



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0028/2024

June 20, 2024

OWNER(S): KIRA BRODHAGEN, 570 Church Crescent, Mount Forest, ON N0G 2L2  
RYAN BRODHAGEN, 570 Church Crescent, Mount Forest, ON N0G 2L2

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

LOCATION: PIN 02134 0175, Parcel 14314 SEC SES, Lot(s) 51, Subdivision M-26, Lot Part 7, Concession 4, Township of McKim, 95 Beatty Street, 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 multiple dwelling containing 4-units on the subject property providing a 100% reduction of parking requirements for units that are subject to an affordable housing agreement, and also, reduced lot area, lot frontage and corner side yard at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 14, 2024

Roads  
No concerns.

Transportation and Innovation Support  
We have some concerns regarding the reduction in the required number of parking spaces, it is important to note that on-street parking is not permitted on Beatty Street. We note that in previous years, vehicles had been parking on the unopened road allowance adjacent to the property. We are concerned that going forward, tenants might still use this unopened road allowance for parking.

Active Transportation  
No concerns.

CGS: Development Approvals Section, June 14, 2024

The purpose and effect of the application is to permit the establishment of a multiple dwelling with the following variances:

- 1. A minimum lot area of 110 m2 per dwelling unit, whereas a minimum lot area of 140 m2 is required;
- 2. A minimum lot frontage of 14.79 m, whereas a minimum lot frontage of 18 m is required;
- 3. A minimum corner side yard of 3 m, whereas a minimum of 4.5 m is required; and
- 4. A reduction of 100% of the parking requirements for units that are subject to an affordable housing agreement with the City, where a reduction of 25% may be applied to units that are subject to an affordable housing agreement.

The subject lands contain a single detached dwelling that has been identified by the applicant to be removed. The lands are serviced by a municipal water and sanitary connection and do not have vehicular access off Beatty Street.  
The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'Low Residential Density Two (R2-3) Zone' within the City of Greater Sudbury Zoning By-law.

The proposal has a density of approximately 88 units per ha, which falls within the medium density range of the Official Plan. Medium density residential is permitted within the 'Living Area I' designation, subject to criteria. Additionally, residential intensification is permitted subject to criteria, including, but not limited to, compatibility with surrounding uses and site suitability.

Staff have no concerns with the variance to recognize the existing frontage deficiency of the subject lands as the applicant has demonstrated that a dwelling can be constructed and maintain adequate space for access and maintenance purposes between abutting properties. Staff have no concerns with the 3 m setback from the corner side yard of an unopened road allowance. Staff have no concerns in regard to the minimum unit area reduction. Staff have no concerns with the proposal in terms of compatibility with surrounding land uses and recognize that it is situated in an area close to transportation and employment amenities.

The lands are not subject to an affordable housing agreement at this point in time. Should Committee grant the variance for parking reduction tied to affordable housing, it does not guarantee that an affordable housing agreement will be entered into with the City. The applicant will need to go through a subsequent application and demonstrate eligibility in order to obtain an agreement. It is noted that affordable housing agreements generally expire after a time period of +/- 20 years. The applicant has not applied for a reduction in parking standards, but rather the percentage of parking reduction associated with an affordable housing agreement. If the applicant is unable to obtain an affordable housing agreement, parking standards will need to be adhered to. Staff have concerns in regard to the long-term planning implications of a 100% parking reduction tied to an affordable housing agreement that will have an expiry date. Upon the expiry of the affordable housing agreement, the subject lands would be contravening the parking standards of the zoning by-law. Staff anticipate it being challenging to retroactively establish adequate parking once a building is constructed rather than at the time of site design.

As part of the process for establishing an affordable housing project, the developer determines the feasibility of whether the cost of development would allow for affordable rental rates. The applicant has advised that it is not feasible to proceed with affordable housing at this location if a driveway is required to be established to access parking due to blasting costs, which is why a variance is being sought. The intent of the 25% reduction permitted within the zoning by-law for affordable housing projects is to assist with the reduction of costs in establishing an affordable housing development. Staff are of the opinion that a 100% reduction is not considered to be minor in nature and does not meet the intent of the zoning by-law. Affordable housing, while needed within the City, should not be created at the expense of adequate parking and site functionality. In order for staff to be in a position to support the application, at least one parking space per unit with a 25% reduction should be maintained for a total of three spaces.

Staff recognize that the minimum amount of units required to enter into an affordable housing agreement is four; however, staff are concerned about the size of the lands and the ability for the site to physically accommodate the required parking spaces without compromising outdoor amenity space based on the concept plan. Affordable housing is encouraged within the City; however, the size of the subject lands is not considered to be suitable for the proposed four unit dwelling. Staff are unable to support the development, as proposed, without any parking. Consideration should be had for alternative proposals that could accommodate four units, required parking, and amenity space. If it is determined to be unfeasible, alternative locations could be explored.

Staff have concerns with pedestrian safety, with the only access to the subject lands being a pedestrian staircase that ends on the travelled portion of Beatty Street. There is no sidewalk on the side that the subject lands are located on. The site would not have any vehicular access for visitors, ride pick ups/drop offs, emergency services, etc. While it is recognized that the site does not have vehicular access today, the impacts of this will be exacerbated with the additional proposed residential units. Building services has identified that an encroachment agreement would need to be obtained for the stairs.

SUBMISSION NO. A0028/2024 Continued.

Staff recommend that the following variances be granted as they are minor in nature, are an appropriate use of the land, and meet the intent of the Official Plan and Zoning By-law:

1. A minimum lot area of 110 m<sup>2</sup> per dwelling unit, whereas a minimum lot area of 140 m<sup>2</sup> is required;
2. A minimum lot frontage of 14.79 m, whereas a minimum lot frontage of 18 m is required;
3. A minimum corner side yard of 3 m, whereas a minimum of 4.5 m is required.

Staff recommend that the following variance be denied as it is not considered to be minor in nature, is not an appropriate use of the lands, and does not meet the intent of the Official Plan or Zoning By-law:

4. A reduction of 100% of the parking requirements for units that are subject to an affordable housing agreement with the City, where a reduction of 25% may be applied to units that are subject to an affordable housing agreement.

CGS: Strategic and Environmental Planning, June 14, 2024

No concerns.

Nickel District Conservation Authority, June 13, 2024

Conservation Sudbury does not object to Minor Variance A0028/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Building Services Section, June 12, 2024

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

We have no concerns with the requested variances as listed.

Applicant to be advised that a Demolition Permit and Building Permit will be required for the demolition of the existing house and the construction of a new 4-unit multiple dwelling respectively, to the satisfaction of the Chief Building Official.

The construction of the new stairs and landings leading directly from the street will require an encroachment agreement.

Greater Sudbury Hydro Inc., June 12, 2024

No conflict.

CGS: Site Plan Control, June 06, 2024

No objection.

CGS: Development Engineering, June 06, 2024

No objection.

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

Moe Vitiello, an area resident, appeared before Committee and asked if there were any drawings or renderings of the proposed structure and where the parking was located now.

Vanessa Smith advised Committee that there were no renderings available and that no parking is provided currently on the property.

Committee Member Goswell asked staff if the property was within the downtown core and staff advised that it was

outside of the downtown designation. He asked the agent to provide information on the available public transit in proximity to the property and Kevin Jarus provided the approximate distance to the transit terminal and downtown core. He asked staff what the parking situation on the property was and staff advised that the property contains a single detached dwelling with no parking and the agents confirmed that was correct. He asked Committee, in relation to the parking relief, what the reason would be to defer due to the topographic constraints of the property.

Committee Chair Dumont expressed appreciation for staff's recommendation but suggested that the application be dealt with as a whole and asked the agent if there were other options for developing the property. Kevin Jarus explained their preference to have the variances dealt with separately due to the other variances still being required and expressed support if there was a motion to approve all the variances. He explained to Committee that he could not provide other development options to them and advised that other development options wouldn't allow for affordable housing.

Committee Member Goswell expressed support for the application due to the property's proximity to the downtown. Committee Chair Dumont reiterated to Committee that the property currently contains a single family dwelling and the application is proposing to increase the density.

Committee Member Sawchuk requested the agents to address staff's comments around pedestrian safety. Kevin Jarus explained that the zoning permits four dwelling units as of right and a pedestrian walkway to Beatty Street would still be required. Committee Member Sawchuk suggested that there were other solutions to developing the property and expressed support for staff's recommendation.

Committee Chair Dumont requested the agents to explain the process for obtaining an affordable housing agreement. Vanessa Smith explained that four units are required in order to obtain an affordable housing agreement and advised that installing parking would prohibit affordable housing due to associated costs. She further explained the affordable housing agreement discussions that were had with staff. Committee Chair Dumont asked the agent which department was responsible for the agreement and Kevin Jarus explained that it would be Planning Services and Legal Services. He further explained that they were not able to share the terms of the agreement as they do not have a draft or a template. Kevin Jarus also explained to Committee that they require the variances in order to pursue the affordable housing.

Committee Chair Dumont suggested that the applicants obtain the agreement then pursue the parking variance. Committee Member Sawchuk commented on the 25% reduction provision and noted that affordable housing still requires parking and asked staff if there were discussions about the unopened road allowance and staff advised that parking is not permitted on the unopened road allowance and suggested that the question be redirected to the agents. Vanessa Smith explained that the applicants had communication with Real Estate Services about purchasing the lands but the City denied the request.

Committee Chair Dumont expressed support for staff's recommendation and provided his reasons why.

Committee Member Goswell expressed support for staff's recommendation after reviewing images of the property in the summer and has concerns about the staircase at the road.

Committee Chair Dumont expressed concern that an affordable housing agreement was not in place and expressed support for staff's recommendation to allow the applicants the opportunity to obtain the agreement. He expressed concern about the parking and the issues that it could cause.

Vanessa Smith explained to Committee that four units are required in order to obtain an affordable housing agreement and that staff requires renderings for the agreement which they can't provide until they obtain the variances. Committee Chair Dumont noted her comments and asked her to clarify the affordable housing agreement process. Vanessa Smith advised Committee that more applications would be required by the applicants to the City before the City would consider entering into an agreement. She advised that the proposal requires an affordable housing agreement. Committee Chair Dumont asked the agents what the requirements were for an agreement. Vanessa Smith advised that she was not able to provide the requirements but explained that the list was long and that agreements are drafted on a case-by-case basis.

Committee Chair Dumont redirected the question to staff. Staff advised that they could not speak to the requirements for an affordable housing agreement but clarified that the comments reflect the application and emphasized that the variance would be tied to an agreement.

Kevin Jarus requested Committee to amend the recommendation from a denial to a deferral and emphasized that the variance ties the development to it being affordable housing. He provided further information on what would be developed if an affordable housing agreement was not obtained.

Committee Chair Dumont explained his interpretation of the information provided and asked the agent what the requirement would be in order to obtain a building permit. Kevin Jarus explained that the building permit would have to reflect what is provided for in the affordable housing agreement or a building permit would not be issued. Vanessa Smith advised what the next steps would be if the variances were approved. Committee Chair Dumont clarified the information provided. Kevin Jarus explained that if an affordable housing agreement was not obtained then the development proposed would have to provide four parking spaces. Committee Chair Dumont expressed support for the application. Committee Member Goswell requested clarification on the recommendation and Committee Chair Dumont provided clarification.

Committee Member Sawchuk expressed to Committee that he believes the recommendation should be dealt with as one motion as the other variances may be affected by the parking requirements. He advised Committee that he was not clear on the parking relief and explained that affordable housing does not mean zero parking. He advised Committee that even if an affordable housing agreement was not involved, he would not support the variance.

Committee Chair Dumont asked the Secretary-Treasurer to clarify the recommendation which she provided.

Committee Member Goswell put forward a motion to amend the recommendation to delete the denial of the parking variance and replace with a deferral and Committee Member Sawchuk seconded the motion. The motion was supported and carried.

The following decision was reached:

**DECISION:**

THAT the application by:

KIRA BRODHAGEN AND RYAN BRODHAGEN  
the owner(s) of PIN 02134 0175, Parcel 14314 SEC SES, Lot(s) 51, Subdivision M-26, Lot Part 7, Concession 4, Township of McKim, 95 Beatty Street, Sudbury

for relief from Part 6, Section 6.3, Table 6.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a multiple dwelling containing 4-units providing, firstly, a minimum lot area of 110.0 sq.m per unit, where 140.0 sq.m per unit is required, secondly, a minimum lot frontage of 14.79m, where 18.0m is required, and thirdly, a minimum corner side yard of 3.0m, where 4.5m is required, be granted, and that the relief from Part 5, Section 5.5, Table 5.5 for a reduction of 100% of the parking requirements for units that are subject to an affordable housing agreement with the City, where a reduction of 25% may be applied to units that are subject to an affordable housing agreement with the City, be deferred.

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

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>
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0061/2024

June 20, 2024

OWNER(S): CHAD MARSHALL, 4350 Chief Lake Road Sudbury ON P3G 1K8

AGENT(S):

LOCATION: PIN 73476 0098, Parcel 45082 SEC SES, Survey Plan 53R-8171 Part(s) 1, Lot Part 6, Concession 3, Township of Broder, 4350 Chief 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 construct a detached garage on the subject property providing a maximum height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 14, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, June 14, 2024

The purpose and effect of the application is to construct a 119 m<sup>2</sup> accessory building with a height of 8.1 m, whereas the maximum height permitted for accessory buildings is 6.5 m. The subject lands contain a 221 m<sup>2</sup> single detached dwelling which has a height of 4.27 m. The subject lands are serviced by a private septic system and well, and have an existing access from Chief Lake Road.

The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan and are zoned 'RU' Rural within the City of Greater Sudbury Zoning By-law. Surrounding uses are rural in nature.

The applicant has advised that the 8.1 m height is being requested in order to construct a loft for storage purposes. Accessory is defined as a use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot. Staff have concerns with the height of the garage exceeding that of the main use of the lands being the single detached dwelling by nearly double, however, recognize that the size of the structure will remain subordinate to the single detached dwelling.

The subject lands are rural in nature and contain natural vegetation that acts as a buffer along the property lines. The proposed accessory building, however, would be visible from the road given the location and height of the building in comparison to the single-storey dwelling. The proposed building is to be setback 38 m from Chief Lake Road. Surrounding land uses are a mix of one and two-storey buildings. Based on the proposed size of the structure and the proposed location, staff are satisfied that the building is accessory in nature.

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

CGS: Strategic and Environmental Planning, June 14, 2024

No concerns.

Nickel District Conservation Authority, June 13, 2024

Conservation Sudbury does not object to Minor Variance A0061/2024. Proposed development areas are not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Building Services Section, June 12, 2024

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

We have no concerns with the requested variance as listed.

We acknowledge Building Permit BP-NEW-2024-00285 for the construction of the Detached Garage. Please note that the application is for an accessory garage only and any living accommodation is not permitted.

Greater Sudbury Hydro Inc., June 12, 2024

No conflict.

CGS: Site Plan Control, June 06, 2024

No objection.

CGS: Development Engineering, June 06, 2024

No objection.

The applicant appeared before Committee and provided a summary of the Application. The Committee Members and Chair expressed support for the Application.

The following decision was reached:

DECISION:

THAT the application by:

CHAD MARSHALL

the owner(s) of PIN 73476 0098, Parcel 45082 SEC SES, Survey Plan 53R-8171 Part(s) 1, Lot Part 6, Concession 3, Township of Broder, 4350 Chief Lake Road, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 b) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 8.1m, where the maximum height of any building or structure accessory to a residential dwelling shall be 6.5m, be granted.

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

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0064/2024

June 20, 2024

OWNER(S): ALLISON ROY, 2344 Fire Route N Azilda ON P0M 1B0  
GIOVANNI LAGIORGIA, 2344 Fire Route N Azilda ON P0M 1B0

AGENT(S): GIOVANNI LAGIORGIA, 2344 Fire Route N Azilda ON P0M 1B0

LOCATION: PIN 73370 0121, SRO, Parcel 53M-1159-5, Lot(s) 5 and Block 6, Subdivision 53M-1159, Lot Part 3, Concession 6, Township of Snider, 2344 Fire Route N, Azilda

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

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 14, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, June 14, 2024

The purpose and effect of the application is to construct a 112m<sup>2</sup> accessory building with the following variances:

1. A height of 9 m, whereas the maximum height permitted for accessory buildings is 6.5 m;
2. A rear yard setback of 0.6 m, where a 1.2 m rear yard setback is required;
3. An eave encroachment of 0.6 m into the 0.6 m rear yard setback, whereas 1.2 m encroachment is permitted no closer than 0.6 m to the lot line.

The subject lands contain a 198 m<sup>2</sup> single detached dwelling which has a height of 8 m. The subject lands are serviced by a private septic system and well, and do not have access on a public road. The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan, are zoned 'RU' Rural within the City of Greater Sudbury Zoning By-law and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are rural in nature.

The applicant has advised that the 9 m height is being requested in order to allow for the storage of boats and tractors as well as allow for a storage loft. The applicant has advised that the proposed location of the building is due to limited alternative space given the septic system and rock.

Accessory is defined as a use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot. Staff have concerns with the height of the garage exceeding that of the main use of the lands being the seasonal dwelling; however, staff recognize that the size of the building will be subordinate to the seasonal dwelling.

The subject lands are rural in nature and contains natural vegetation that acts as a buffer along the property lines. Surrounding land uses are rural and park in nature. The lands do not abut a public road and, with the exception of the seasonal dwelling to the south, are surrounded by natural vegetation. Staff do not anticipate impacts to surrounding land uses as a result of the variance.

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

CGS: Strategic and Environmental Planning, June 14, 2024

The following advice is provided for informational purposes only:

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

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

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

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

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

SUBMISSION NO. A0064/2024 Continued.

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

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

Nickel District Conservation Authority, June 13, 2024

Conservation Sudbury does not object to Minor Variance A0064/2024. Subject property does contain areas regulated by Conservation Sudbury, including floodplain. Future development in these areas requires permission of Conservation Sudbury.

#### Notes

Please note that any additional development or lot grading within areas regulated by the Conservation Authority, requires permission prior to development. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed.

CGS: Building Services Section, June 12, 2024

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

We have no concerns with the requested variances as listed.

A Building Permit to the satisfaction of the Chief Building Official will be required for the construction of the Detached Garage. Please note that the application is for an accessory garage only and any living accommodation is not permitted.

Greater Sudbury Hydro Inc., June 12, 2024

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

CGS: Site Plan Control, June 06, 2024

No objection.

CGS: Development Engineering, June 06, 2024

No objection.

The applicant, Giovanni Lagiorgia, appeared before Committee and provided a summary of the Application. Committee Member Goswell had no questions or comments. Committee Member Sawchuk and Committee Chair Dumont expressed support for the Application.

The following decision was reached:

#### DECISION:

SUBMISSION NO. A0064/2024 Continued.

THAT the application by:

ALLISON ROY AND GIOVANNI LAGIORIA  
the owner(s) of PIN 73370 0121, SRO, Parcel 53M-1159-5, Lot(s) 5 and Block 6, Subdivision 53M-1159, Lot Part 3, Concession 6, Township of Snider, 2344 Fire Route N, Azilda

for relief from Part 4, Section 4.2, subsection 4.2.4 b) and Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing, firstly, a maximum height of 9.0m, where the maximum height of any building or structure accessory to a residential dwelling shall be 6.5m, and secondly, a rear yard setback of 0.6m with eaves encroaching 0.6m into the proposed 0.6m rear yard setback, where an accessory building greater than 2.5m in height shall be no closer than 1.2m from the rear lot line and where eaves may encroach 1.2m into the required rear yard but not closer than 0.6m to the 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 variances are minor in nature and are desirable for the appropriate development and use of the land and Buildings. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

<b><i>Member</i></b>	<b><i>Status</i></b>
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0033/2024

June 20, 2024

OWNER(S): CINDY ROBERT, 283 Brookside Road Chelmsford ON P0M 1L0  
JEFFREY HUFFMAN, 283 Brookside Road Chelmsford ON P0M 1L0

AGENT(S): 3RDLINE STUDIO INC., 289 Centre St. Suite 300, Sudbury, On P3B 1M8

LOCATION: PIN 73354 0357, Parcel 53M-1142-2 SES SWS SRO, Lot(s) 2, Subdivision 53M-1142, Lot Part 12, Concession 5, Township of Dowling, 109 B North Shore Road, Onaping

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SUMMARY

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

Application: Approval to construct a seasonal dwelling providing a high water mark setback and a detached garage providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 14, 2024

REVISED  
Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, June 14, 2024

REVISED  
The purpose and effect of the application is to permit the construction of a 194 m<sup>2</sup> seasonal dwelling and 140 m<sup>2</sup> accessory building with the following variances:

1. a setback of 20 m from the high water mark for the seasonal dwelling, whereas a 30 m setback is required for residential dwellings; and
2. an accessory building with a height of 8.3 m, whereas the maximum height permitted for accessory buildings is 5 m.

The subject lands are designated 'Rural' within the Greater City of Sudbury Official Plan', are zoned 'Seasonal Limited Service (SLS)' within the Greater City of Sudbury Zoning By-law and are regulated by the Nickel District Conservation Authority (NDCA).  
A seasonal dwelling is permitted within this zone category and is defined as a single detached dwelling or mobile home dwelling erected and used as a secondary place of residence for seasonal vacations and recreational purposes and not as the principal residence of the owner or occupant thereof.

The applicant has identified the accessory building as being used for a gym/studio/storage. It is noted that a 'Home Occupation' and other commercial business uses are not permitted within the 'SLS' Zone. The applicant should be advised that the accessory building is to be utilized for residential accessory purposes only.

Subsequent to the initial application, the applicant provided additional clarity that the garage is for residential accessory purposes only and that due to the hydro easement the structure could not be located further back on the parcel. Staff's previous comments have been addressed.

Staff have no concerns with the proposed height variance as the structure will remain subordinate in height and ground floor area compared to the main use of the lands being the seasonal dwelling. It is recommended that the application be granted.

CGS: Strategic and Environmental Planning, June 14, 2024

#### REVISED

Staff of the City's Strategic and Environmental Planning Section are not opposed to this application as the applicants have sufficiently outlined the reasons preventing the proposed dwelling from being built farther from the shoreline.

The following advice is provided for informational purposes only:

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

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

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

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

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

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

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

Nickel District Conservation Authority, June 13, 2024

REVISED

No objection to the Minor Variance A0033/2024 Revised.

A permit is required pursuant to Section 28.1 of the Conservation Authorities Act to confirm that the proposed location of the dwelling is not located within the erosion hazard. Application should be made prior to, or concurrently with the Building Permit application. Please be advised that through the review of the erosion hazard and the Section 28 permit, the location dwelling may need to be relocated (further from the lake) than is shown in the supplied plot plan. Please contact [NDCA@ConservationSudbury.ca](mailto:NDCA@ConservationSudbury.ca) for more information.

Notes

Please note that any additional development or lot grading within areas regulated by the Conservation Authority, requires permission prior to development. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed.

CGS: Building Services Section, June 12, 2024

REVISED

Building Services has reviewed your application and revised sketch for the requested minor variances and can advise that we have no concerns.

A Building Permit to the satisfaction of the Chief Building Official will be required for the construction of the seasonal dwelling and detached garage. Applicant to be advised that the SLS Zone only permits a seasonal dwelling, and no human habitation is permitted within the proposed accessory building.

Greater Sudbury Hydro Inc., June 12, 2024

REVISED

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

CGS: Site Plan Control, June 06, 2024

REVISED

No objection.

CGS: Development Approvals Section, May 03, 2024

The purpose and effect of the application is to permit the construction of a 194 m<sup>2</sup> seasonal dwelling and 140 m<sup>2</sup> accessory building with the following variances:

1. a setback of 20 m from the high water mark for the seasonal dwelling, whereas a 30 m setback is required for residential dwellings; and
2. an accessory building with a height of 8.3 m, whereas the maximum height permitted for accessory buildings is 5 m.

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

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

The applicant has identified the accessory building as being used for a gym/studio/storage. It is noted that a 'Home Occupation' and other commercial business uses are not permitted within the 'SLS' Zone. The applicant should be advised that the accessory building is to be utilized for residential accessory purposes only. Staff requests additional information on the intended use of the building prior to making a recommendation. It is noted, however, that the proposed ground floor area and height will remain subordinate in size in comparison to the seasonal dwelling.

Conservation Sudbury has advised that a Section 28 permit is required and that confirmation will need to be provided that the location of the building is outside of the erosion hazard area. This can be completed concurrently with the building permit stage.

Strategic and Environmental Planning has recognized that the proposed seasonal dwelling will be located outside of the shoreline buffer area, however, is requesting further rationale demonstrating that the proposed dwelling cannot reasonably be relocated farther from the water's edge.

Based on this information, staff recommend that the application be deferred to allow the applicant an opportunity to address the feasibility of alternative locations for the seasonal dwelling and provide clarity on the intended use of the accessory building.

CGS: Strategic and Environmental Planning, May 02, 2024

While staff of the City's Strategic and Environmental Planning Section recognize that the proposed new dwelling is to be built outside of the shoreline buffer area, the applicants have not demonstrated why more of it cannot be built outside of the 30-metre setback.

The following advice is provided for informational purposes only:

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

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

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

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

1. A natural vegetated buffer of at least 20 metres (the wider the better) from the high-water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. Cleared areas are allowed up to 276 square meters.
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3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.

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

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

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

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

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

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

Greater Sudbury Hydro Inc., May 01, 2024

No comment as it falls outside of our service territory.

CGS: Infrastructure Capital Planning Services, May 01, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Nickel District Conservation Authority, May 01, 2024

No objection to the Minor Variance A0033/2024.

A permit is required pursuant to Section 28.1 of the Conservation Authorities Act to confirm that the proposed location of the dwelling is not located within the erosion hazard. Application should be made prior to, or concurrently with the Building Permit application. Please be advised that through the review of the erosion hazard and the Section 28 permit, the location dwelling may need to be relocated (further from the lake) than is shown in the supplied plot plan. Please contact [NDCA@ConservationSudbury.ca](mailto:NDCA@ConservationSudbury.ca) for more information.

#### Notes

Please note that any additional development or lot grading within areas regulated by the Conservation Authority, requires permission prior to development. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed.

CGS: Building Services Section, April 30, 2024

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

A Building Permit to the satisfaction of the Chief Building Official will be required for the construction of the seasonal dwelling and detached garage. Applicant to be advised that the SLS Zone only permits a seasonal dwelling, and no human habitation is permitted within the proposed accessory building.

Ministry of Transportation, April 30, 2024

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

CGS: Site Plan Control, April 25, 2024

No objection.

CGS: Development Engineering, April 24, 2024

No objection.  
REVISED: No objection.

May 8, 2024

The applicant Jeffrey Huffman, and the agent Tim James of 3rd Line Studio Inc., appeared before Committee and provided a summary of the Application. The applicant addressed Committee and provided information on the proposed location and information on the easement located on the property.

Committee Chair Dumont asked the applicant and agent to provide further information about the easement and the agent provided an explanation.

Committee Member Goswell requested staff, referring to the May 8 correspondence received from the agent, to explain why a new camp on the existing camp footprint would be permitted within the setback and staff provided an explanation about legal non-complying dwellings but advised that a minor variance most likely would be triggered for the increase in gross floor area.

Committee Member Murray asked staff if the agent's comments received on May 8, were taken into consideration and staff advised that as the comments were received late in the day they were not circulated for comment. Committee Member Murray asked staff if the recommendation was still to defer, and staff confirmed that it was. Committee Member Murray expressed support for the recommendation to allow the additional information to be circulated to staff.

Committee Chair Dumont expressed support for the recommendation to allow staff to review the additional comments received from the agent on May 8.

June 20, 2024

Committee Member Sawchuk abstained from the discussion and voting on this matter as he was not in attendance when the Application was originally heard on May 8, 2024.

The applicant, Jeffrey Huffman, appeared before Committee and provided a summary of the Application.

Committee Member Goswell requested the applicant to address staff's concerns regarding the use of the accessory structure and the applicant clarified the use.

Committee Chair Dumont emphasized the permitted use of the accessory structure and expressed support for the application.

The following decision was reached:

DECISION:

THAT the application by:

CINDY ROBERT AND JEFFREY HUFFMAN  
the owner(s) of PIN 73354 0357, Parcel 53M-1142-2 SES SWS SRO, Lot(s) 2, Subdivision 53M-1142, Lot Part 12, Concession 5, Township of Dowling, 109 B North Shore Road, Onaping

for relief from Part 4, Section 4.2, subsection 4.2.4 a) and Section 4.41, subsection 4.41.2 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to facilitate the construction of, firstly, a seasonal dwelling providing a high water mark setback of 20.0m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, and secondly, a detached garage providing a maximum height of 8.3m, 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 variances are minor in nature and are desirable for the appropriate development and use of the land and Buildings. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

<b><i>Member</i></b>	<b><i>Status</i></b>
David Murray	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring