 02, 2021

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

CGS: Development Approvals Section, June 30, 2021

This application seeks to demolish and reconstruct a legal non-complying seasonal dwelling situated on the subject lands that have water frontage on Windy Lake in Dowling. The lands are zoned "SLS", Seasonal Limited Service under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The application amounts to a re-application (File # A0045/2020) and staff previously provided the following comments on the general development proposal:

"This application seeks to facilitate the demolition, reconstruction and enlargement of an existing legal non-complying seasonal dwelling situated on the subject lands. The lands are accessed by Burma

Road to the east and also water frontage on Windy Lake in Onaping. The lands are zoned "SLS", Seasonal Limited Service under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff acknowledges that the owner is proposing to utilize the existing cleared area and that a further clearing within the shoreline buffer area of 23 m² (247.57 ft²) is required in order to accommodate the proposed new seasonal dwelling. There is also steep topography in the area and staff acknowledges that existing clearings are therefore ideal for redevelopment provided it is reasonable. Staff notes that the existing seasonal dwelling has a gross floor area of 78 m² (839.59 ft²) whereas the new proposed seasonal dwelling would have a main floor area of 90.5 m² (974.13 ft²) along with a new sunroom having a floor area of 22.1 m² (237.88 ft²) and a basement floor area of 62.7 m² (674.90 ft²). Staff also notes that the proposed decking would largely remain the same however it is noted that a larger portion of the decking would now be covered. The lands are also well buffered by mature vegetation to abutting residential properties. Staff recommends that the application to expand upon the legal non-complying location of the existing residential dwelling be approved as the expansion being requested is reasonable, not excessive in nature and no negative impacts on any abutting lands are anticipated."

Staff has reviewed the current application and continue to be supportive of the development proposal. Staff recommends that the application be approved as it is reasonable, not excessive and no negative land use planning impacts would be generated on abutting lands.

CGS: Environmental Planning Initiatives, June 30, 2021

This correspondence is for informational purposes only. Shoreline property owners are encouraged to continue adopting lake-friendly practices.

The subject lands are immediately adjacent to Windy Lake, Township of Dowling, City of Greater Sudbury.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have confirmed the presence of cyanobacterial blooms in Windy Lake in 2008, 2009, 2010, 2016 and 2019.

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

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

1. A natural vegetated buffer of at least 30 metres (the wider the better) from the high water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or stream bank or up to 23 metres, whichever is less, is allowable.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be

applied any closer than 30 metres from the water's edge – the farther the better.

5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.

6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.

7. Private sewage systems should be inspected and pumped at least every three years.

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

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

CGS: Development Engineering, June 24, 2021

No objection.

The owner appeared before Committee and noted that the application amounts to a re-application. The re-application was necessary because the owner had now addressed concerns raised by the Nickel District Conservation Authority. Committee Member Castanza noted that the lands do present significant topographical constraints in terms of how development could reasonably occur.

The following decision was reached:

DECISION:

THAT the application by:

CLIFFORD DUSICK AND MONA DUSICK
the owner(s) of PIN 73354 0165, Parcel 18513, Surveys Plan SR-87 Part(s) 1 & Plan SR-960 Part(s) 3, Lot 11, Concession 4, Township of Dowling, 135 D Burma Road, Dowling

for relief from Part 4, Section 4.2, Table 4.1, Section 4.25, subsections 4.25.1 and 4.25.2, Section 4.41, subsection 4.41.2 and subsection 4.41.3 and Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to reconstruct a legal non-complying building and attached deck on the subject property, being a legal existing non-complying lot, providing, firstly, eaves to encroach 0.6m into the required front yard, where eaves may only encroach 1.2m into the required yard but not closer than 0.6m to the lot line, secondly, increase the gross floor area of a legal non-complying building and attached deck to approximately 250.2m², where enlargement of a legal non-complying building is permitted if the enlargement does not increase the gross floor area of the building, thirdly, providing a minimum 7.0m setback from the high water mark of a navigable waterbody, where a minimum 12.0m setback from the high water mark is required, fourthly, providing 74% of the required shoreline buffer area to be cleared of natural vegetation, where a maximum of 25% of the required shoreline buffer area may be cleared of natural vegetation, and fifthly, providing a minimum 7.0m front yard setback, where a minimum 10.0m front yard 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.

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

SUBMISSION NO. A0085/2021 Continued.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring