



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0061/2022

June 01, 2022

OWNER(S): JANET CASTELLAN, 258 Forest Lake Road Sudbury P3G 1K8  
DENNIS CASTELLAN, 258 Forest Lake Road Sudbury P3G 1K8

AGENT(S):

LOCATION: PIN 73476 0066, Parcel 49280 SEC SES, Survey Plan 53R-12869 Part(s) 3, Lot Pt 6, Concession 3, Township of Broder, 258 Forest Lake Road, Sudbury

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### SUMMARY

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

Application: Approval to permit the existing single detached dwelling on the subject property providing eaves and interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, May 25, 2022

The variances being sought would recognize the location of an existing single-detached dwelling on the subject lands that have frontage on Forest Lake Road in Sudbury. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that the existing residential dwelling was constructed in 1993 according to MPAC data and a legal survey plan was completed shortly after which identified a deficient interior side yard setback. Staff would note that no negative land use planning impacts appear to have been generated by the deficient interior side yard setback. Staff further notes that existing mature vegetation provides a sufficient buffer to the easterly interior side lot line. Staff has no concerns with the eaves variance. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Site Plan Control, May 25, 2022

No objections.

CGS: Infrastructure Capital Planning Services, May 24, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Building Services Section, May 20, 2022

Based on the information provided, Building Services has no concerns other than the following comment for the owner's information:

1. There are two outstanding building permits that remain open, 03-1347 (Attached deck) and 91-1775 (SFD with attached garage). Please contact Building Services to complete the above noted permits.

SUBMISSION NO. A0061/2022 Continued.

CGS: Development Engineering, May 19, 2022

No objection.

Greater Sudbury Hydro Inc., May 19, 2022

No conflict.

The Nickel District Conservation Authority, May 19, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing single detached dwelling to encroach eaves, and have a smaller interior yard setback. Conservation Sudbury does not object to Minor Variance A0061/2022. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Please be advised that Conservation Sudbury regulates the hazards associated with natural features. 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, and valley slopes.

Ministry of Transportation, May 19, 2022

Not located within MTO's permit control area, therefore, the MTO does not have any comments to provide.

One of the applicants, Dennis Castellan, appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

JANET CASTELLAN AND DENNIS CASTELLAN  
the owner(s) of PIN 73476 0066, Parcel 49280 SEC SES, Survey Plan 53R-12869 Part(s) 3, Lot Pt 6, Concession 3, Township of Broder, 258 Forest Lake Road, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing single detached dwelling providing, firstly, eaves to encroach 1.25m into the required interior side yard (9.05m setback), where eaves may encroach 0.6m into the required interior side yard but not closer than 0.6m to the lot line, and secondly, a minimum interior side yard of 8.9m, where 10.m 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. A0061/2022 Continued.

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring

SUBMISSION NO. A0062/2022

June 01, 2022

OWNER(S): ANGELA TUCAR, 22 Pond Hollow Drive Sudbury ON P3E 6E5  
MARK DABOUS, 22 Pond Hollow Drive Sudbury ON P3E 6E5

AGENT(S): LAURIE TUCAR, 844 Red Deer Lk Rd N Sudbury ON P0M 3C0

LOCATION: PIN 73478 0333, Parcel 53M-1231-3, Lot(s) 3, Subdivision 53M-1231, Lot Pt 4, Concession 6, Township of Broder, 22 Pond Hollow Drive, Sudbury

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### SUMMARY

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

**Application:** Approval to permit an existing hedgerow situated in the corner side yard of the subject property having a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 25, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Development Approvals Section, May 25, 2022

The variance being sought would recognize an existing hedgerow situated in the corner side yard of the subject lands at the north-east corner of Pond Hollow Drive and Mallard's Landing Drive in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the existing hedgerow maintains a setback of approximately 1.38 m (4.53 ft) from the corner side lot line on Mallard's Landing Drive. Staff has attended the lands and has no concerns with respect to sightlines for pedestrians, cyclists and vehicles. The existing hedgerow is also not situated within a required sight triangle under Section 4.35 of the City's Zoning By-law. Staff further notes that the additional 1 m (3.28 ft) in maximum height for the existing hedgerow in this particular context is not excessive. Staff would however caution that the owner would be required to maintain the existing hedgerow in a manner whereby the hedgerow does not ever exceed a maximum height of 2 m (6.56 ft) should the variance be approved. 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: Site Plan Control, May 25, 2022

No objections.

CGS: Building Services Section, May 20, 2022

Based on the information provided, Building Services has no concerns other than the following comment;

1. The hedgerow does not appear to be in the site triangle or obstruct vision for traffic purposes. If the variance be granted it is suggested that a maximum height of the hedgerow be established so that further variances would not be required when the hedgerow grows.

CGS: Development Engineering, May 19, 2022

No objection.

The Nickel District Conservation Authority, May 19, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing hedgerow providing a height of 2m to be located in the corner side yard, where hedgerows more than 1m in height are not permitted in the corner side yard

Conservation Sudbury does not object to Minor Variance A0062/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Greater Sudbury Hydro Inc., May 19, 2022

No conflict.

Ministry of Transportation, May 19, 2022

Not located within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The applicant's agent, Laurie Tucar, appeared before Committee and provided a summary of the application. Committee Member Dumont expressed support for the application and did not support the condition requested by Building Services. Committee Chair Chartrand requested staff to clarify Building Services comments and staff provided that clarification. The agent advised that the hedgerow was at its maximum height and would be maintained at that height.

The following decision was reached:

**DECISION:**

THAT the application by:

ANGELA TUCAR AND MARK DABOUS  
the owner(s) of PIN 73478 0333, Parcel 53M-1231-3, Lot(s) 3, Subdivision 53M-1231, Lot Pt 4, Concession 6, Township of Broder, 22 Pond Hollow Drive, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing hedgerow providing a height of 2.0m to be located in the corner side yard, where hedgerows more than 1.0m in height are not permitted in the corner side yard, be granted.

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0064/2022

June 01, 2022

OWNER(S): ROBERT MORAN, 27 Gutcher Ave Sudbury ON P3C 3H5

AGENT(S):

LOCATION: PIN 73588 0460, Parcel 6682 SEC SES, Lot(s) 170, Subdivision M-76, Lot Pt 8, Concession 2, Township of McKim, 27 Gutcher Avenue, Sudbury

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### SUMMARY

**Zoning:** The property is zoned R2-3 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval to construct a detached garage on the subject property providing accessory lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, May 25, 2022

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Gutcher Avenue in Sudbury. The lands also abut a lane (ie. Unnamed Lane #20) that appears to be maintained by the municipality. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-3", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that an existing detached garage maintaining a legal non-complying rear yard and interior side yard setback would be demolished in favour of a new detached garage that would comply with all applicable yard setbacks for an accessory building in the "R2-3" Zone. It is noted that the lands are situated within an older residential neighbourhood where lot areas are typically lesser than the minimum lot areas provided for in newer urban residential settings (eg. "R1-5" Zone). Staff in this regard notes that for a single-detached dwelling in the "R2-3" Zone there is no minimum lot area requirement given the irregular lot fabric that exists across these older and established residential communities in Sudbury. Staff is of the opinion that some degree of relief is therefore warranted provided that it is not excessive in nature and provided that there would be no negative land use planning impacts generated on abutting residential properties. It is on this basis that staff have no concerns in this particular urban residential context with a maximum lot coverage for accessory buildings and structures of 14.3% whereas 10% is permitted under Section 4.23 of the City's Zoning By-law. Staff would also note that similar variances through time have been granted for increased maximum lot coverage for accessory buildings and structures in the area (eg. File # A0148/2013). 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: Site Plan Control, May 25, 2022

No objections.

CGS: Infrastructure Capital Planning Services, May 24, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

SUBMISSION NO. A0064/2022 Continued.

CGS: Building Services Section, May 20, 2022

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

CGS: Development Engineering, May 19, 2022

No objection.

Greater Sudbury Hydro Inc., May 19, 2022

Contact Energy Supply if disconnect/reconnect is required.

The Nickel District Conservation Authority, May 19, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing an accessory lot coverage of 14.3% where the total lot coverage of all accessory buildings and structures shall not exceed 10%.

Conservation Sudbury does not object to Minor Variance A0064/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Ministry of Transportation, May 19, 2022

Not located within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The applicant appeared before Committee and provided a summary of the application.

The following decision was reached:

**DECISION:**

THAT the application by:

ROBERT MORAN

the owner(s) of PIN 73588 0460, Parcel 6682 SEC SES, Lot(s) 170, Subdivision M-76, Lot Pt 8, Concession 2, Township of McKim, 27 Gutcher Avenue, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing an accessory lot coverage of 14.3%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, be granted.

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

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring

SUBMISSION NO. A0065/2022

June 01, 2022

OWNER(S): SANDRA MEWS, 1075 Lakeshore Drive Sudbury ON P3B 1E3  
AL VARDY, 1075 Lakeshore Drive Sudbury ON P3B 1E3

AGENT(S): CENTRELINE ARCHITECTURE, 158 Elgin Street Suite 201 Sudbury ON P3E 3N5

LOCATION: PIN 73581 0068, Parcel 9553 SEC SES, Lot Pt 2, Concession 3, Township of McKim, 1075 Lakeshore Drive, Sudbury

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**SUMMARY**

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

**Application:** Approval to permit a two-storey addition to the existing dwelling on the subject property providing eaves, shoreline setback, shoreline structure and interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CP Railway Proximity Ontario, May 26, 2022

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company. The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change. CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: <http://www.proximityissues.ca/>.

CP recommends that the below condition be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed building(s):

"Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard."

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.



CGS: Development Approvals Section, May 25, 2022

The variances being sought would facilitate the expansion of a legal non-complying residential dwelling by permitting a second-storey addition to the existing building on the subject lands that have frontage on Lakeshore Drive in Sudbury. The lands also have water frontage on Ramsey Lake. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the legal non-complying shoreline setback and buffer area of 15 m (49.21 ft) to the existing residential dwelling would not be further reduced should the application be approved. Staff is satisfied based on the above that the proposed second-storey addition to the existing residential dwelling is reasonable and not excessive in nature despite the additional gross floor area that is being added within the required shoreline setback from the high watermark of Ramsey Lake. Staff also is satisfied that no negative land use planning impacts would be generated on abutting residential properties. Staff recommends that the application be approved as it is reasonable, not excessive in nature and no negative impacts are anticipated on abutting residential properties.

CGS: Site Plan Control, May 25, 2022

No objections.

CGS: Environmental Planning Initiatives, May 25, 2022

Approval of this application is recommended given that the proposed development will not increase the disturbed area within the Shoreline Buffer Area or decrease the setback from the high water mark beyond the situation that currently exists.

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

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

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have confirmed the presence of cyanobacterial blooms in Ramsey Lake in 2008 and 2010 to 2020 inclusive.

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or river bank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m<sup>2</sup>.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.

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

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

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

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

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

CGS: Infrastructure Capital Planning Services, May 24, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Building Services Section, May 20, 2022

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

CGS: Development Engineering, May 19, 2022

Eaves Encroachment Condition:

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be \*0 m (0 ft) from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

Greater Sudbury Hydro Inc., May 19, 2022

Contact Energy Supply if disconnect/reconnect is required.

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

The Nickel District Conservation Authority, May 19, 2022

Conservation Sudbury does not object to Minor Variance A0065/2022. Proposed development is located outside of the floodplain of Ramsey Lake. Proponent is advised that any lot grading between the house and lake, or work along the shoreline will require permission from Conservation Sudbury and to contact the office if any is planned.

#### Notes

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

Ministry of Transportation, May 19, 2022

Not located within MTO's permit control area, therefore, the MTO does not have any comments to provide.

Source Water Protection Plan, May 18, 2022

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

The applicant's agent, Chris Baziw and Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the application. The Secretary-Treasurer advised Committee that staff received one letter of concern and two letters of support. The letter of concern was submitted from Sharon Ashick of 1087 Lakeshore Drive and her concerns related to water drainage and impeding the view of the lake. The first letter of support was submitted by 1468780 Ontario Limited of 1075 Lakeshore Drive and the second letter of support was submitted by Rocco Faiella of 1069 Lakeshore Drive. Committee Chair Chartrand asked the agents to confirm that they were aware of Development Engineering's comments and the agent confirmed that they were.

The following decision was reached:

**DECISION:**

THAT the application by:

SANDRA MEWS AND AL VARDY  
the owner(s) of PIN 73581 0068, Parcel 9553 SEC SES, Lot Pt 2, Concession 3, Township of McKim, 1075 Lakeshore Drive, Sudbury

for relief from Part 4, Section 4.2, Table 4.1, Section 4.41, subsections 4.41.2 and 4.41.4 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit a two-storey addition to the existing dwelling, firstly, permitting eaves to encroach 1.2m into the required interior side yard, where eaves may encroach 0.6m into the required interior side yard but not closer than 0.6m to the lot line, secondly, providing a 15.0m setback from the high water mark of a lake or river, where no person shall erect any residential building closer than 30.0m to the high water mark of a lake or a river, thirdly, to be 15.0m setback from the high water mark of a lake or a river, where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3, and fourthly, providing a minimum interior side yard setback of 1.2m, where 1.8m is required, be granted.

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

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0066/2022

June 01, 2022

OWNER(S): 1876313 ONTARIO LIMITED,

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

LOCATION: PINs 73588 0783 & 73588 0343 & 73588 0175, Parcels 8220 & 16897 & 43251 SEC SES, Survey Plan 53R-6204 Part(s) 9 and 10, Lot(s) 67, 68, and 69, Subdivision M-136, Lot Pt 8, Concession 2, Township of McKim, 831 Lorne Street, 829 Lorne Street, Sudbury

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### SUMMARY

**Zoning:** The property is zoned C2 (General Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval to permit a one-storey building for retail use and the existing take-out restaurant on the subject property to provide no screening device in a required planting strip, refuse storage location and setback and reduced parking spaces at variance to the By-law.

Comments concerning this application were submitted as follows:

CP Railway Proximity Ontario, May 26, 2022

Canadian Pacific does not oppose to commercial and/or non-residential type developments adjacent to our right of way.

Notwithstanding that stated above, any development should still meet certain recommendations based upon site specific conditions and intended use. CP continues to recommend that all proposed developments follow the 2013 Proximity Guidelines (Prepared for The Federation of Canadian Municipalities and The Railway Association of Canada). It is incumbent upon the developer to incorporate these safety measures to a degree that satisfies the requirements of the relevant agencies issuing building and development permits. The 2013 Proximity Guidelines can be found here: <http://www.proximityissues.ca/>

We would appreciate being circulated with all future correspondence related to Residential or Commercial developments.

CGS: Development Approvals Section, May 25, 2022

The variances being sought would facilitate the construction of a commercial building on the subject lands having frontage on both Lorne Street and Glover Avenue in Sudbury. The lands are designated Mixed Use Commercial in the City's Official Plan and zoned "C2", General Commercial under By-law 2010-100Z being the Zoning By-law. The proposed new commercial building would be accessed via a driveway entrance from Glover Avenue while the existing restaurant building would continue to be accessed from Lorne Street and Rowat Street. Staff notes in this regard that there is a considerable grade difference between the proposed commercial building to be accessed from Glover Avenue and the existing restaurant building that would be accessed from Lorne Street and Rowat Street. Staff notes that the development proposal is subject to site plan control (File # SPCA 2021-014). Staff understands that stormwater from the lands will be collected by a catch basin and a private storm service connection is provided to the existing storm maintenance hole on Lorne Street. Staff further notes that landscaped open space on the lands should function as a swale to collect and treat stormwater prior to discharging into the new service connection. It is on this basis that staff is able to support the variances being sought as they will allow for a maximized amount of landscaped open space on the lands. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Site Plan Control, May 25, 2022

We have a site plan control agreement application in process for this property. The minor variances being requested were indicated in the City's last set of comments to the applicant.

CGS: Building Services Section, May 24, 2022

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

CGS: Infrastructure Capital Planning Services, May 24, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns. They are upgrading and formalizing the parking and it is not expected that there will be any overflow parking.

CGS: Development Engineering, May 19, 2022

No objection.

The Nickel District Conservation Authority, May 19, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the development of a one-story building for retail use.

Conservation Sudbury does not object to Minor Variance A0066/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Greater Sudbury Hydro Inc., May 19, 2022

Service to be installed as per Sudbury Hydro service requirements

No structures shall encroach upon GHSI easements. For clarification, please contact GSHI Engineering Department.

Ministry of Transportation, May 19, 2022

Not located within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The applicant, John Pollesel, and the agent, Kevin Jarus of Tulloch Engineering, appeared before Committee and the applicant provided a summary of the application. Josie Johnson of 839 Lorne Street appeared before Committee and expressed concern over the snow removal, parking and blasting on the site. Committee Chair Chartrand asked staff to show an aerial of the site and staff shared an aerial image. The applicant provided an explanation of the parking and where it was being situated and the snow. The resident expressed concern over where the City would pile the snow as it was normally piled at the end of the lane. The applicant explained that they would be responsible for the snow on their site and that they were not blasting. Committee Chair Chartrand asked staff to explain snow removal and staff advised that residents are responsible for snow removal on their own properties. Staff further advised that if the City currently removes the snow that they would most likely continue but move the snow elsewhere due to the development. The agent explained that the development was going through site plan and staff have had multiple opportunities to provide comments on the same. The agent explained that the variances are in response to the site plan process and if there were any concerns it would have been brought up through the site plan process. Committee Member Sawchuk asked staff about the location of the refuse in the rear yard and staff explained the Zoning standard for refuse storage. Committee Member Sawchuk asked staff if the refuse would be in an enclosure and staff confirmed that it would be as requirement the site plan process.

The following decision was reached:

**DECISION:**

THAT the application by:

1876313 ONTARIO LIMITED

the owner(s) of PINs 73588 0783 & 73588 0343 & 73588 0175, Parcels 8220 & 16897 & 43251 SEC SES, Survey Plan 53R-6204 Part(s) 9 and 10, Lot(s) 67, 68, and 69, Subdivision M-136, Lot Pt 8, Concession 2, Township of McKim, 831 Lorne Street, 829 Lorne Street, Sudbury

for relief from Part 4, Section 4.15, subsection 4.15.5, Section 4.2, subsection 4.2.9 and Part 5, Section 5.3, Table 5.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the development of a one-storey building for retail use, firstly, providing no screening device in the planting strip along the north eastern lot line abutting the R2-3 residential zone, where required planting strips shall contain one or more screening devices, secondly, to permit the refuse storage area to be located in the rear yard and 3.0m from the rear lot line, where refuse storage areas shall be located in the interior yard only and no closer than 15.0m from the rear lot line, thirdly, providing 5 parking spaces for the take-out restaurant, where 8 parking spaces are required, and fourthly, providing 3 parking spaces for the retail use, where 4 parking spaces are 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.

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0067/2022

June 01, 2022

OWNER(S): MARY-CATHERINE TREMBLAY, 4444 Velvet Court Hanmer ON P3P 1B3  
JOSEPH TREMBLAY, 4444 Velvet Court Hanmer ON P3P 1B3

AGENT(S):

LOCATION: PIN 73504 0395, Parcel 48214 SEC SES, Survey Plan 53R-7466 Part(s) 1, Lot(s) Pt 41, Subdivision M-699, Lot Pt 5, Concession 2, Township of Hanmer, 4444 Velvet Court, Hanmer

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### SUMMARY

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

Application: Approval to reconstruct a deck on the subject property providing an encroachment into the interior side yard at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, May 25, 2022

The variance being sought would facilitate the reconstruction of an existing deck in the southerly interior side yard of the subject lands that have frontage on Velvet Court in Hanmer. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that the existing deck that is to be reconstructed was originally constructed in 1989 and has existed in this location for more than three decades. Staff notes in this regard that former By-law 83-00 being the Comprehensive Zoning By-law for the Town of Valley East permitted uncovered decks to be located within a required interior side yard but no closer than 0.6 m (1.97 ft) to the interior side lot line. Staff would advise that the deck was originally constructed in contravention of the above noted former zoning requirements and without benefit of a building permit. The deck would be required to provide for a minimum interior side yard setback of 1.2 m (3.94 ft) in this location if it were to be constructed under the City's Zoning By-law. Staff notes that the abutting residential dwelling located at 4440 Velvet Court contains no window openings that face the reconstructed deck. Staff further notes that the owner has indicated on the application form that the reconstructed deck would not be enlarged beyond its present gross floor area of 13.53 m<sup>2</sup> (44.39 ft<sup>2</sup>). Staff is supportive of the variance being requested based on the particular urban residential context. Staff would however recommend that the existing interior side yard setback of 0.15 m (0.49 ft) as referenced on the sketch and in the application form be utilized in the variance decision should it be approved. 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: Site Plan Control, May 25, 2022

No objections.

CGS: Infrastructure Capital Planning Services, May 24, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.



CGS: Building Services Section, May 20, 2022

Based on the information provided, Building Services has the following comment;

1. Although this is a reconstruction of an existing deck, the deck was building without benefit of a building permit. We acknowledge that the applicant has applied for a building permit to rectify this situation.

CGS: Development Engineering, May 19, 2022

No objection.

Greater Sudbury Hydro Inc., May 19, 2022

Out of our service territory.

The Nickel District Conservation Authority, May 19, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the reconstruction of a deck providing smaller than required setbacks.

Conservation Sudbury does not object to Minor Variance A0067/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Ministry of Transportation, May 19, 2022

Not located within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The applicants had difficulty logging into the hearing and Committee unanimously voted to move the application to the end of the agenda to provide the applicants an opportunity to attend the hearing. The applicants appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

MARY-CATHERINE TREMBLAY AND JOSEPH TREMBLAY  
the owner(s) of PIN 73504 0395, Parcel 48214 SEC SES, Survey Plan 53R-7466 Part(s) 1, Lot(s) Pt 41, Subdivision M-699, Lot Pt 5, Concession 2, Township of Hanmer, 4444 Velvet Court, Hanmer

for relief from Part 4, Section 4.2, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the reconstruction of a deck providing no setback from the south interior side yard, where uncovered decks greater than 1.2m in height may encroach 1.2m into the interior side yard but no closer than 1.2m to the interior side lot line, be granted.

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0068/2022

June 01, 2022

OWNER(S): DANIEL FORGET, 101 Worthington St E Box 44 North Bay ON P1B 8G8

AGENT(S):

LOCATION: PINs 73349 0786 & 73349 2151, Parcel 21282 SEC SWS SRO, Surveys Plan 53R-9552 Part(s) 1 & Plan 53R-21210 Part(s) 1 & Plan SR-3264 Part(s) 1, Lot Pt 3, Concession 3, Township of Balfour, 126 Main Street, Chelmsford

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### SUMMARY

**Zoning:** The property is zoned R1-5 (Low Density Residential One), R3(71) (Medium Density Residential) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval to permit the existing multiple dwelling on the subject property to provide for a reduced planting strip that would contain landscaped open space and without a fence for the entire length of the easterly side lot line at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, May 25, 2022

The variances being sought would reduce planting strip and fencing requirements along the easterly interior side lot line of the subject lands that contain an existing multiple dwelling at the south-east corner of Main Street West and Marion Street in Chelmsford. The lands are designated Living Area 1 in the City's Official Plan and zoned "R3(71)", Medium Density Residential Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands were recently rezoned in order to recognize and permit the existing multiple dwelling on the lands that contains 11 residential dwelling units (File # 751-5/20-2). The resulting "R3(71)" Zone included a development standard that was intended to provide buffering in the form of a privacy fence and a reduced planting strip width along the entire portion of the easterly interior side lot line that immediately abuts an existing low density residential use (ie. single-detached dwelling) to the east located at 124 Main Street West. The balance of the easterly interior side lot line was required to maintain a planting strip width of 1 m (3.28 ft) containing one or more of the screening devices (eg. continuous row of trees, a wall, berm, etc.) listed under Section 4.15.5 of the City's Zoning By-law. The requested variances would have the effect of requiring no privacy fence along the shared interior side lot line with 124 Main Street West and also the minimum planting strip width along the entirety of the easterly interior side lot line would be reduced from 1 m (3.28 ft) to 0.91 m (2.99 ft). The planting strip would also not be required to contain any screening devices and instead would be required to be maintained as landscaped open space (eg. grass, trees, shrubs, rock formations, etc.). Staff has attended the lands on a number of occasions in the past and is satisfied that the above noted variances would not negatively impact any abutting residential properties. The variances would largely recognize what exists today on the lands in terms of a transition between an irregularly shaped multiple dwelling (ie. medium density residential use) and the irregularly shaped single-detached dwelling (ie. low density residential use) at 124 Main Street West. Staff would also note that the southerly portion of the interior side lot line does not immediately abut the single-detached dwelling located at 39 Lefebvre Street. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Site Plan Control, May 25, 2022

There is no site plan control agreement registered for this property.

CGS: Infrastructure Capital Planning Services, May 24, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Building Services Section, May 20, 2022

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

CGS: Development Engineering, May 19, 2022

No objection.

The Nickel District Conservation Authority, May 19, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing multiple dwelling to have side yard setbacks, and planting strip allowances not in compliance with zoning by-law requirements. Conservation Sudbury does not object to Minor Variance A0068/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Greater Sudbury Hydro Inc., May 19, 2022

Outside of our service territory.

Ministry of Transportation, May 19, 2022

Not located within MTO's permit control area, therefore, the MTO does not have any comments to provide.

The applicant appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

DANIEL FORGET

the owner(s) of PINs 73349 0786 & 73349 2151, Parcel 21282 SEC SWS SRO, Surveys Plan 53R-9552 Part(s) 1 & Plan 53R-21210 Part(s) 1 & Plan SR-3264 Part(s) 1, Lot Pt 3, Concession 3, Township of Balfour, 126 Main Street, Chelmsford

for relief from Part 11, Section 1, subsection (10), paragraph (sss), clauses (ii) and (iii) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing multiple dwelling to provide, firstly, a minimum 0.91m easterly interior side yard and planting strip that would contain landscaped open space as defined in the City's Zoning By-law, whereas a minimum easterly interior side yard of 1.0m and a planting strip containing screening devices as required under Section 4.15.5 and having a width of 1.0m is required, and secondly, to provide a planting strip containing landscaped open space as defined in the City's Zoning By-law having a width of 0.91m and without a fence, whereas a fence having a minimum height of 1.5m is required along the easterly interior side lot line to a depth that is equal to the length of the residential lot situated to the east described as Parcel 25855, Part 1, Plan 53R-6956, Lot 3, Concession 3, Township of Balfour, be granted.

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

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring

SUBMISSION NO. A0157/2021

June 01, 2022

OWNER(S): SCOTT MULLEN, 594 Dew Drop Road Sudbury ON P3G 1L2  
MARIKA RENELLI, 594 Dew Drop Road Sudbury ON P3G 1L2

AGENT(S): MIKE LADYK, 289 Cedar Street Sudbury ON P3B 1M8

LOCATION: PINs 73476 0544 & 73476 0607 & 73476 0543, Parcels 10648 & 53892 SEC SES & 10648A, Survey Plan 53R-17219 Part(s) 2, Lot Part Bed of Long Lake in front of Lot 7, Concession 3, Township of Broder, 594 Dew Drop Road, Sudbury

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### SUMMARY

**Zoning:** The property is zoned R1-2 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval to construct a garage addition and leaching bed on the subject property providing high water mark setbacks and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Environmental Planning Initiatives, May 26, 2022

### REVISED

Approval should not be granted for this application for the following reasons:

1. The proposed development is not in keeping with the intent of the Official Plan and the Zoning By-law in terms of protecting lake water quality and natural shoreline vegetation buffers. Removal of a natural vegetative shoreline buffer or construction of structures closer than the recommended setback will generally negatively affect a lake. Shoreline property owners should improve their shoreline buffer wherever possible regardless of a particular development application. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil from entering the lake, and visual enhancement from the lake. Shoreline property owners are encouraged to continue adopting lake-friendly practices to protect the integrity of the lake ecosystem.
2. Construction on steep, erodible slopes, even when using retaining walls and terraces, could result in significant entrainment of exposed or imported soil into the lake unless a comprehensive erosion control plan is developed and implemented. Soil entering the lake is a leading cause of nutrient input to the lake.
3. The lowest terrace is problematic as it would require the removal of most or all of the existing natural vegetation at this level.

While the negative effects outlined above can be mitigated to a degree, the opportunity to maintain, enhance and create a natural vegetation buffer to the recommended size and depth will be lost through the building of the proposed garage. The general principle of "the wider the better" for the vegetation buffer still applies when re-establishing a shoreline buffer.

Should the Committee of Adjustment approve this application, the following recommendations are offered:

1. A detailed landscape plan should be required that outlines the species to be used in creating the proposed shoreline vegetation buffer along with the sizes of the plant material and erosion control measures to be followed. Planting larger stock is not necessarily preferred, but erosion control is vital. The plan should also address how existing trees and shrubs that are scheduled to remain will be protected from inadvertent damage or destruction during construction and should consider additional locations for enhancement along the shoreline.

2. A plan detailing the measures to be taken to reduce soil erosion during and after construction of the retaining walls and terraces along the northern edge of the subject lands.
3. A detailed decommissioning/removal plan for the existing leaching bed should be required given the importance of complete removal of the phosphorus-laden soil from the subject lands and erosion control during and after construction.

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

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 Long Lake in 2008, 2011, 2012, 2013, 2014, 2016, 2019, and 2021.

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 shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or river bank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m<sup>2</sup>.
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).

All future planning-related applications relating to the subject lands will be reviewed in light of applicable official plan policies, by-laws and guidelines in place at the time of receipt of the applications.

CGS: Development Approvals Section, May 25, 2022

REVISED

This application was previously deferred in order to afford the owner the opportunity to address those comments received from circulated agencies and departments. Staff notes that the owner has increased the shoreline setback for the proposed attached garage to the high watermark of Long Lake to 7.9 m (25.92 ft) whereas the application initially sought a shoreline setback to the proposed attached garage of 4.77 m (15.65 ft). Staff also notes that the leaching bed associated with the private septic system on the lands would be removed entirely in favour of a new leaching bed that is angled in a manner that increases the setback for the majority of the new leaching bed to the high watermark of Long Lake. Staff also acknowledges the irregular shape of the lot due to the curvature of the shoreline and are of the opinion that some degree of relief from the shoreline setback requirements is warranted in this particular residential context. Staff also notes that the existing attached double-car garage will be converted into living space while the proposed new attached garage would amount to a single-car garage with a workshop area. Staff is satisfied that the development proposal is reasonable given the site constraints and further to this the proposed attached garage is not excessive in nature. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained subject to the following condition:

1. That the owner completes those works identified on the submitted landscape plan as prepared by 3rd Line Studio and dated April 26, 2022, to the satisfaction of the Director of Planning Services within 18 months of the variance decision.

CGS: Site Plan Control, May 25, 2022

No objections.

CGS: Infrastructure Capital Planning Services, May 24, 2022

REVISED

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Building Services Section, May 20, 2022

REVISED

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

Greater Sudbury Hydro Inc., May 19, 2022

REVISED

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

No structures shall encroach upon GHSI easements. For clarification, please contact GSHI Engineering Department.

The Nickel District Conservation Authority, May 19, 2022

REVISED

Conservation Sudbury does not oppose Minor Variance Application A0157/2021 as it appears that the proposed development is outside of the regulatory flood associated with Long Lake. However, the proponent is advised that a permit pursuant to Section 28 of the Conservation Authorities Act is required. This permit process will ensure that all Conservation Sudbury standards are met.

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 [Melanie.Venne@ConservationSudbury.ca](mailto:Melanie.Venne@ConservationSudbury.ca)

Ministry of Transportation, May 19, 2022

REVISED

Not located within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Development Approvals Section, January 12, 2022

REVISED

Staff have reviewed the amended minor variance requests that together seek to facilitate construction of an attached garage on the subject lands having frontage on Dew Drop Road in Sudbury. The lands also have water frontage on Long Lake. Staff previously noted that the existing residential dwelling maintains a setback of 13.43 m (44.06 ft) to the high watermark of Long Lake whereas the proposed attached garage would provide for a 6.5 m (21.33 ft) setback to the high watermark whereas the first development proposal was seeking a 4.77 m (15.65 ft) setback to the high watermark. Staff noted however that based on the submitted sketch and the irregularly-shaped shoreline that portions of the existing residential dwelling are already likely to be closer than the 13.43 m (44.06 ft) setback that is depicted on the submitted sketch. It was also noted that the existing residential dwelling already includes an attached garage although it is now understood that the attached garage is to be converted to habitable living space. Staff remain unable to support the minor variances that are being sought. It is noted that the proposed attached garage would almost be entirely situated within the shoreline buffer area and the slope to the lake would appear to be increased. Staff recommends that the variances be denied as they are not minor, not appropriate development for the area and the intent of both the Official Plan and Zoning By-law are not maintained. Should the Committee consider approving the application, it is strongly recommended that those comments received from Environmental Planning Initiatives be taken into account insofar as utilizing those conditions that would be appropriate to protect as best as possible the impact that approving the minor variances would have on the lake.

CGS: Environmental Planning Initiatives, January 12, 2022

The Committee of Adjustment should consider not approving this application for the following reasons:

1. The proposed development is not in keeping with the intent of the Official Plan and the Zoning By-law in terms of protecting lake water quality and natural shoreline vegetation buffers. Removal of a natural vegetative shoreline buffer or construction of structures closer than the recommended setback will generally negatively affect a lake. Shoreline property owners should improve their shoreline buffer wherever possible regardless of a particular development application. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil from entering the lake, and visual enhancement from the lake. Shoreline property owners are encouraged to continue adopting lake-friendly practices to protect the integrity of the lake ecosystem.
2. Creation of a significantly steeper slope than currently exists on the northern edge of the subject lands is problematic and is not desirable for the appropriate development of the land. The degree of soil erosion will increase with the steeper slope and will be difficult to control, leading to increased transport of nutrients to the lake.



While the negative effects outlined above can be mitigated to a degree, the opportunity to maintain, enhance and create a natural vegetation buffer to the recommended size and depth will be lost through the building of the proposed garage. The general principle of “the wider the better” for the vegetation buffer still applies when re-establishing a shoreline buffer.

Should the Committee of Adjustment approve this application, the following recommendations are offered:

1. A detailed landscape plan should be required that outlines the species to be used in creating the proposed shoreline vegetation buffer along with the sizes of the plant material and erosion control measures to be followed. Planting larger stock is not necessarily preferred, but erosion control is vital. The plan should also address how existing trees and shrubs that are scheduled to remain will be protected from inadvertent damage or destruction during construction and should consider additional locations for enhancement along the shoreline.
2. A plan detailing the measures to be taken to reduce soil erosion during and after construction of the steeper slope along the northern edge of the subject lands.
3. A detailed decommissioning/removal plan for the existing leaching bed should be required given the importance of complete removal of the phosphorus-laden soil from the subject lands and erosion control during and after construction.

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

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 Long Lake in 2008, 2011, 2012, 2013, 2014, 2016, 2019, and 2021.

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 12 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).

All future planning-related applications relating to the subject lands will be reviewed in light of applicable official plan policies, by-laws and guidelines in place at the time of receipt of the applications.

CGS: Site Plan Control, January 06, 2022

No Objections.

CGS: Infrastructure Capital Planning Services, January 05, 2022

Roads  
No concerns.

Transportation & Innovation Support

Based on the attached drawings it appears that the resident will be accessing this garage off Dew Drop Road on the east side of their property. It should be noted that the resident already has a driveway entrance on the west side of their property and will not be permitted a second driveway entrance.

Active Transportation  
No concerns.

The Nickel District Conservation Authority, January 04, 2022

Conservation Sudbury does not oppose Minor Variance Application A0157/2021 as it appears that the proposed development is outside of the regulatory flood associated with Long Lake. However, the proponent is advised that a permit pursuant to Section 28 of the Conservation Authorities Act is required. This permit process will ensure that all Conservation Sudbury standards are met.

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 has released the "Conservation Sudbury Determination of Regulation Limits Reference Manual" which provides direction on how the limit of Ontario Regulation 156/06 is measured based on specific hazard(s) and on-site information. The Manual can be found on our website here: <https://bit.ly/3y55zD1>

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

CGS: Building Services Section, January 04, 2022

No concerns.

Greater Sudbury Hydro Inc., December 22, 2021

Maintain proper clearance from energized apparatus and conductors as per latest edition of Ontario Electrical Safety Code.

CGS: Development Approvals Section, December 20, 2021

The variances being sought would facilitate construction of an attached garage on the subject lands having frontage on Dew Drop Road in Sudbury. The lands also have water frontage on Long Lake. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that currently the existing residential dwelling maintains a setback of 13.43 m (44.06 ft) to the high watermark of Long Lake whereas the proposed attached garage would provide for a 4.77 m (15.65 ft) setback to the high watermark. Staff also notes the shoreline is irregularly-shaped and portions of the existing residential dwelling are already likely to be closer than the 13.43 m (44.06 ft) setback that is depicted on the submitted sketch. Staff also notes that the existing residential dwelling already includes an attached garage. Staff does acknowledge the irregular shape of the lands and the constraints that exist on the lands with respect to accommodating an addition but is unable to support the variances being sought at this time. Staff would encourage the owner to consider reducing the building footprint of the proposed attached garage thereby increasing the rear yard setback and setback to the high watermark of Long Lake that would be provided. Staff recommends that the application be deferred in order to afford the owner the opportunity to address those comments received by circulated agencies and departments.

CGS: Development Engineering, December 16, 2021

No objection.

January 12, 2022

The owners and their agent, Mike Ladyk of 3rdLine Studio Architects, appeared before Committee. The owners explained that they moved back 10 years ago with their daughter with plans for a four-person family but are now a five-person family with a three-bedroom house. The owners explained that they love their home, but the interior is not conducive to their current needs, especially with online learning, they need more room. The owners explained that the plan of changing the current garage into living area and the proposed garage on the other side of the home would alleviate some of that as the interior is a little tricky to deal with. The owners further explained that in speaking with their agent and others this seems like the best way to open it up so they can have a little more space to grow. The agent explained that they went through a variety of schematic designs to try and minimize the up-front work to expand the building without impacting the site as much as possible as it is a difficult site. The agent explained that based on the comments received, if the Committee sees fit to approve the proposal, they would have no problem providing what the Planning Department has as their requirements in terms of a landscape plan, detailed decommissioning plan, etc. and they are very amenable to working with the Long Lake Steward group as well as staff to develop an appropriate solution. The agent explained that they would have deferred this application to work with those groups but they are on a time constraint with the impending by-law change on January 31st where the high water setback is changing from 12.0m to 30.0m, so they opted to go ahead with the meeting and if the Committee sees fit to approve it, they would be willing to either work with the Long Lake Steward Committee and provide the information that the development staff have requested in processing and moving forward as they don't want to impact the lake at all and a lot of the natural landscaping and vegetation will be maintained and the applicants have no issue augmenting that, and in fact will be better than it is now. Philip Zylberberg, representing the Long Lake Stewardship Committee, addressed Committee stating that the lot is on Long Lake and as a result is subject to setbacks from the lake and there are vegetation buffer rules that apply to the lot as well. He explained that from the Stewardship's perspective it is important to them that these be protected and respected as they protect the lake water quality itself as well as the riparian zones and habitat. He further explained that as to how much protection it needs, the City and its experts mandated that there be 12.0m setback, which is going to be larger still in the future. He explained that this project, notwithstanding Mr. Ladyk's best efforts to minimize the effects on the lake, substantially interferes with that setback as it extends almost 5.0m down to the lake which is 6 or 7.0m closer than the setback, which is a significant difference from what the by-law requires. He further requested Committee, given that the purpose of the by-law is to protect lake quality, if in the Committee's view this should be approved, the Stewardship would like an explanation why, so that the Stewardship might know for this and for future uses, to what extent will the water and riparian zone protections stand when proposals come before Committee to substantially decrease both of those. He further explained that he would like to give credit to Mr. Ladyk and Mr. Mullen that if you assume that it is alright to put this garage as close to the lake as they propose than they have done everything they can to minimize how much impact it will have on the lake, but it will have some impact on the lake.

He further stated that these restrictions are to reduce how much runoff, salt, soap, oil gets into the lake and of course a garage may not start with the idea of putting plumbing restrictions in but there is nothing to stop these owners or the next ones from deciding that they want to put sink in or that they want to wash vehicles in it or otherwise do things that means water running into the lake as the field bed is certainly higher than the garage is going to be. He stated that again, his apologies that he couldn't link in properly, but the Long Lake Stewardship wants to register its concern and to ask Committee to respect their concern and if Committee is of the view that this project should be accepted, notwithstanding the Stewardship's concern, to give them the courtesy of providing reasons why. He explained that his letters and Mr. Ladyk's response provide a lot more detail as to what the Stewardship's concerns have been, what the applicant's responses have been and what the Stewardship's residual concern is which is simply, no matter how much they've done to minimize the impact there will be an impact and the lake will have to deal with it. He advised that his final comments are that this section of Dew Drop Road has seen a lot of construction very close to the lake and that's not a reason to permit more, but a reason to permit less because the effect on the lake is cumulative and where there has already been quite a lot of construction very close to the lake and a whole lot of hardening is a reason to be warier about permitting additional construction of this sort. The applicant expressed confusion about the buffer referred to in staff comments and stated that the construction would not be near the buffer as the site where the proposed garage would be is lawn. The applicant further explained that the buffer that is in place right now, which is treed and has other growth, would not be altered and would be willing to infill the buffer with whatever is needed. The applicant also stated that there has been a lot of construction on the road, but they hope that this is considered separate from all the construction and that all the cases are considered on a case-by-case basis. The agent explained to Committee that they did try different options for the location of the garage but the reason it is pushed back towards the water is because of the field bed and the clearances that are required that came from Canadian Shield Consultants. The agent explained that they met with the Nickel District Conservation Authority and Canadian Shield on site, and this is the only location where the garage can be situated. The agent further explained that if they were to expand on the opposite side of the property, they would require three different setbacks and still the high-water line. The agent stated that the applicants are genuine in their approach and they have tried to elaborate as much as they can on the drawing in terms of the protections that they would put in place and they would be willing to enter into a landscape type of agreement as the Committee sees fit. The agent reiterated that the reason the garage is that far back is because of the clearances for the field bed as there is nowhere else they can put it and that is basically where the existing field bed is right now. Committee Member Castanza asked the applicant if the proposed garage is for extra space or will it be used as a garage. The applicant explained that the new proposed garage would be used as a garage and the current garage, due to interior restrictions, would be converted to living space. The applicant also explained that the field bed can only accommodate what is existing and wouldn't be able to accommodate further fixtures because of the size of the septic. Committee Member Dumont confirmed receipt of the revised comments from staff but noted that the original comments from Development Approvals was to defer the application whereas the revised comments recommended denial of the application and that the comments go on to say that should Committee consider going against staff's recommendation that it is strongly recommended that the comments from Environmental Planning Initiatives be implemented. Committee Member Dumont explained that his understanding is that the initial application was for a setback of 4.77m, where now they are proposing 6.5m from the high-water mark and secondly that the conversion of that existing garage is for habitable living space. Committee Member Dumont also requested that in the future the drawings should provide setbacks and dimensions. The agent advised that all those dimensions and setbacks were provided in the sketch and that the proposed garage would be the same size as the existing. The agent explained the dimensions of the sketch that were shown on screen. Committee Member Dumont requested that in the future the dimensions be provided in metres. Committee Member Dumont explained that his role as a Committee Member is to follow staff's recommendation as it is based on Official Plan and the Zoning By-law and to ensure that the variances meet the four tests of a minor variance. He further explained that in his opinion and from the Planning perspective of whether it is approved or not and if there is an appeal or not, there is strong rationale from staff's recommendation that this application does not conform with the Official Plan or the Zoning By-law and he supports staff's recommendation. He explained that he understands the intent and all the work that has been done with the architect and different agencies but there are policies in place for a reason and for that reason he supports staff's recommendation and is not willing to impose conditions. Committee Member Coupal asked Committee Member Dumont to confirm that he doesn't think this application meets the four tests and Committee Member Dumont read staff's revised comments where the recommendation is to deny the application. Committee Member Castanza stated that she did a site visit and feels that there are more benefits to what is being proposed as they would be installing a new septic system and taking out the old one and when you are dealing with the Nickel District Conservation, you are dealing with a lot of hoops and it is not the easiest thing to go through. She stated that to her this is not major, this is minor and looking at the way it is going to be developed she is in support and she thinks the biggest benefit for the lake is a brand-new septic system. Committee Member Laing advised that he concurs with staff's recommendation as he believes that this application does not meet the four tests of a minor variance. Committee Chair Chartrand explained to the applicant that each application is viewed on its own merits and is decided on a case-by-case basis and Committee is looking at this property and these plans and not what has been done on the lake before. Committee Chair Chartrand asked staff to elaborate on their comments around the shoreline buffer. Staff explained that the intent of a shoreline buffer is what is important as it is a naturally vegetated buffer area from the high-water mark back 12.0m into the property.

Staff explained that in this case the buffer is not in a natural vegetative state, it is a manicured lawn and is a good example of what the City would not like to see in a shoreline buffer area and suggested that this is the reason why staff, should Committee approve the application, is recommending that an effort be made to provide an enhanced shoreline buffer area. Staff has acknowledged that the sodded lawn is not ideal in terms of phosphorous runoff into the lake and the intent of that section in the Zoning By-law is for a natural vegetative shoreline buffer along our waterbodies.

Committee Chair Chartrand asked staff, in the event this application was deferred, to clarify which setback would be applied in relation to the amendment to the shoreline setback. Staff advised that if this application was deferred it would fall under the new development standard which would be the increased setback. Staff further explained that staff is looking at the development and the impact that the development would have on the shoreline buffer area on the lake, whether its 12.0m or whether it's increased to 30.0m. Staff explained that they understand that the optics of those numbers may cause it to look and feel like a much larger variance if the application was deferred, comes back and the new by-law is applied to it, however staff would still be looking at this minor variance in this context, in this setting and it would not necessarily change the position of Development Approvals. Committee Chair Chartrand explained that he shares a lot of his concerns with the comments from staff and asked the agent if it was possible to move the proposed garage closer to the road away from the shoreline. The agent explained that they originally wanted to locate the proposed garage away from the lake but from their due diligence and meeting with Canadian Shield onsite, where the garage is proposed is the only location available. The agent explained that they can't bring the proposed garage closer than what is depicted on the drawings. The agent also stated that possibly there is a process to enter into with the Health Unit, but they are hemmed in with the change to the by-law. The agent acknowledged what staff said, however in terms of the review the optics make it a lot more difficult as the 30.0m line is probably somewhere on Dew Drop Road versus where it is now. The agent further stated that Committee Member Castanza raises a good point, the applicant would be providing a brand-new field bed system, and in relation to the shoreline buffer and the original vegetation, it is lawn right now and part of their concept, which he explained he should have provided, would be to develop that landscape plan and enhance that shoreline by eliminating the grass and planting tall grass and leafy trees to prevent stormwater management. The agent further explained that some of the comments were regarding the steeper slope on the side of the garage can be mitigated with terracing and the driveway could be Aqua-Paved, which is a permeable paver, which would generally retain stormwater and not let it go anywhere else on the site; the terracing could be developed with loose topsoil, but not so loose it would run, and recommended in a lot of standards in terms of this type of approach and frontage on the waterbody. The agent stated that if the Committee sees fit to help them they are more than happy to engage in whatever requirements that are necessary as they really want to make this work; the stormwater runoff from the roof can be contained by rain barrels or holding ponds so that the runoff to the lake would not be a concern; the benefit of having a new system, and with the excavation of that system, there will be a lot of removals required to replace it with a new system, the Health Unit will want the system to be sodded but the front yard could be made to be a more natural vegetative state versus a manicured lawn. The agent reiterated that they would like to move the garage forward but they are restricted by the dimensions of the field bed system. Committee Chair Chartrand asked the agent if it was the Health Unit that directed where the field bed could be located. The agent explained that Canadian Shield Consultants, a recognized licensed field bed installer and designer, would prepare the engineered stamped drawings and submit the same to the Health Unit and that it was Canadian Shield Consultants who provided the dimensions for the location of the field bed. The agent explained that they could challenge the location and try to move the location of the proposed garage closer to the road. Committee Chair Chartrand advised that he does recognize staff's concerns, but he also recognizes what the applicants are trying to do, especially given the size of the lot, and would like to entertain a deferral to give the applicants an opportunity to move the garage closer to the road. Committee Chair Chartrand asked the agent if they would be open to a deferral or if they would like Committee to make a decision. The agent asked the Chair to direct that question to the applicants given the impending change to the by-law and the optics around that. The applicants expressed concern around the possible change in Committee Members as the process to get to this point has already been a year and a half, but they want to do things right and to make sure that everyone is happy with it and are open to a deferral. The agent explained that a deferral would give them an opportunity to go back to Canadian Shield and see if there is any leeway in the location of the field bed. Committee Chair Chartrand advised that Committee would be around for a few months after the election. Committee Chair Chartrand asked staff, referring to Development Approvals original comments and revised comments, if there was any leeway from staff based on the discussions to make this work. Staff advised that the City is always willing to work with applicants and landowners, but that it would be difficult to say whether any changes in the development proposal would produce positive recommendations from Development Approvals and Environmental Planning. Staff further explained that when the original application was submitted the garage was labelled as a new garage, however there was already an existing garage and staff required the reason why an additional garage was being requested which has now been provided. Staff explained that they also identified the irregular shape of the lot, the site context and some of the constraints that the applicants are facing and given the setbacks that were being proposed, in this setting and in this context at approximately four and a bit metres, Planning was not in a position to support and flagged those issues and what came back to Committee represents an improvement, however again, when those four tests for a minor variance were applied to this situation by staff, the position right now is that it would not satisfy those four tests and that is what led to the recommendation to deny.

Staff further explained that if this was deferred again, staff is entirely open to having the agent explore the issues that have come up around that septic system, the size of the garage, the location of the garage, keep the existing garage and make a living addition on that side, but these are scenarios that staff wouldn't encourage to visit at this meeting but that they be taken away and explored further. Stephen Monet, Manager of Strategic and Environmental Planning, requested the Chair if he could address Committee and the Chair granted his request. Mr. Monet wanted to reiterate some of the issues with this property as it is a very challenging site, a very small site for a shoreline lot, and also, it's one that has been historically developed, so we have to work with what is already in place. Mr. Monet explained that in the comments that were provided there is leeway, as these lake issues are never simple, the notion of a setback or the notion of a vegetative buffer is always under the principle that the wider is better and if you are strictly looking at the ecological value, generally what seems to capture the most benefits is around 30.0m, which is not possible for this site. Mr. Monet echoed Committee Member Castanza's comments that there would be a modernization and placement of a new leeching bed farther on shore. Mr. Monet also explained that the other positive notes on the property are some large mature trees and some vegetation patches along the shoreline. Mr. Monet further explained that given all of that, the recommendation was to not approve because that was all that was provided, however if Committee approves the application, he did provide three different requirements that should be part of the decision. Mr. Monet advised that the landscape plan should be more encompassing in terms of the lot and specifically the shoreline, there should be a plan regarding the measures to be taken to reduce soil erosion during and after construction on the steeper slope on the northern edge, as well as a detailed decommissioning or removal plan for the existing leeching bed because if that soil material is allowed to remain, it remains as a perpetual liability for the property if there are any soil disturbances due to its nutrient rich state, especially phosphorous, if it drains into the lake. Mr. Monet explained that given what was provided to staff that is the reason for the recommendation to deny, however in this instance he explained that he did provide some opportunity for leeway should the Committee decide to approve this application. Mr. Monet further explained that if he didn't think there was an opportunity to look at the property again he would not have provided that leeway as the property is a very challenging site, it doesn't get bigger but there are positive attributes that could be enhanced but there is no scenario that would allow a building to be closer to the lake that would result in a net benefit to the lake, so Committee and staff have to look more holistically at what are the other add-ons that could serve as enhancements that would benefit the lake. The agent asked for clarification on whether there is an opportunity to defer the application. Committee Chair Chartrand asked staff to clarify, and staff explained that the comments had been revised and the recommendation is to deny the application however if Committee would like to defer the application, they could still do that but the resolution that would be read first would be to deny the application. Committee Chair Chartrand expressed support for staff's recommendation but is open to a deferral. Committee Member Coupal expressed support for a deferral. Committee Member Castanza expressed support for a deferral and wanted it noted that the updated septic system is a benefit. Committee Member Dumont expressed support for a deferral and asked the agent what the square footage of the proposed garage would be as it looks like it is equivalent to the existing garage. The agent advised that it is, and the existing garage is 24' by 22' deep and the square footage would be 528.00 sq. ft. Committee Member Dumont expressed appreciate for the new septic from the lake perspective but feels that the messaging is getting lost regarding Committee's role and explained that Committee is hearing this variance for a setback with respect to the Zoning By-law, as well as touching on Official Plan designations and Committee should be focusing on those tests. He further expressed that part of the overall development is dealing with other agencies like Sudbury District Health Unit, which is the approval authority for septic's, which he does appreciate and understand but in terms of variances, the turnaround time is 30 days and should be the first thing that is completed before going to other development aspects and the setback should be the focus for Committee. He expressed to the applicant and agent that he would like staff from the Development Approvals section to have a recommendation to support this proposal as the current development proposal is not working in terms of that setback. Committee Member Laing expressed support for a deferral as there are a number of unanswered questions that he would appreciate answers to in order to make his decision. The agent explained that if the application is deferred, they would also reach out to the Long Lake Stewardship Committee to have them involved in the process. Staff explained, for the purposes of the hearing and for the benefit of Committee and those in attendance, that every minor variance application that the City receives is looked at in its own context and in its own setting and the four tests that are required for a minor variance to be successful under the Planning Act are applied in each case to these applications. Staff further explained that what that means is, what may meet the thresholds of the test for minor variance in one location may not meet the tests for a minor variance in another location and stated that this is important because at one point Mr. Zylberberg was wondering and wanting Committee to define the parameters that they would have around approving minor variances on waterbodies and on Long Lake in particular, and staff is of the opinion that it is important to understand that whatever the decision is for this application on these lands doesn't directly translate to other properties along Long Lake; there are lots of properties on Long Lake that are oversized, there are lots of properties that are undersized, there are lots of properties where compliance is very easy to achieve and there are lots of properties where compliance is very difficult; there is all different types of development that the City sees, not just on waterbodies but anywhere in the municipality and this one hearing does not in any way define or translate elsewhere on the lake in terms of what is and what is not a minor variance and what Committee will or won't do, there's no need to establish thresholds that will be strictly followed elsewhere. The staff recommendation to deny the application was defeated. Committee Member Castanza put forward a motion to defer the application and Committee Member Coupal seconded the motion. The motion was supported and carried.



June 1, 2022

The applicant, Scott Mullen, and agent, Mike Ladyk of 3rdLine Studio, appeared before Committee and provided a summary of the application. Philip Zylberberg appeared before Committee on behalf of the Long Lake Stewardship Committee and expressed concern over the development proposal. The agent explained that the septic system will be new, and vegetation would be reinstated. The applicant explained that what is being proposed is much better than what is currently there. Committee Member Dumont asked staff to explain the comments from Development Approvals and Environmental Planning Initiatives and staff from both sections provided an explanation on the two planning opinions. Committee Chair Chartrand asked staff to provide clarification on the condition in Development Approval's comments versus the recommendation in Environmental Planning Initiatives and staff advised that it was an error, and it should read as a condition. Committee Chair Chartrand asked staff to clarify the conditions that were being requested by Environmental Planning Initiatives and staff provided that clarification. Committee Chair Chartrand asked staff to clarify the timelines and who would be responsible for clearing the conditions and staff provided that clarification. Committee Member Sawchuk asked the applicants to clarify the site plans as there seemed to be conflicts on the north side of the garage and the agent confirmed that there was an error in the plans and the same would be corrected to show all the tiers being proposed. Committee Chair Chartrand expressed support for the application with conditions. Committee Member Dumont asked the Chair if he was proposing that all four conditions be imposed, and Committee Chair Chartrand suggested that staff could draft a motion for Committee to review. Committee Member Castanza expressed support for the application and suggested that the applicants be allowed 36-months to clear the conditions. Committee Chair Chartrand asked the agent if he had any concerns with the requested conditions and the agent advised that he had no issues with the conditions. Committee Member Dumont expressed support for the application with conditions. Committee Chair Chartrand asked Committee Member Dumont how long he would suggest the applicants have to clear the conditions and Committee Member Dumont asked staff if the conditions had to be cleared prior to a building permit and suggested two years. Committee Chair Chartrand asked staff to provide clarification on the timing of the conditions and building permit and staff provided that clarification. Committee Chair Chartrand asked staff to comment on the timelines. Committee Member Castanza explained that 36-months would be reasonable. The agent expressed support for the 36-month timeline so that they would address everything. Committee Chair Chartrand asked the Secretary-Treasurer to clarify procedure for the resolution and motion and the Secretary-Treasurer provided that clarification. Committee Member Dumont asked the agent how long he felt they would need, and the agent explained that 36-months would be preferred. Staff explained that the conditions would not exempt the applicants from obtaining approvals from other entities. The resolution was amended to remove the condition requested by Development Approvals and to add three conditions requested by Environmental Planning Initiatives by way of a motion put forward by Committee Member Dumont and seconded by Committee Member Sawchuk. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

SCOTT MULLEN AND MARIKA RENELLI  
the owner(s) of PINs 73476 0544 & 73476 0607 & 73476 0543, Parcels 10648 & 53892 SEC SES & 10648A, Survey Plan 53R-17219 Part(s) 2, Lot Part Bed of Long Lake in front of Lot 7, Concession 3, Township of Broder, 594 Dew Drop Road, Sudbury

for relief from Part 4, Section 4.41, subsections 4.41.2 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a garage addition to the existing single detached dwelling and leaching bed, firstly, for the garage addition to provide a 7.9m setback from the high water mark of a lake or river, where no person shall erect any residential building closer than 30.0m and to be 7.9m setback from the high water mark of a lake or a river, where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3; and, for the leaching bed to provide a 17.8m setback from the high water mark of a lake, river or stream, where no person shall construct a leaching bed closer than 30.0m, be granted, subject to the following condition:

1. That the owner submit a detailed landscape plan prepared by a qualified professional outlining the species to be used in creating the proposed shoreline vegetation buffer along with the sizes of the plant material and erosion control measures to be followed, as well as addressing how existing trees and shrubs that are to remain will be protected from inadvertent damage or destruction during construction to the satisfaction of the Director of Planning Services and within three years of the variance decision;

2. That the owner submit an erosion and sediment control plan prepared by a qualified professional detailing the measures to be taken to reduce soil erosion during and after construction of the steeper slope along the northern edge of the subject lands to the satisfaction of the Director of Planning Services and within three years of the variance decision; and,

3. That the owner submit a detailed decommissioning/removal plan prepared by a qualified professional for the existing leaching bed and erosion control during and after construction to the satisfaction of the Director of Planning Services and within three years of the variance decision.

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

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring





## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0042/2022

June 01, 2022

OWNER(S): LYNNE BOURQUE, 2709 Sunset Ave Sudbury ON P3G 1E9  
MIKE BOURQUE, 2709 Sunset Ave Sudbury ON P3G 1E9

AGENT(S): MICHAEL BOURQUE (JR), 2224 Hulda Street Sudbury ON P3E 5E7

LOCATION: PIN 73479 0311, Parcel 27040 , Lot(s) 14, Subdivision M-443, Lot Pt 10, Concession 5, Township of Dill, 0 Whippoorwill Avenue, Sudbury

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### SUMMARY

Zoning: The property is zoned R1-2 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

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

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, May 25, 2022

#### REVISED

This application was previously deferred in order to afford the owner the opportunity to address comments provided with respect to an additional variance being required to permit a circular driveway entrance onto Whippoorwill Avenue. The owner has submitted an amended sketch that has deleted the circular driveway entrance. The owner has also indicated that they intend on complying with Section 4.15.2 of the City's Zoning By-law which requires a minimum of 50% of the required front yard to be maintained as landscaped open space in the applicable "R1-2" Zone. Staff has reviewed the requested maximum accessory building height of 5.79 m (19.00 ft) whereas 5 m (16.40 ft) is permitted and has no concerns. Staff is satisfied that the additional 0.79 m (2.59 ft) will not have any negative land use planning impacts on the residential character that exists along Whippoorwill Avenue or on any abutting residential properties. Staff also notes that the proposed detached garage would otherwise appear to comply with all applicable development standards for an accessory building in the "R1-2" Zone. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Site Plan Control, May 25, 2022

No objections.

CGS: Infrastructure Capital Planning Services, May 24, 2022

#### REVISED

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Building Services Section, May 20, 2022

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

The Nickel District Conservation Authority, May 19, 2022

REVISED

Conservation Sudbury does not object to Minor Variance A0042/2022 as the height of the garage is not relevant to the responsibilities of Conservation Sudbury.

Subject property includes a small amount of wetland along north of the property line. It is unclear if parcel contains wetland historically. Conservation Sudbury has already approved the building permit for the detached garage with the understanding that the soil stability will be reviewed by City of Greater Sudbury.

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.

Greater Sudbury Hydro Inc., May 19, 2022

REVISED

No conflict.

CGS: Infrastructure Capital Planning Services, April 29, 2022

Roads

No concerns.

Transportation and Innovation Support - Active Transportation

We do not have any concerns regarding the minor variance. However, the owner should note that a second driveway entrance will not be permitted.

CGS: Building Services Section, April 27, 2022

Based on the information provided, Building Services has no concerns with this application, however, the owner is to be advised of the following comments:

- As per the City of Greater Sudbury Zoning By-Law 2010-100Z, only 1 driveway at the street line is permitted with a maximum permitted driveway width of 6.3m.

CGS: Development Approvals Section, April 27, 2022

The variance being sought would facilitate construction of a detached garage in the south-west corner of the subject lands that have frontage on Whippoorwill Avenue in Sudbury. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the submitted sketch depicts two driveway entrances onto Whippoorwill Avenue whereas Section 5.4.2 of the City's Zoning By-law permits a maximum of one driveway entrance per residential lot for ground-oriented residential dwellings (ie. single-detached dwelling). Staff has reviewed the circular driveway depicted on the submitted sketch and notes that it would appear that said driveway entrances do not comply with development standards for circular driveways under Section 5.4.3.3 of the City's Zoning By-law. Staff recommends that the application be deferred in order to afford the owner the opportunity to address those comments received from agency and/or departments.

CGS: Development Engineering, April 26, 2022

No objection.

The Nickel District Conservation Authority, April 26, 2022

Conservation Sudbury does not object to Minor Variance A0042/2022 as the height of the garage is not relevant to the responsibilities of Conservation Sudbury.

Subject property includes a small amount of wetland along north of the property line. It is unclear if parcel contains wetland historically. Conservation Sudbury has already approved the building permit for the detached garage with the understanding that the soil stability will be reviewed by City of Greater Sudbury.

#### 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.

Greater Sudbury Hydro Inc., April 25, 2022

No conflict.

CGS: Site Plan Control, April 25, 2022

No objections.

Ministry of Transportation, April 21, 2022

CMO - Action Required client will need Building & Land Use Permit as well as an Entrance permit. Please follow this link for the permit applications: <https://www.hcms.mto.gov.on.ca/>

May 4, 2022

The applicant appeared before Committee and provided a summary of the application. The applicant explained that they received the comments and submitted a new drawing to depict one driveway, not two as depicted on the original sketch submitted with the application. Committee Member Dumont asked staff to confirm the recommendation. Staff explained that the recommendation was to defer the application as it was assessed based on the original submission depicting a circular driveway that was not in compliance with the Zoning By-law. Staff confirmed receipt of the new drawing but advised that there was insufficient time to do a proper review from a landuse planning perspective and to provide updated comments to Committee. Committee Member Dumont noted that the new drawing does not depicting how access was going to be provided to the new detached garage and supported staff's recommendation. Committee Member Castanza advised that she did a site visit and noted that there was gravel from the driveway to the detached garage. The applicant explained how they are proposing to access the detached garage from the driveway. Committee Chair Chartrand asked staff if there were any concerns in approving the variance for the height. Staff expressed concern over the lack of time to review the new drawing to ensure that the four tests of a minor variance were satisfied and to ensure compliance with the Zoning By-law. Committee Chair Chartrand expressed support for staff's recommendation. Committee Member Dumont expressed that there was a disconnect with what Committee Member Castanza saw on her site visit and what was submitted to Committee and supported staff's recommendation. Committee Member Castanza asked staff to confirm required setbacks, staff confirmed, and suggested that the applicant could move the house if required. Committee Chair Chartrand and Committee Member Dumont both suggested that a further review would be required and expressed support for staff's recommendation. Committee Member Coupal expressed support for the height but supported staff's recommendation to defer the application to allow the applicant to address comments.

June 1, 2022

The applicant, Mike Bourque, appeared before Committee and provided a summary of the application. Committee Member Dumont expressed support for the application.

The following decision was reached:

DECISION:

THAT the application by:

LYNNE BOURQUE AND MIKE BOURQUE

the owner(s) of PIN 73479 0311, Parcel 27040 , Lot(s) 14, Subdivision M-443, Lot Pt 10, Concession 5, Township of Dill,  
0 Whippoorwill Avenue, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing maximum height of 5.7912m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring