

SUBMISSION NO. A0016/2024

June 05, 2024

OWNER(S): CHARLOTTE BALEZ, 79 Lady Ashley Court Sudbury ON P3E 5Z8

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

LOCATION: PIN 73472 0126, Parcel 26851 SEC SES, Survey Plan SR-11 Part(s) 1, Lot Part 12, Concession 1, Township of Broder, 2944 South Shore Road, Sudbury

SUMMARY

Zoning: The property is zoned R1-1 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a single detached dwelling and septic bed on the subject property providing a high water mark setback, shoreline structure and increase in the permitted cleared area within the shoreline buffer and length of the cleared area measured at the high water at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 30, 2024

REVISED
Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Nickel District Conservation Authority, May 30, 2024

REVISED

Conservation Sudbury has no objection to Minor Variance A0016/2024 Revised.

Subject property contains a flood hazard and erosion hazard regulated by Conservation Sudbury. A permit from Conservation Sudbury will be required prior to approval of the Building Permit, and permit application will require that drawings show proposed lot grading. No fill can be placed into the floodplain.

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. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

CGS: Strategic and Environmental Planning, May 30, 2024

REVISED

Staff of the City's Strategic and Environmental Planning Section recognize that the applicants have modified their application such that the proposed new dwelling is to be built much farther from the shoreline. In addition, potential impacts of development to mature trees on the subject lands appear have been decreased through the reconfiguration of the proposed new dwelling and the septic bed. As such, staff of the Section do not oppose the approval of this application.

The comments below were submitted on March 12, 2024

Approval of this application is not recommended.

The tree survey plan (sketch) submitted by the applicant on March 11 demonstrates that moving the proposed dwelling farther from the shoreline would achieve the following benefits for shoreline protection:

1. a larger portion of the Shoreline Buffer Area would be free of structures and available for naturalization;
2. tree removal would not necessarily be increased; and,
3. less of the Shoreline Buffer Area would be disturbed during construction.

The tree survey should have included the diameters at breast height of the trees (dbh – measured at 4.5 feet or 1.37 metres from the ground) to allow a relative comparison of tree sizes. All else being equal, larger mature trees are more important to protect than smaller less mature trees. In addition, anticipated tree losses due to construction activities should have been noted.

The comments below were submitted on March 5, 2024

Long Lake is considered to have phosphorus enrichment concerns and is categorized as Enhanced Management 2 according to the water quality model for lakes in the City of Greater Sudbury. Respecting the required lake setbacks for structures and retaining a naturally vegetated Shoreline Buffer Area as outlined in the Official Plan are important actions in reducing phosphorus inputs to the lake and maintaining a healthy shoreline ecosystem.

The proposed new dwelling lies completely within the Shoreline Buffer Area. Approval of this application is not recommended until sufficient evidence is provided that demonstrates that the proposed dwelling cannot reasonably be relocated farther from the water's edge and that the location has been selected to minimize disturbance to existing healthy natural vegetation, especially mature trees and shrubs, within the Shoreline Buffer Area.

The following advice is provided for informational purposes.

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.

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).

CGS: Development Approvals Section, May 30, 2024

The purpose and effect of the application is to permit the construction of a 134.1 m² single detached dwelling and private septic system with the following variances:

1. a setback of 11.3 m from the high water mark for the single detached dwelling, whereas a 30 m setback is required for residential dwellings;
2. a maximum of 48% (195.83 m²) clearance of natural vegetation within the shoreline buffer, whereas a maximum of 25% not exceeding 276 m² is permitted;
3. a maximum of 77% (16 m) clearance of natural vegetation along the shoreline, whereas a maximum of 25% not exceeding 23 m in length is permitted; and
4. a residential dwelling within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area.

The subject lands are designated 'Rural' within the Greater City of Sudbury Official Plan', are zoned 'Low Density Residential One (R1-1)' within the Greater City of Sudbury Zoning By-law, and are regulated by the Nickle District Conservation Authority (NDCA).

The subject lands are an existing lot of record and have an area of 1,071 m², a depth of 53 m, and a frontage of 20 m, which is uncharacteristically small in comparison to surrounding lake fronting residential lots. The subject lands contain a seasonal dwelling that is proposed to be removed, a sauna, and an accessory building. The proposed 1,443 sq ft single-storey dwelling is proposed to replace the previous 555 sq ft seasonal dwelling and be located no closer to the lake than the seasonal dwelling was, however, will have a larger footprint requiring a variance for buffer area coverage. Currently, 12.62% (51.66 m²) is cleared within the natural vegetation buffer and the applicant is requesting to increase that to 48% (195.83 m²). In terms of existing shoreline clearance, 50% (10.4 m) is currently cleared and the applicant is requesting to increase that to 77% (16 m) in order to accommodate the relocation of the existing sauna.

Since the deferral the applicant has decreased the size of the proposed dwelling from 143 m² to 134.1 m², is proposing to locate the building 11.3 m from the high watermark instead of 6.4 m, and has altered the septic system to be located outside of the highwater mark setback. Staff are satisfied that previous comments have been addressed and that the new proposed location will allow for the naturalization of the shoreline buffer area where the previous camp was located. Strategic and Environmental Planning have no objections.

Staff are of the opinion that the variances are minor in nature, are 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: Building Services Section, May 29, 2024

REVISED

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

Applicant to be advised that a Building Permit to the satisfaction of the Chief Building Official will be required for the demolition of the existing cottage and for the construction of the new dwelling.

Greater Sudbury Hydro Inc., May 29, 2024

REVISED

No conflict.

CGS: Site Plan Control, May 24, 2024

REVISED

No objection.

Ministry of Transportation, May 22, 2024

REVISED

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

CGS: Building Services Section, March 13, 2024

REVISED: The OLS Survey dated August 5, 2023 verifies the submitted plot plan. Building Services has no further concerns.

CGS: Development Approvals Section, March 13, 2024

REVISED:

No concerns with the plot plan.

CGS: Strategic and Environmental Planning, March 12, 2024

ADDENDUM:

Approval of this application is not recommended.

The tree survey plan (sketch) submitted by the applicant on March 11 demonstrates that moving the proposed dwelling farther from the shoreline would achieve the following benefits for shoreline protection:

1. a larger portion of the Shoreline Buffer Area would be free of structures and available for naturalization;
2. tree removal would not necessarily be increased; and,
3. less of the Shoreline Buffer Area would be disturbed during construction.

The tree survey should have included the diameters at breast height of the trees (dbh – measured at 4.5 feet or 1.37 metres from the ground) to allow a relative comparison of tree sizes. All else being equal, larger mature trees are more important to protect than smaller less mature trees. In addition, anticipated tree losses due to construction activities should have been noted.

CGS: Development Approvals Section, March 07, 2024

The purpose and effect of the application is to permit the construction of a 143 m² single detached dwelling and private septic system with the following variances:

1. a setback of 6.4 m from the high water mark for the single detached dwelling, whereas a 30 m setback is required for residential dwellings;
2. a setback of 25.4 m from the high water mark for the leaching bed, whereas a 30 m setback is required for leaching beds;
3. a maximum of 35.75% (146.32 m²) clearance of natural vegetation within the shoreline buffer, whereas a maximum of 25% not exceeding 276 m² is permitted;
4. a maximum of 76.92% (16 m) clearance of natural vegetation along the shoreline, whereas a maximum of 25% not exceeding 23 m in length is permitted; and
5. a residential dwelling within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area.

The subject lands are designated 'Rural' within the Greater City of Sudbury Official Plan', are zoned 'Low Density Residential One (R1-1)' within the Greater City of Sudbury Zoning By-law and are regulated by the Nickel District Conservation Authority (NDCA). The subject lands are an existing lot of record and have an area of 1,071 m², a depth of 53 m, and a frontage of 20 m, which is uncharacteristically small in comparison to surrounding lake fronting residential lots. The subject lands contain a seasonal dwelling that is proposed to be removed, a sauna, and an accessory building. The proposed 1,540 sq ft single-storey dwelling is proposed to replace the previous 555 sq ft seasonal dwelling and be located no closer to the lake than the seasonal dwelling was, however, will have a larger footprint requiring variances for buffer area coverage. Currently, 12.62% (51.66 m²) is cleared within the natural vegetation buffer and the applicant is requesting to increase that to 35.75% (146.32 m²). In terms of existing shoreline clearance, 50% (10.4 m) is currently cleared and the applicant is requesting to increase that to 76.92% (16 m) in order to accommodate the relocation of the existing sauna.

Strategic and Environmental Planning has identified that Long Lake has phosphorous enrichment concerns and has recommended that the applicant demonstrate that the proposed dwelling cannot reasonably be relocated farther from the water's edge and that the location has been selected to minimize disturbance to existing healthy natural vegetation, especially mature trees and shrubs, within the Shoreline Buffer Area. Building Services identified inconsistencies between the concept plan provided and the registered plan, which may impact setback relief. Based on this information, staff recommend that the application be deferred to allow the applicant an opportunity to address the feasibility of alternative locations as well as provide an updated concept plan consistent with the registered plan.

CGS: Infrastructure Capital Planning Services, March 06, 2024

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

CGS: Building Services Section, March 06, 2024

Building Services has reviewed your application and sketch for the requested minor variances and can advise of the following:

- There appears to be some discrepancies between the indicated property lines and the Registered Plan SR11, which will affect the indicated rear yard setbacks. A minimum 7.5m setback is required for the dwelling.
- We have no concerns regarding the requested variances for relief of waterbody setbacks and buffers.

CGS: Strategic and Environmental Planning, March 05, 2024

Long Lake is considered to have phosphorus enrichment concerns and is categorized as Enhanced Management 2 according to the water quality model for lakes in the City of Greater Sudbury. Respecting the required lake setbacks for structures and retaining a naturally vegetated Shoreline Buffer Area as outlined in the Official Plan are important actions in reducing phosphorus inputs to the lake and maintaining a healthy shoreline ecosystem.

The proposed new dwelling lies completely within the Shoreline Buffer Area. Approval of this application is not recommended until sufficient evidence is provided that demonstrates that the proposed dwelling cannot reasonably be relocated farther from the water's edge and that the location has been selected to minimize disturbance to existing healthy natural vegetation, especially mature trees and shrubs, within the Shoreline Buffer Area.

The following advice is provided for informational purposes.

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.

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, March 04, 2024

Subject property contains a flood hazard and erosion hazard regulated by Conservation Sudbury. Proponent pre-consulted with Conservation Sudbury and location shown on the plot plan is acceptable. A permit from Conservation Sudbury will be required prior to approval of the Building Permit, and permit application will require that drawings show proposed lot grading. No fill can be placed into the floodplain.

CGS: Site Plan Control, March 04, 2024

No objection.

Greater Sudbury Hydro Inc., March 01, 2024

No conflict.

Ministry of Transportation, March 01, 2024

Not within the MTO's permit control area and therefore, we have no comments to provide.

CGS: Development Engineering, February 29, 2024

No objection.

March 13, 2024

The applicant's agents, Dan Guillemette and Miyah Simser of Centreline Architecture, appeared before Committee and provided a summary of the application addressing concerns expressed in the comments. Dan Guillemette read a letter written by the applicant.

Philip Zylberberg appeared before Committee on behalf of the Long Lake Stewardship Committee and summarized the Stewardship Committee's position on the application.

Committee Member Goswell asked Mr. Zylberberg, referring to the Stewardship Committee's letter dated March 5, to clarify point number five and three and Mr. Zylberberg provided an explanation regarding point five. Committee Chair Dumont suggested that further discussions could be had with staff once the public portion of the meeting is closed.

Dan Guillemette responded to the Stewardship Committee's comments.

Committee Member Goswell asked staff, referring to the Stewardship Committee's letter dated March 5, to explain how clearance in the shoreline buffer is calculated and staff provided an explanation. Committee Member Goswell expressed concern over the amount of relief being requested.

Committee Chair Dumont asked the agent if there is an opportunity to have the septic setback further from the shoreline and if he would provide an explanation on the septic's size, scale and location and the agent provided an explanation.

Committee Chair Dumont expressed concern over the size of the proposed dwelling and the amount of cleared area in the shoreline and advised that he is supportive of staff's recommendation.

Committee Member Castanza expressed concern over the size of the proposed dwelling and scale of the septic.

Committee Member Murray advised that he is supportive of a deferral to give the applicants an opportunity to address comments from staff.

Committee Chair Dumont asked staff if relief could be sought to reduce the setback from the dwelling to the septic and staff advised that as those are Building Code requirements, no variance could be sought.

June 5, 2024

The applicant and her agent, Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the Application.

Philip Zylberberg appeared before Committee on behalf of the Long Lake Stewardship Committee and summarized the Stewardship Committee's position on the Application.

The Secretary-Treasurer reminded Committee that a letter of concern was received from the Long Lake Stewardship Committee for the March 13, 2024, Committee of Adjustment meeting and confirmed that Committee received the letter in their comment package.

Committee Chair Dumont requested the agent to address the Stewardship Committee's question regarding the location and the agent provided Committee with an explanation.

Committee Member Goswell expressed support for the Application.

The following decision was reached:

DECISION:

THAT the application by:

CHARLOTTE BALEZ

the owner(s) of PIN 73472 0126, Parcel 26851 SEC SES, Survey Plan SR-11 Part(s) 1, Lot Part 12, Concession 1, Township of Broder, 2944 South Shore Road, Sudbury

for relief from Part 4, Section 4.41, Subsections 4.41.2, 4.41.3 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 single detached dwelling and septic bed, firstly, providing a high water mark setback of 11.3m and permitting it to be within 20.0m of the high water mark of a lake, 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 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, secondly, to permit a maximum of 48% (195.83 sq.m) of the required shoreline buffer area to be cleared of natural vegetation, where a maximum of 25%, but in no case shall exceed a maximum of 276.0m² of the required shoreline buffer area is permitted, and thirdly, to permit a maximum of 77% (16.0m) of the length of the shoreline at the high water mark to be cleared of natural vegetation, where the maximum length of the cleared area measured at the high water mark shall be 25% of the length of the shoreline of the lot but in no case shall the maximum length of cleared area measured at the high water exceed 25.0 metres in length, be granted.

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

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

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

SUBMISSION NO. A0049/2024

June 05, 2024

OWNER(S): MIGHTY OAK CAPITAL INC, 1176 Northgate Crescent Oshawa ON L1G 7C5

AGENT(S): BELANGER SALACH ARCHITECTURE, 255 Larch Street Sudbury ON P3E 4T1

LOCATION: PIN 73586 0616, Lot(s) 157, Subdivision 4-SC, Lot Part 7, Concession 3, Township of McKim, 266 Eyre Street, Sudbury

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 convert the existing building from four residential units to six residential units providing reduced lot area per unit and an increase in permitted dwelling units at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 04, 2024

REVISED
Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Building Services Section, June 03, 2024

REVISED
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 request for the permitted use of 6 dwelling units and the relief for required property area.

With the increased number of dwelling units, refuse storage needs to be addressed.

Applicant to be advised that we acknowledge Building Permit application BP-ALT-2023-00167 to legalize a single basement unit. However, revisions are required to approve the addition of two dwelling units.

CGS: Development Approvals Section, June 03, 2024

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

1. Maximum of 6 dwelling units, whereas the maximum permitted is 4; and
2. Minimum area of 96.7 m² per dwelling unit, whereas the minimum permitted is 140 m².

The subject lands contain an existing multiple dwelling with five dwelling units and an accessory building that has been identified by the applicant as being removed. The lands are serviced by a municipal water and sanitary connection and have existing accesses from Eyre Street and Primo Lane. 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.

Surrounding uses are residential and commercial in nature.

The proposal has a density of 103 units per ha, which falls within the high density range of the Official Plan. High density residential is permitted within the 'Living Area I' designation in Sudbury subject to criteria. Additionally, residential intensification is permitted subject to criteria, including but not limited to compatibility with surrounding uses and site suitability.

The applicant has provided a concept plan which demonstrates that the lands can accommodate one parking space per dwelling unit. Additionally, the rear yard contains outdoor amenity space for the tenants to utilize. The applicant is not proposing to expand the external footprint of the building. Staff are satisfied that the subject lands are large enough to function with 6 residential dwelling units and are suitable for the proposed residential intensification. Staff are satisfied that the proposal will remain compatible with the surrounding uses which are a mix of multiple unit dwellings and single detached dwellings to the north, south, and west.

Staff are of the opinion that the application 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: Infrastructure Capital Planning Services, May 30, 2024

Roads
No concerns.

Transportation and Innovation Support
We note from the sketch provided that the exact location of the lot line is not properly identified. We also note from the sketch, that the owner has provided 3 parking spaces at the front of the property. We wish to advise the owner that stacked parking and parking within the City's right of way is not permitted.

It is important to note that only short term on-street parking with 4 hour limit is available on Eyre Street, therefore any overflow parking that may occur from this site will affect the neighbouring property owners.

Active Transportation
No concerns.

Nickel District Conservation Authority, May 30, 2024

Conservation Sudbury does not object to Minor Variance A0049/2024. 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: Strategic and Environmental Planning, May 30, 2024

No concerns.

CGS: Development Approvals Section, May 30, 2024

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

1. Maximum of 6 dwelling units, whereas the maximum permitted is 4; and
2. Minimum area of 96.7 m² per dwelling unit, whereas the minimum permitted is 140 m².

The subject lands contain an existing multiple dwelling with five dwelling units and an accessory building that has been identified by the applicant as being removed. The lands are serviced by a municipal water and sanitary connection and have existing accesses from Eyre Street and Primo Lane.

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. Surrounding uses are residential and commercial in nature.

The proposal has a density of 103 units per ha, which falls within the high density range of the Official Plan. High density residential is permitted within the 'Living Area I' designation in Sudbury subject to criteria. Additionally, residential intensification is permitted subject to criteria, including but not limited to compatibility with surrounding uses and site suitability.

The applicant has provided a concept plan which demonstrates that the lands can accommodate one parking space per dwelling unit. Additionally, the rear yard contains outdoor amenity space for the tenants to utilize. The applicant is not proposing to expand the external footprint of the building. Staff are satisfied that the proposal will remain compatible with the surrounding uses which are a mix of multiple unit dwellings and single detached dwellings to the north, south, and west.

Through the circulation process Building Services and Roads identified that the proposed parking space in the front yard appears to encroach onto the City's right of way, which is not permitted. Staff recommend that the application be deferred in order to allow the applicant an opportunity to address staff's comments. An additional variance(s) may be required if parking standards can not be demonstrated to conform with the standards of the zoning by-law.

CGS: Building Services Section, May 29, 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 request for the permitted use of 6 dwelling units and the relief for required property area.

The submitted sketch SK-1 indicates an existing front yard setback of 6.0m. This distance needs to be verified to ensure the indicated parking space can be accommodated without extending beyond the property line. Based on imagery, there is a concern that the existing front yard setback is considerably less than 6.0m.

With the increased number of dwelling units, refuse storage needs to be addressed.

Applicant to be advised that we acknowledge Building Permit application BP-ALT-2023-00167 to legalize a single basement unit. However, revisions are required to approve the addition of two dwelling units.

Greater Sudbury Hydro Inc., May 29, 2024

No conflict.

CGS: Site Plan Control, May 24, 2024

No objection.

CGS: Development Engineering, May 23, 2024

No objection.

Ministry of Transportation, May 22, 2024

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

The applicant's agent, Amber Salach of Belanger Salach Architecture, appeared before Committee and provided a summary of the Application.

The Secretary-Treasurer advised Committee that the City received emails from area residents, one email expressed concern for the Application and the second initially expressed concern but was later revised to support the Application after receiving additional information from staff. The Secretary-Treasurer confirmed that the communications were circulated to staff and Committee for their consideration.

Committee Member Castanza asked the agent to clarify the parking spaces for the property and where they were situated and the agent provided clarification. Committee Member Castanza asked the agent to identify where the snow storage would be and the agent identified on the site plan where snow storage would occur.

Committee Member Goswell asked staff to explain the notification process for applications and staff explained the requirements under the Planning Act for notice.

Committee Chair Dumont asked staff to advise when notice was sent out and staff advised when notice was provided.

Committee Chair Dumont provided a further explanation on the notice period and what the notice would contain.

Committee Member Goswell asked how tenants would receive notice and Committee Chair Dumont explained the notice requirements under the Planning Act.

Committee Member Sawchuk asked staff if the comments regarding the parking had been resolved and staff advised that they had been.

The following decision was reached:

DECISION:

THAT the application by:

MIGHTY OAK CAPITAL INC

the owner(s) of PIN 73586 0616, Lot(s) 157, Subdivision 4-SC, Lot Part 7, Concession 3, Township of McKim, 266 Eyre 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 conversion of the existing building from four residential units to six residential units providing, firstly, a minimum lot area of 96.7sq.m per unit, where 140.0sq.m is required, and secondly, six dwelling units, where not more than 4 dwelling units is permitted, 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.

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

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

SUBMISSION NO. A0051/2024

June 05, 2024

OWNER(S): MICHAEL REID, 47 Harju Crescent Sudbury ON P3G 1K3

AGENT(S):

LOCATION: PIN 73476 0815, Surveys Plan 53R-21049 Part(s) 1 & Plan 53R-11154 Part(s) except 1, Lot(s) 47 and Part 48, Subdivision M-379, Lot Part 5, Concession 4, Township of Broder, 47 Harju Crescent, Sudbury

SUMMARY

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

Application: Approval 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: Infrastructure Capital Planning Services, May 30, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Nickel District Conservation Authority, May 30, 2024

Conservation Sudbury does not object to Minor Variance A0051/2024. Subject property does contain areas regulated by Conservation Sudbury, including an erosion hazard. 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: Strategic and Environmental Planning, May 30, 2024

No concerns.

CGS: Development Approvals Section, May 30, 2024

The purpose and effect of the application is to construct a 133.96 m² accessory building with a height of 5.49 m, whereas the maximum height permitted for accessory buildings is 5 m. The applicant had advised that the 5.49 m height is being requested in order to accommodate a car hoist for vehicle storage and repair. The accessory building is proposed to be located in the rear yard, approximately 27 m from Harju Crescent, 19.78 m from the rear yard, 2.1 m from the east interior side lot line, and 23.4 m from the west interior side lot line.

The subject lands contain a 215 m² single detached dwelling which has a height of 6 m and three accessory buildings, two of which are identified by the applicant to be removed. The subject lands are serviced by a private septic system and well, and have an existing access from Harju Crescent. The subject lands are designated 'Living Area II' within the City of Greater Sudbury Official Plan, are zoned 'Low Density Residential One (R1-2)' within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).

Surrounding uses are residential in nature.

It is noted that due to the proposed location of the structure and the natural vegetative character of the area, the building is unlikely to be visible from Harju Crescent. Additionally, there is a vegetative buffer between the proposed building and the east and rear abutting properties. Although the building will exceed the height by 0.49 m, it will remain subordinate in height and ground floor area in comparison to the main use of the lands being the single detached dwelling. Staff are satisfied that the proposed use of the building will be accessory to the single detached dwelling and do not anticipate negative impacts to surrounding land uses as a result of the variance. The applicants should be advised that the accessory building is to be utilized for residential accessory purposes only. Automotive business uses are not permitted as of right. Staff are of the opinion that the requested 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 variance be granted.

CGS: Building Services Section, May 29, 2024

Building Services has reviewed your application and sketches for the requested minor variance and can advise that we have no concerns with the request.

Applicant to be advised that a Building Permit to the satisfaction of the Chief Building Official is required for the proposed garage.

The sketch also indicates two accessory structures to the rear of the proposed garage. Please be advised that Building Permits are required for all accessory storage structures greater than 15 sq.m.

Greater Sudbury Hydro Inc., May 29, 2024

No conflict.

CGS: Site Plan Control, May 24, 2024

No objection.

CGS: Development Engineering, May 23, 2024

No objection.

Ministry of Transportation, May 22, 2024

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

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

The Secretary-Treasurer advised Committee that the City received an email from an area resident expressing support for the Application. The Secretary-Treasurer confirmed that the communication was circulated to staff and Committee for their consideration.

Committee had no questions or concerns relating to this Application.

The following decision was reached:

DECISION:

THAT the application by:

MICHAEL REID

the owner(s) of PIN 73476 0815, Surveys Plan 53R-21049 Part(s) 1 & Plan 53R-11154 Part(s) except 1, Lot(s) 47 and Part 48, Subdivision M-379, Lot Part 5, Concession 4, Township of Broder, 47 Harju Crescent, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 5.49m, 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 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.

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

SUBMISSION NO. A0053/2024

June 05, 2024

OWNER(S): DALRON CONSTRUCTION LIMITED, 130 Elm Street, Sudbury ON P3C 1T6

AGENT(S): BELANGER SALACH ARCHITECTURE, 255 Larch Street Sudbury ON P3E 4T1

LOCATION: PIN 73475 0147, Parcel 50031 SEC SES, Surveys Plan 53R-14222 Part(s) 4-11 & Plan 53R-12895 Part(s) 1 and 2 & Plan 53R-12987 Part(s) 3 & Plan 53R-10956 Part(s) 1 & Plan SR-1339 Part(s) 4, Lot Part 5, Concession 6, Township of Broder, 2040 Algonquin Road, Sudbury

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 the expansion of the existing north westerly commercial building on the subject property providing a front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 30, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Nickel District Conservation Authority, May 30, 2024

Conservation Sudbury does not object to Minor Variance A0053/2024. 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: Strategic and Environmental Planning, May 30, 2024

No concerns.

CGS: Development Approvals Section, May 30, 2024

The purpose and effect of the application is to construct a 343.9 m² addition onto an existing commercial building with a front yard setback of 3 m, whereas a 15 m setback is required. The subject lands contains eight commercial buildings with various commercial tenants. The subject lands are serviced by municipal water and sanitary, and have an existing access from Algonquin Road and Regent Street. The subject lands are designated 'General Commercial' within the City of Greater Sudbury Official Plan and are zoned 'General Commercial (C2)' within the City of Greater Sudbury Zoning By-law. Surrounding uses are commercial and industrial in nature. The lands are subject to a site plan control agreement. Site plan control staff advised that the proposed building expansion would not require an amendment to the site plan agreement. Based on staff's review, the site requires 200 parking spaces and currently contains 307 parking spaces. Staff have no concerns with the reduction in parking spaces as a result of the building expansion as the minimum parking spaces will still be met.

The zoning by-law requires a 3 m wide landscaped area abutting roads greater than 10 m in width. Staff recommend that as a condition the applicant submit a revised concept plan showing the landscaped area along Regent Street the width of the proposed building addition. It should be noted that there is a pedestrian pathway from the intersection of Regent and Algonquin to the Smiths parking lot area. Consideration for pedestrian connectivity should be had as part of the 3 m wide landscaped area. It should be noted that the definition of landscaped open space does include surfaced walks. The proposed addition will remain outside of the sightline visibility triangle and given the location of the proposed addition will not impact vehicular sightlines for the entrances and exits to and from the property. The roads department has no concerns with the proposal. Staff do not anticipate negative impacts to vehicular and pedestrian safety as a result of the proposal. Staff are of the opinion that the requested 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 variance be granted subject to the following condition:

1. That the Applicant provide a revised concept plan identifying the 3 m wide landscaped area along Regent Street, the width of the proposed building expansion, taking into consideration pedestrian connectivity, within 30 days of the date of decision to the satisfaction of the Director of Planning Services.

CGS: Building Services Section, May 29, 2024

Building Services has reviewed your application and sketches for the requested minor variance and can advise of the following comments:

The sketch submitted does not clearly indicate the existing setback and the proposed expansion width. For verification our records indicate an existing setback of 15.0m. With the requested setback of 3.0m, the proposed expansion would be restricted to 12.0m maximum.

Applicant to be advised that a Building Permit to the satisfaction of the Chief Building Official will be required for the building expansion.

Greater Sudbury Hydro Inc., May 29, 2024

No conflict.

CGS: Site Plan Control, May 24, 2024

The proposed building expansion is not considered a substantial increase to the usability of the site and does not require an amendment to the SPCA.

CGS: Development Engineering, May 23, 2024

No objection.

Ministry of Transportation, May 22, 2024

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

The applicant's agent, Louis Belanger of Belanger Salach Architecture, and tenant, Greg Smith, appeared before Committee and provided a summary of the Application.

Committee Chair Dumont asked staff if the proposed condition should provide a timeframe for fulfillment and staff advised that although the comments did not provide for a timeframe, one was being imposed in the resolution.

Committee Chair Dumont asked staff when the timeframe would start, and staff advised that it would start the next day.

The following decision was reached:

DECISION:

THAT the application by:

DALRON CONSTRUCTION LIMITED

the owner(s) of PIN 73475 0147, Parcel 50031 SEC SES, Surveys Plan 53R-14222 Part(s) 4-11 & Plan 53R-12895 Part(s) 1 and 2 & Plan 53R-12987 Part(s) 3 & Plan 53R-10956 Part(s) 1 & Plan SR-1339 Part(s) 4, Lot Part 5, Concession 6, Township of Broder, 2040 Algonquin Road, Sudbury

for relief from Part 7, Section 7.3, Table 7.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, for approval to construct an addition on the existing north westerly commercial building on the subject property, identified on the sketch as building 1, providing a minimum front yard setback of 3.0m, where a minimum 15.0m setback is required, be granted, subject to the following condition:

1. That the Applicant provide a revised concept plan identifying the 3 m wide landscaped area along Regent Street, the width of the proposed building expansion, taking into consideration pedestrian connectivity, within 30 days of the date of decision to the satisfaction of the Director of Planning Services.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land and 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.

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

SUBMISSION NO. A0054/2024

June 05, 2024

OWNER(S): DOMINIQUE GAUDET-MARTEL, 2187 Vermilion Lake Road Chelmsford ON P0M 1L0
ALAIN MARTEL, 2187 Vermilion Lake Road Chelmsford ON P0M 1L0

AGENT(S):

LOCATION: PIN 73367 0054, Parcel 13736 SEC SWS SRO, Lot Part 7, Concession 6, Township of Fairbank, 2187 Vermilion Lake Road, Chelmsford

SUMMARY

Zoning: The property is zoned R1-1 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit a pool on the subject property providing a setback from the high water mark at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 30, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Nickel District Conservation Authority, May 30, 2024

Conservation Sudbury does not object to Minor Variance A0054/2024. 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: Strategic and Environmental Planning, May 30, 2024

Staff of the City's Strategic and Environmental Planning Section recognize that the proposed pool is to be placed outside of the shoreline buffer area and that the applicants have demonstrated that there are no suitable locations for its placement outside of the 30-metre setback. The applicants will need to be mindful of Section 30 of the City of Greater Sudbury's Bylaw 2010-188 that regulates the discharge of water from swimming pools.

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.

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).

CGS: Development Approvals Section, May 30, 2024

The purpose and effect of the application is to permit the construction of a swimming pool with a high water setback of 20.2 m, whereas a 30 m setback is required for residential accessory structures. The subject lands are designated 'Living Area II' within the Greater City of Sudbury Official Plan', are zoned 'Low Density Residential One (R1-1)' within the Greater City of Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA). The subject lands contain a single detached dwelling and three accessory buildings. The swimming pool is proposed to be located 40.44 m from Vermillion Lake Road, 15.85 m from the west interior side lot line, 1.52 m from the east interior side lot line, and 20.2 m from the rear lot line along Vermillion Lake. The applicant has advised that the swimming pool is unable to be located in the front yard due to the location of the septic system. They have also identified that an existing garden, accessory buildings, and house would prevent the pool from being located closer to the road, and that they wish to maintain vehicular clearance between the house and accessory buildings in order to access the lake for dock

and boat lift removal/installation in the fall and spring. No changes are proposed within the shoreline buffer area.

Strategic and Environmental Planning recognized that the structure is located outside of the shoreline buffer area and provided additional advisory comments for the applicant in regards to shoreline best practices and pool water discharge.

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

CGS: Building Services Section, May 29, 2024

Building Services has reviewed your application and sketches for the requested minor variance and can advise that we have no concerns with the request.

We acknowledge Building Permit application BP-PE-2024-00029 for the proposed pool enclosure.

Greater Sudbury Hydro Inc., May 29, 2024

No conflict - outside of our territory.

CGS: Site Plan Control, May 24, 2024

No objection.

CGS: Development Engineering, May 23, 2024

No objection.

Ministry of Transportation, May 22, 2024

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

The applicants appeared before Committee and provided a summary of the Application. Committee Member Castanza expressed support for the Application.

The following decision was reached:

DECISION:

THAT the application by:

DOMINIQUE GAUDET-MARTEL AND ALAIN MARTEL

the owner(s) of PIN 73367 0054, Parcel 13736 SEC SWS SRO, Lot Part 7, Concession 6, Township of Fairbank, 2187 Vermilion Lake Road, Chelmsford

for relief from Part 4, Section 4.41, subsection 4.41.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the installation of a pool providing a 20.2m setback from the high water mark of a lake, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, be 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.

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

SUBMISSION NO. A0055/2024

June 05, 2024

OWNER(S): DARLENE PAQUIN, 427 McNeill Blvd Sudbury ON P3C 2H4
KENNETH WARD, 427 McNeill Blvd Sudbury ON P3C 2H4

AGENT(S): DARLENE PAQUIN, 427 McNeill Blvd Sudbury ON P3C 2H4

LOCATION: PIN 02134 0037, Parcel 19161 SEC SES, Lot(s) 34, Subdivision M-309, Lot Part 7, Concession 4, Township of McKim, 427 McNeill Boulevard, Sudbury

SUMMARY

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

Application: Approval to construct an uncovered deck on the subject property providing a further reduction to the existing front yard and a front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 30, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Nickel District Conservation Authority, May 30, 2024

Conservation Sudbury does not object to Minor Variance A0055/2024. 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: Strategic and Environmental Planning, May 30, 2024

No concerns.

CGS: Development Approvals Section, May 30, 2024

The purpose and effect of the application is to recognize an existing front yard setback of 3.06 m for the single detached dwelling and to permit a 14.5 m² uncovered deck with an encroachment of 3.01 m into the required front yard setback of 6 m, whereas a 1.2 m encroachment is permitted in the front yard setback of 6 m.

The subject lands contain a single detached dwelling and an accessory building. The single detached dwelling is located 4.82 m above grade from the front property line. The single detached dwelling has existing covered stairs above grade and cold cellar below grade with a setback of 3.06 m from the front lot line. The applicant is proposing to replace the existing covered staircase with a 14.5 m² uncovered deck, the width of the existing house. The applicant has advised that they are unable to meet the encroachment standards of the zoning by-law given the location of the existing single detached dwelling having a front yard setback of 3.06 m.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'Low Density Residential One (R1-5)' within the City of Greater Sudbury Zoning By-law. Surrounding uses are residential in nature.

The deck will be located 2.99 m from the front lot line. Staff are of the opinion that sufficient space will maintain between the proposed deck and front lot line for maintenance purposes. The deck will be 0.91 m in height. Roads did not provide any concerns, therefore staff are of the opinion that vehicular and pedestrian sightlines will not be negatively impacted as a result of the variance. Staff are of the opinion that the requested 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 variance be granted.

CGS: Building Services Section, May 29, 2024

Building Services has reviewed your application and sketches for the requested minor variance and can advise that we have no concerns with the request.

We acknowledge Building Permit application BP-NEW-2024-00624 for the proposed uncovered deck.

Greater Sudbury Hydro Inc., May 29, 2024

No conflict.

CGS: Site Plan Control, May 24, 2024

No objection.

CGS: Development Engineering, May 23, 2024

No objection.

Ministry of Transportation, May 22, 2024

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

The applicants appeared before Committee and provided a summary of the Application. Committee Member Castanza expressed support for the Application.

The following decision was reached:

DECISION:

THAT the application by:

DARLENE PAQUIN AND KENNETH WARD
the owner(s) of PIN 02134 0037, Parcel 19161 SEC SES, Lot(s) 34, Subdivision M-309, Lot Part 7, Concession 4,
Township of McKim, 427 McNeill Boulevard, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an uncovered deck providing a minimum front yard setback of 2.99m and an encroachment of 3.01m into the required 6.0m front yard, where uncovered decks 1.2m or less in height may encroach 1.2m into the required front yard, be granted.

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

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

SUBMISSION NO. A0057/2024

June 05, 2024

OWNER(S): JEANETTE ROY, 1024 Gravel Drive Hanmer ON P3P 1R8
LUCIEN ROY, 1024 Gravel Drive Hanmer ON P3P 1R8

AGENT(S):

LOCATION: PIN 73506 0172, Parcel 34677 SEC SES SRO, Survey Plan SR-2379 Part(s) 1, Lot Part 4, Concession 4, Township of Hanmer, 1024 Gravel Drive, Hanmer

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 accessory building containing a secondary dwelling unit on the subject property providing an accessory lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 30, 2024

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Nickel District Conservation Authority, May 30, 2024

Conservation Sudbury does not object to Minor Variance A0057/2024. 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: Strategic and Environmental Planning, May 30, 2024

No concerns.

CGS: Development Approvals Section, May 30, 2024

The purpose and effect of the application is to permit a 52 m² accessory building containing a secondary dwelling unit which would result in a cumulative lot coverage of 12% for accessory buildings, whereas the maximum lot coverage for accessory buildings is 10%.

The subject lands contain a 67 m² single detached dwelling, and three accessory buildings. The existing accessory buildings have a cumulative area of 168.35 m², which represents a lot coverage of 9%. The new proposed accessory building would represent an increase of lot coverage of 3%. The new accessory building is proposed to be located in the rear yard, 34.66 m from Gravel Drive, 1.38 m from the west interior lot line, 20.25 m from the east interior lot line, and 26.37 m from the rear.

The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan, are zoned 'Rural (RU)' within the Zoning By-law, and are located within a significant wellhead protection area of the source water protection plan.

Surrounding uses are rural in nature.

A secondary dwelling unit is defined within the zoning by-law as an additional dwelling unit that is ancillary and subordinate to the primary dwelling unit that may be contained within the main building on a lot and/or in an accessory building. The zoning by-law permits one main dwelling and two secondary dwelling units, one within the existing dwelling and one within an accessory building. The second dwelling unit in an accessory building must adhere to accessory building standards. Additionally, in Rural zones secondary dwelling units within accessory buildings shall have a maximum net floor area of 45% of the gross floor area of the primary dwelling on the lot. Net floor area shall be the gross floor area of the accessory building excluding any areas within the accessory building and be located no further than 30 m from the primary dwelling. The intent of limiting the size of secondary units within accessory buildings is to ensure that the unit remains ancillary to the main use of the lands being the single detached dwelling.

Staff have no concerns with the proposed secondary dwelling unit as it will be subordinate in size in comparison to the main dwelling unit. Based on MPAC data, the secondary dwelling unit appears to maintain the maximum 45% standard, however, Building Services has requested that confirmation of gross floor area including the basement be provided for the dwelling in order to confirm the max 45% standard is being adhered to. Given the location, the proposed building will not be visible from the road. Staff do not anticipate impacts to surrounding land uses as a result of the variance request. Staff are of the opinion that the variance is considered to be 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: Building Services Section, May 30, 2024

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

Based on our calculations, the total accessory lot coverage calculates to 12% coverage where max. 10% is permitted.

We found a discrepancy with the indicated house area. It has been noted as 67 sq.m. where our records indicate 76 sq.m. Please ensure verification of the building area and finished basement area is provided for your Permit application.

We acknowledge Building Permit application BP-NEW-2024-00481 for the proposed Secondary Dwelling Unit.

Greater Sudbury Hydro Inc., May 29, 2024

No conflict - outside of our territory.

Source Water Protection Plan, May 28, 2024

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

CGS: Site Plan Control, May 24, 2024

No objection.

CGS: Development Engineering, May 23, 2024

No objection.

Ministry of Transportation, May 22, 2024

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

The applicants appeared before Committee and provided a summary of the Application. Committee Member Goswell asked staff to clarify the miscalculation of the relief being requested and staff explained that the miscalculation was an oversight by staff.

The following decision was reached:

DECISION:

THAT the application by:

JEANETTE ROY AND LUCIEN ROY

the owner(s) of PIN 73506 0172, Parcel 34677 SEC SES SRO, Survey Plan SR-2379 Part(s) 1, Lot Part 4, Concession 4, Township of Hanmer, 1024 Gravel Drive, Hanmer

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 accessory building containing a secondary dwelling unit providing an accessory lot coverage of 12%, 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 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.

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