

SUBMISSION NO. A0051/2023

May 31, 2023

OWNER(S): GERALD LEBLANC, 93 Catherine Drive, Garson ON P3L 1H2
LOUISE LEBLANC, 93 Catherine Drive, Garson ON P3L 1H2

AGENT(S): GERALD LEBLANC, 93 Catherine Drive, Garson ON P3L 1H2

LOCATION: PIN 73495 0654, Parcel 17544 SEC SES, Lot(s) 135, Subdivision M-148, Lot Part 5, Concession 2,
Township of Garson, 93 Catherine Drive, Garson

SUMMARY

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

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

Comments concerning this application were submitted as follows:

CGS: Building Services Section, May 17, 2023

Based on the information provided, Building Services has no concerns with this application. However, for the Owner's information Building Services has the following comments,
1) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the proposed accessory structure (detached garage).
2) The proposed detached garage shall not be used as "Habitable Living Space", as per CGS Zoning By-law 2010-100Z, 4.2 Accessory Buildings, Structures and Uses.
3) It appears there may be a structure built without the benefit of building permit (rear yard gazebo). Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.

CGS: Infrastructure Capital Planning Services, May 17, 2023

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

CGS: Development Approvals Section, May 17, 2023

The variances being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Catherine Drive in Garson. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would be situated approximately 26 m (85.30 ft) from the street-line of Catherine Drive. Staff also notes that both a fence and mature vegetation would provide for some degree of buffering and screening between the proposed detached garage and abutting residential properties. Staff in this regard have no concerns with respect to any negative land use planning impacts on abutting residential properties. Staff in this particular context have no concerns with the requested maximum accessory building height of 6.1 m (20.01 ft) whereas 5 m (16.40 ft) is permitted under Section 4.2.4 a) of the City's Zoning By-law. Staff is however concerned with respect to the variance that would allow for a 4.5% increase in maximum accessory building lot coverage. Staff notes that the proposed detached garage will provide for additional storage in the rear yard and if the shed were to be removed the variance could be reduced to approximately 12.5% whereas 10% is permitted under Section 4.2.3 of the City's Zoning By-

law. Staff advises that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building on a residential lot. Staff would caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (i.e., non-residential land uses). Staff would also caution the owner that the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the application be deferred in order to afford the owner the opportunity to address the above noted comments.

Source Water Protection Plan, May 17, 2023

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

CGS: Strategic and Environmental Planning, May 17, 2023

No concerns.

Greater Sudbury Hydro Inc., May 15, 2023

Outside of our territory, therefore we have no objections.

Ministry of Transportation, May 15, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, May 12, 2023

No objection.

The Nickel District Conservation Authority, May 12, 2023

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for approval to construct a detached garage on the subject property providing an accessory lot coverage and height at variance to the By-law.

Conservation Sudbury does not object to Minor Variance A0051/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, May 11, 2023

No objection.

The Applicants, Gerald Leblanc and Louise Leblanc, appeared before the Committee. The Applicants lost connection to the meeting and once reconnected, they provided a summary of the Application.

Chair Dumont advised the Committee that the Staff recommendation for this application was to defer the matter due to concerns of lot coverage but that the garage met all other development standards. The Applicants advised that they will be tearing down the shed on the subject property. Staff confirmed that this would involve a change in the percentage for lot coverage in the decision and that the Committee would have to consider a condition for the timeline of the removal of the shed which would then result in the lot coverage being 12.5% or 12.6%. Committee discussed the timeline of 90 days or 120 days.

The resolution to defer was read, voted upon, and defeated.

Chair Dumont brought a motion to have a resolution providing an accessory lot coverage percentage of 12.5% with a condition to demolish the shed within 90 days. Committee further discussed the percentage and timeline start date.

Chair Dumont then brought a motion to have a resolution providing an accessory lot coverage percentage of 12.6% with a condition to demolish the shed within 120 days of the Minor Variance decision to the satisfaction of the Chief Building Official and the Director of Planning Services. The motion was seconded by Committee Member Murray. The Motion was read, voted upon, and carried.

The following decision was reached:

DECISION:

THAT the application by:

GERALD LEBLANC AND LOUISE LEBLANC

the owner(s) of PIN 73495 0654, Parcel 17544 SEC SES, Lot(s) 135, Subdivision M-148, Lot Part 5, Concession 2, Township of Garson, 93 Catherine Drive, Garson

for relief from Part 4, Section 4.2, subsection 4.2.3 and 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 firstly, an accessory lot coverage of 12.6%, where 10% is permitted, and secondly, a maximum height of 6.1m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted, subject to the following condition:

1. That the existing shed be removed to the satisfaction of the Chief Building Official and Director of Planning Services within 120 days of the Minor Variance decision.

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

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
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0052/2023

May 31, 2023

OWNER(S): KYLE KOWALUK, 28 Patricia Street, Lively P3Y 1B1
KRISTA KOWALUK, 28 Patricia Street, Lively P3Y 1B1

AGENT(S): KYLE KOWALUK, 28 Patricia Street, Lively P3Y 1B1

LOCATION: PIN 73375 0046, Parcel 14050 SEC SWS SRO, Lot(s) 24, Subdivision M-351, Lot Part 5, Concession 4, Township of Waters, 28 Patricia Street, Lively

SUMMARY

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

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

Comments concerning this application were submitted as follows:

CGS: Building Services Section, May 17, 2023

Based on the information provided, Building Services has no concerns with this application. However, for the Owner's information Building Services has the following comments,

- 1) The proposed detached garage shall not be used as "Habitable Living Space", as per CGS Zoning By-law 2010-100Z, 4.2 Accessory Buildings, Structures and Uses, unless an approved Secondary Unit Building Permit is issued.
- 2) A search of our records indicates there is a Building Permit which has not been completed. Owner shall contact Building Services to discuss outstanding items. Building Permit No. B15-1364.

CGS: Infrastructure Capital Planning Services, May 17, 2023

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

CGS: Development Approvals Section, May 17, 2023

The variance being sought would facilitate construction of a detached garage on the subject lands that have frontage on Patricia Street in Lively. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would be situated to the immediate east of the existing one-storey, single-detached dwelling on the lands. It is further noted that the proposed detached garage would align with and maintain the same front yard setback as the existing residential dwelling. The proposed detached garage would also be screened by mature vegetation from the outdoor amenity space on the abutting residential lot known municipally as 36 Patricia Street. The front yard is also partially enclosed by a mature hedgerow. Staff in this regard have no concerns with respect to any negative land use planning impacts on abutting residential properties. Staff in this particular context have no concerns with the requested maximum accessory building height of 5.79 m (18.99 ft) whereas 5 m (16.40 ft) is permitted under Section 4.2.4 a) of the City's Zoning By-law. Staff advise that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building on a residential lot. Staff would caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (i.e., non-residential land uses). Staff would also caution the owner that the proposed detached garage

may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Strategic and Environmental Planning, May 17, 2023

No concerns.

Greater Sudbury Hydro Inc., May 15, 2023

Outside of our territory, therefore we have no objections.

Ministry of Transportation, May 15, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, May 12, 2023

No objection.

The Nickel District Conservation Authority, May 12, 2023

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for approval to construct an attached garage containing a secondary dwelling unit on the subject property providing rear yard setback and eaves at variance to the By-law.

Conservation Sudbury does not object to Minor Variance A0052/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, May 11, 2023

No objection.

The Applicant, Kyle Kowaluk, appeared before the Committee and provided a summary of the Application. Committee had no comments or questions in relation to this application.

The following decision was reached:

DECISION:

THAT the application by:

KYLE KOWALUK AND KRISTA KOWALUK
the owner(s) of PIN 73375 0046, Parcel 14050 SEC SWS SRO, Lot(s) 24, Subdivision M-351, Lot Part 5, Concession 4, Township of Waters, 28 Patricia Street, Lively

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 5.79m, 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 Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

<i>Member</i>	<i>Status</i>
Cathy Castanza	Concurring

David Murray	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0053/2023

May 31, 2023

OWNER(S): DR. MEGAN MESSENGER, 171 Edgewater Rd, Sudbury P3G 1J8

AGENT(S): ADAM WHITBY, 2040 Algonquin Road, Unit 14, Sudbury P3G 1J8

LOCATION: PIN 73476 0125, Parcel 9554 SEC SES, Lot Part 6, Concession 4, Township of Broder, 171 Edgewater Road, Sudbury

SUMMARY

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

Application: Approval to permit the construction of an attached deck on the subject property providing a shoreline buffer at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, May 17, 2023

For relief from Part 4, Section 4.41, subsection 4.41.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the expansion of an attached deck, providing 38% of the natural vegetation of the required shoreline buffer area to be cleared, whereas a maximum of 25% of the required shoreline buffer area may be cleared of natural vegetation, but in no case shall a cleared area exceed a maximum of 276 sq.m. and also providing 32% of the shoreline length measured at the high water mark to be cleared of natural vegetation, where a maximum of 25% of the length of the cleared area at the high water mark may be cleared of natural vegetation.

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

CGS: Infrastructure Capital Planning Services, May 17, 2023

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

CGS: Development Approvals Section, May 17, 2023

The variances being sought would facilitate the expansion of an attached deck within a shoreline buffer area in the rear yard of the subject lands that have frontage on Edgewater Road in Sudbury. The lands also have water frontage on Long Lake. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the attached deck would project outward from the second storey of the existing residential dwelling and cover a portion of the shoreline buffer area that is already cleared of natural vegetation. Staff notes in this regard that the variance being sought would minimize the amount of new disturbance within the shoreline buffer area likely and with the deck being elevated and on a slope toward the lake there would still be opportunity for the area to naturalize in the future. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Strategic and Environmental Planning, May 17, 2023

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

171 Edgewater Road, Sudbury. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

SEP staff are aware of the extent of the existing vegetative buffer and also acknowledge that the proposed deck will be a couple of metres above the ground, accessed from the second floor of the dwelling, as seen from the rear of the single detached dwelling.

To reduce water runoff and to aid in the protection of the lake, staff recommend that the proponent leave the area underneath the proposed deck untouched and not further increase the amount of impervious area. Ideally the proponent would increase the amount of natural vegetated area below the proposed deck and elsewhere on-site to support the Official Plan policies of section 8.4.

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

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

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

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance

aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms.

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.
6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.

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

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

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

Greater Sudbury Hydro Inc., May 15, 2023

No conflict.

Ministry of Transportation, May 15, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, May 12, 2023

No objection.

The Nickel District Conservation Authority, May 12, 2023

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for approval to permit the construction of an attached deck on the subject property providing a shoreline buffer at variance to the By-law.

Conservation Sudbury does not object to Minor Variance A0053/2023. Proposed development is within a regulated area of the Conservation Sudbury. A permit from Conservation Sudbury was received from the attached deck.

CGS: Development Engineering, May 11, 2023

No objection.

The Agent of the Applicant, Adam Whitby, appeared before Committee and provided a summary of the application. The Agent explained the effort and planning put into the application in order to minimize the effect of the proposal upon the shoreline. The Agent also confirmed various emails and verbal confirmations of support from neighbours and other residents on the lake.

Sandra Willock attended on behalf of the Long Lake Stewardship Committee expressing concerns with respect the reduced shoreline setback and vegetative buffer being proposed by the Applicant.

A letter of concern was received from Mr. Zylberberg on behalf of the Long Lake Stewardship Committee on May 20, 2023, expressing concerns with the shoreline setback and vegetative buffer relief requested. A letter of response by the Agent was received on May 22, 2023, which was circulated to the Long Lake Stewardship Committee and the Committee of Adjustment.

The Agent provided final comments stating that they are members of the Long Lake Stewardship Committee and that there are many members of the Stewardship that are in support of the Application. He confirmed that they will continue to plant native plants and shrubs around the base of the deck. He confirmed that the deck is being extended from the main floor and provided colour photographs to show the existing vegetation on the property. The photographs were passed around for the Committee to view.

Committee Member Goswell asked the Agent to clarify how the existing buffer will be affected and removed. The Agent advised that they will not be removing any shrubbery. The four cedar globes in the pictures had died over the winter and had to be removed. The Agent advised that they will be planting a few trees and native plants in the rocks. Committee Member Goswell inquired of Staff if it was appropriate to impose a condition for a landscape plan. Staff stated it was possible and in the jurisdiction of the Committee to do so but did state it was not typical.

Chair Dumont recommended that the resolution be read to be voted upon and then a motion for an amended resolution could be contemplated. Committee Member Castanza and Chair Dumont expressed suggestions to the Long Lake Stewardship to provide comments to Committee on Applications in the future relating to site specific concerns so that the Committee can consider concerns raised as opposed to their presentations being the same for each and every application. Committee Member Murray advised that the agencies with authority have provided their approval for this proposal, and he is in agreement with the minor variance relief being sought.

The following decision was reached:

DECISION:

THAT the application by:

DR. MEGAN MESSENGER

the owner(s) of PIN 73476 0125, Parcel 9554 SEC SES, Lot Part 6, Concession 4, Township of Broder, 171 Edgewater Road, Sudbury

for relief from Part 4, Section 4.41, subsection 4.41.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the expansion of an attached deck, providing 38% of the natural vegetation of the required shoreline buffer area to be cleared, whereas a maximum of 25% of the required shoreline buffer area may be cleared of natural vegetation, but in no case shall a cleared area exceed a maximum of 276 sq.m. and also providing 32% of the shoreline length measured at the high water mark to be cleared of natural vegetation, where a maximum of 25% of the length of the cleared area at the high water mark may be cleared of natural vegetation, 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
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0054/2023

May 31, 2023

OWNER(S): OLLI MATIKAINEN, 800 Mason Road, Worthington P0M 3H0
CYNTHIA MATIKAINEN, 800 Mason Road, Worthington P0M 3H0

AGENT(S): OLLI MATIKAINEN, 800 Mason Road, Worthington P0M 3H0

LOCATION: PIN 73365 0083, Parcel 18274 SEC SWS, Survey Plan 53R-13537 Part(s) 1 and 2, Lot Part 1 and 12, Concession 3, Township of Trill, 800 Mason Road, Worthington

SUMMARY

Zoning: The property is zoned SLS (4) (Seasonal Limited Service) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

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

Comments concerning this application were submitted as follows:

CGS: Building Services Section, May 17, 2023

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

However, for the Owner's information Building Services has the following comments,

1) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the proposed accessory structure (detached garage).

2) The proposed detached garage shall not be used as "Habitable Living Space", as per CGS Zoning By-law 2010-100Z, 4.2 Accessory Buildings, Structures and Uses.

3) Based on a search of our records, it appears there may be a structure built without the benefit of building permit (sauna). Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.

CGS: Infrastructure Capital Planning Services, May 17, 2023

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Development Approvals Section, May 17, 2023

The variance being sought would facilitate construction of a detached garage on the subject lands that has water frontage on Fairbank Lake in Worthington. The lands also have access to a private road (i.e., Mason Road) The lands are designated Rural in the City's Official Plan and zoned "SLS (4)", Seasonal Limited Service Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would maintain a setback of approximately 33.53 m (110.00 ft) from the street-line of Mason Road and a shoreline setback of approximately 70.10 m (230.00 ft) to Fairbank Lake. Staff further notes that the proposed detached garage would also be screened and buffered from abutting residential properties by existing mature vegetation. Staff also do not anticipate any negative land use planning impacts on the rural character that exists along this portion of Fairbank Lake and Mason Road should the height variance be approved. Staff in this particular context have no concerns with the requested maximum accessory building height of 6.46 m (21.19 ft) whereas 5 m (16.40 ft) is permitted under Section 4.2.4 a) of the City's Zoning By-law. Staff advise that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building on a residential lot. Staff would caution the owner that

the proposed detached garage may not be utilized for commercial or industrial purposes (i.e., non-residential land uses). Staff would also caution the owner that the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Strategic and Environmental Planning, May 17, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 800 Mason Road, Worthington. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

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

1. The proposed garage is not within the setback to the highwater mark nor is it within the required vegetative buffer.

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

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

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

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

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain

large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.

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

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

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

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

Greater Sudbury Hydro Inc., May 15, 2023

Outside of our territory, therefore we have no objections.

Ministry of Transportation, May 15, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Development Engineering, May 12, 2023

No objection.

CGS: Site Plan Control, May 12, 2023

No objection.

The Nickel District Conservation Authority, May 12, 2023

Conservation Sudbury does not oppose Minor Variance A0054/2023. Part of the subject property is located in area regulated by the Conservation Authority. However, the proposed garage is located sufficiently far from the shoreline.

Notes

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

One of the Applicants, Olli Matikainen, appeared before Committee and provided a summary of the application. Committee Member Castanza confirmed her attendance at the site and advised that there would not be any negative impact due to the existing shrubbery on the lot. Committee had no questions in relation to this application.

The following decision was reached:

DECISION:

THAT the application by:

OLLI MATIKAINEN AND CYNTHIA MATIKAINEN
the owner(s) of PIN 73365 0083, Parcel 18274 SEC SWS, Survey Plan 53R-13537 Part(s) 1 and 2, Lot Part 1 and 12, Concession 3, Township of Trill, 800 Mason Road, Worthington

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 6.46m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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

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

<i>Member</i>	<i>Status</i>
Cathy Castanza	Concurring
David Murray	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0055/2023

May 31, 2023

OWNER(S): KEVIN ELLIS, 54 Mennil Drive, Minesing, ON L9X 0J2
LISA ELLIS, 54 Mennil Drive, Minesing, ON L9X 0J2

AGENT(S): LISA ELLIS, 75 Stoney Bay Road

LOCATION: PIN 73397 0071, Parcel 17222 SEC SWS, Survey Plan 53R-8234 Part(s) except 15, Lot Part Broken 5, Concession 1 as in LT169927, Township of Louise, 75 Stoney Bay Road, Whitefish

SUMMARY

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

Application: Approval to construct a sauna 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 17, 2023

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

CGS: Development Approvals Section, May 17, 2023

The variance being sought would facilitate construction of a sauna in the rear yard of the subject lands that have frontage on Stoney Bay Road in Whitefish. The lands also have water frontage on Little Panache Lake. The lands are designated Rural in the City's Official Plan and zoned "RS," Rural Shoreline under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff have no concerns with the sauna maintaining a maximum accessory building height of 5.6 m (18.37 ft) whereas 5 m (16.40 ft) is permitted on a residential lot. Staff are satisfied that there would be no negative land use planning impacts on abutting residential properties should the variance be approved. Staff would also note that the sauna otherwise appears to comply with all other applicable development standards for an accessory building at the shoreline on a residential lot. Staff would caution the owner that the proposed sauna may not be utilized for commercial or industrial purposes (i.e., non-residential land uses). Staff would also caution the owner that the proposed sauna may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, May 17, 2023

Building Services has reviewed the above noted application for Minor Variance and notes that this application should be deferred. Based on the plot plan submitted, the proposed sauna provides a side yard setback of 2.0m where a minimum side yard setback of 3.0m is required, as per CGS Zoning By-law 2010-100Z Table 9.3 – Standards for All Rural Zones (RS). A minor variance is required, or the sauna shall be relocated to comply with the by-law.

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

1) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the proposed accessory structure (sauna).

- 2) The proposed sauna shall not be used as "Habitable Living Space", as per CGS Zoning By-law 2010-100Z, 4.2 Accessory Buildings, Structures and Uses.
- 3) A kennel, as defined by CGS Zoning By-law 2010-100Z, 2.7 Definitions, an establishment where dogs, cats or other small domestic animals or household pets are bred or raised primarily for the purpose of sale, or are trained or boarded for gain or profit, but does not include a veterinary clinic, is not permitted in RS zone.
- 4) Future SFD as indicated on submitted sewage drawings will require application for Building Permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.

CGS: Strategic and Environmental Planning, May 17, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 75 Stoney Bay Road, Whitefish. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

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

1. Saunas are permitted within the vegetated buffer; and,
2. The proposed sauna appears to be consistent with the provisions relating to amount of vegetated buffer that can be removed.

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

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

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

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

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be

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

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

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

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

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

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

Greater Sudbury Hydro Inc., May 15, 2023

Outside of our territory, therefore we have no objections.

Ministry of Transportation, May 15, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Development Engineering, May 12, 2023

No objection.

CGS: Site Plan Control, May 12, 2023

No objection.

The Nickel District Conservation Authority, May 12, 2023

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for approval to construct a sauna on the subject property providing a height at variance to the By-law.

Conservation Sudbury does not object to Minor Variance A0055/2023. The subject property is located outside of the jurisdictional boundary of Conservation Sudbury. We have no comment to the proposed development.

One of the Applicants, Kevin Ellis, appeared before Committee and provided a summary of the application. The Applicant confirmed that an updated sketch has been provided showing the sauna being at least 3.0m from the lot line in response to comments previously received.

Committee Member Castanza advised that she attended on site and had no issues with this application going forward. Committee had no questions in relation to this application.

The following decision was reached:

DECISION:

THAT the application by:

KEVIN ELLIS AND LISA ELLIS

the owner(s) of PIN 73397 0071, Parcel 17222 SEC SWS, Survey Plan 53R-8234 Part(s) except 15, Lot Part Broken 5, Concession 1 as in LT169927, Township of Louise, 75 Stoney Bay Road, Whitefish

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of

Greater Sudbury, as amended, to facilitate the construction of a sauna providing a maximum height of 5.6m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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

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

<i>Member</i>	<i>Status</i>
Cathy Castanza	Concurring
David Murray	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0034/2023

May 31, 2023

OWNER(S): TARA ALEXANDER, 198 Birch Hill Road, Sudbury ON P3G 1R1
MARK ALEXANDER, 198 Birch Hill Road, Sudbury ON P3G 1R1

AGENT(S): GREG BRUCE, 1936 Commerce Park Drive, Innisfil ON L9S 4A3

LOCATION: PIN 73477 0096, Parcel 30029 SEC SES, Lot Part 4, Concession 4 as in LT201331 except LT251846, Township of Broder, 198 Birch Hill Road, Sudbury

SUMMARY

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

Application: Approval to construct a single detached dwelling with attached garage, septic system and leaching bed on the subject property providing high water mark setback, shoreline structure and shoreline buffer at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 17, 2023

REVISED

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Building Services Section, May 17, 2023

REVISED

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

1) However, Building Services notes that the revised application submitted states the proposed structure (SFD) will have a side yard set back of 1.25m. Building Services acknowledges the revised plot plan C2.1, revision 2, indicating a 1.8m side yard setback, where 1.8m is required.

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

2) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the proposed structure (single family dwelling with attached garage).

3) Owner to be advised. A revised Health Unit Approval will be required as the provided documents identify three (3) bathrooms where the current Health Unit Approval (issued May 30, 2023) identifies two (2) bathrooms.

CGS: Development Approvals Section, May 17, 2023

REVISED

This application was previously deferred in order to afford the owner the opportunity to address those comments received from circulated agencies and departments. Staff previously supported the application but noted that comments from other agencies and departments required the attention of the owner (i.e., Building Services and Conservation Sudbury). Staff understands that those concerns have now been addressed. Staff had noted in previous comments that the lands are irregularly shaped (i.e., triangular) and some degree of relief from the applicable shoreline development standards under Section 4.41 of the City's Zoning By-law is warranted. Staff have reviewed the updated sketch and are satisfied that the proposed single-detached dwelling is reasonable and not excessive in nature given

the site constraints that exist on the lands in relation to the shoreline of Grant Lake. Staff continues to be supportive of the development proposal and would recommend that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Strategic and Environmental Planning, May 17, 2023

REVISED

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 198 Birch Hill Road, Sudbury. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

SEP staff do not oppose the application for the following reasons:

1. The proposed addition is not closer to the highwater mark than the existing dwelling; and,
2. The leaching bed is opposite the dwelling from the lake and appears to be as far from the highwater mark as possible given the constraints of the site.

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

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

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

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.

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

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

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

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

Greater Sudbury Hydro Inc., May 15, 2023

REVISED
No conflict.

Ministry of Transportation, May 15, 2023

REVISED
We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, May 12, 2023

REVISED
No objection.

The Nickel District Conservation Authority, May 12, 2023

REVISED
Conservation Sudbury does not oppose Minor Variance A0034/2023. Part of the subject property contains areas regulated by Conservation Sudbury, including floodplain. Conservation Sudbury will require a permit pursuant to Section 28 of the Conservation Authorities Act prior to approving the building permit. A requirement of this permit will also be a lot grading plan. Application forms can be found at conservationsudbury.ca or by emailing ndca@conservationsudbury.ca.

Notes

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

Source Water Protection Plan, April 19, 2023

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

CGS: Development Approvals Section, April 12, 2023

REVISED
Staff has further reviewed the location of the proposed septic system and notes that Section 4.41.2 c) requires that a 30 m (98.43 ft) setback be provided from the high watermark of the lake to any leaching bed associated with a private septic system. The submitted sketch does not appear to demonstrate

compliance with respect to this development standard. Staff is concerned that an additional minor variance may be required in order to permit a leaching bed to be located closer to the high watermark of the lake than 30 m (98.43 ft). Staff recommends that the application be deferred.

CGS: Building Services Section, April 12, 2023

Building Services no longer has any concerns with the application.

The Nickel District Conservation Authority, April 05, 2023

Conservation Sudbury does not oppose Minor Variance A0034/2023. Part of the subject property contains areas regulated by Conservation Sudbury, including floodplain. Conservation Sudbury will require a permit pursuant to Section 28 of the Conservation Authorities Act prior to approving the building permit. A requirement of this permit will also be a lot grading plan. Application forms can be found at conservationsudbury.ca or by emailing ndca@conservationsudbury.ca.

Notes

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

CGS: Infrastructure Capital Planning Services, April 05, 2023

Roads

No Concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Strategic and Environmental Planning, April 05, 2023

SEP staff do not oppose the application for the following reasons:

1. The proposed addition is not closer to the highwater mark than the existing dwelling.

It should be noted, however, that the site does not appear connected to municipal wastewater. Provision 4.41.2c) of Zoning By-law 2010-100Z prohibits the construction of a leaching bed closer than 30 metres from the highwater mark. The exact locations and setback from the highwater mark of the septic system is not provided and therefore SEP staff cannot confirm compliance with this provision of the Zoning By-law.

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

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

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

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the

wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².

2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.

3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.

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

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

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

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

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

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

CGS: Building Services Section, April 05, 2023

We have reviewed the above noted application for Minor Variance and Building Services notes that this application should be deferred because the side yard of 1.25m where 1.8m are required has not been addressed.

CGS: Development Approvals Section, April 05, 2023

The variances being sought would facilitate construction of a single-detached dwelling on the lands that have frontage on Birch Hill Road in Sudbury. The lands also have water frontage on Grant Lake. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that lands are irregularly shaped (i.e. triangular) and some degree of relief from the applicable shoreline development standards under Section 4.41 of the City's Zoning By-law is warranted. Staff have reviewed the submitted sketch and are satisfied that the proposed single-detached dwelling is reasonable and not excessive in nature given the site constraints that exist on the lands in relation to the shoreline of Grant Lake. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Greater Sudbury Hydro Inc., April 04, 2023

Electrical service to be installed as per the latest edition of GSHI's Condition of Service.

CGS: Development Engineering, March 30, 2023

No objection.

CGS: Site Plan Control, March 30, 2023

No objection.

Ministry of Transportation, March 30, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

April 13, 2023

The Applicants identified themselves. The Applicant's agent, Greg Bruce, appeared before Committee and provided a summary of the application. The Agent drew attention to the existing shed that is to be removed and existing house. The Agent described the 30.0m setback on the sketch and advised that there was nowhere else on the lot to build to be able to comply. He advised the Ontario Building Code sets the setback at 15.0m but the Municipality sets the setback at 30.0m. The Agent further advised that there was an existing septic system on the property. The Applicants retained Bruce Tait to design and obtain the new septic permit to improve the existing septic system. The Agent does not see that a deferral is necessary as they have obtained a septic permit. The agent advised that they have met the septic requirements for the bedrooms and bathrooms for the proposed dwelling. The Agent advised that there was nothing else that could be done. The house was designed to fit all the angles of the lot. He advised that the width of the house was designed to assist in preventing phosphorous runoff from the leaching bed on the backside of the house. The house foundation is going to have a frost wall and slab on grade so that will also deter phosphorous run off into the lake, which is a significant improvement over what was proposed with the septic approval with the existing house. One of the Applicants expressed her frustrations on the process for minor variance when she has devoted her life and practice to this community. Sandra Willock, of 4204 Long Lake Road, attended the hearing advising the Applicants that the comments made on behalf of the Stewardship Neighbours of Grant Lake and Long Lake were not mean spirited but out of respect for the lakes. She expressed concerns with respect to previous owners knowing that the septic system was no longer sufficient and that the subject property has water run off directly into streams that connect to Long Lake and Grant Lake. She also described concerns with the buffer area being further decreased from what is existing at the present time. She confirmed that District Health Unit issues the septic system permit, but that Strategic and Environmental Planning has confirmed that the zoning by-law requires the leaching bed to be 30.0m set back from the high water mark. Philip Zylberberg, of 1141 Sunnyside Road, attended on behalf of the Long Lake Stewardship Committee expressing concerns with respect to vegetative buffers in relation to neighbouring lakes, including Long Lake which is located downstream from Grant Lake. The setbacks and vegetative buffer zones are of concern for the Long Lake Stewardship Committee. He advised that the setbacks are designed to reduce the amount of detritus entering the lakes. The vegetative buffer zone is to collect unwanted nutrients, soils, salt, etc., from entering the lakes causing excess vegetation, such as algae. He advised that the existing house did not even meet the previous zoning By-law requirements of 12.0m from the high water mark. He does not see a 70% increase in house size as being minor and it does not correspond with the zoning By-law. He expressed the sentiment that new developments should not be allowed on small lots where the existing dwellings were grandfathered in. The agent wished to clarify that it is impossible to put the septic system past the 30.0m setback as they also need to comply with the front yard setback. He reiterated that the house was designed in size for the approved septic system which also an improvement on the previous septic system. The lot coverage is still in compliance with the zoning by-law. They spoke with planners, there are no comments from Strategic Planning and Conservation Authority. He also confirmed that the septic system will be set back approximately 22.0m from the high water mark. Committee Member Castanza confirmed that she attended the property on a site visit and her question regarding the location of the septic system has been answered by the Agent in his previous remarks. She also advised she was in support of the application. Committee Member Murray wished to thank the public for coming out to provide comments but according to the sketch and explanations provided by the agent, he is satisfied that all is being done by the applicants to reduce the effect on the lake with the proposed development. Committee Member Sawchuk wished to echo the sentiment that a lot of consideration was given to the site, was an improvement on the property and was in support of the application. Committee Member Sawchuk inquired of Staff regarding the suggestion of deferral and wondered with all discussions during the hearing if anything has changed with their recommendation. Staff reiterated the recommendation for deferral as the septic system is required to be 30.0m from the high water mark. That relief had not been sought in the application, nor advertised and wished to offer the Applicant the opportunity to defer and amend their application to prevent them from having to submit a new minor variance application later when required in order to obtain a building permit for the septic tank. Committee Member Sawchuk summarized to the Applicants the intent of the deferral to allow them to combine the relief currently sought and the needed relief for the septic system. The Applicant inquired as to why they could not use the septic permit they already had for a septic system in the same location. Staff clarified that legal non-conforming applies to structures and a septic system is not defined as a structure under the zoning by-law which means the septic system would require relief from 30.0m set back. Committee Member Murray reiterated that the septic relief would have to be included in the resolution being read to be decided upon. Staff also recommended a deferral to allow time to address this administrative issue for the relief and

advertise for it. Committee Member Murray asked whether the Agent was agreeable to deferring the matter. The Agent asked whether relief for improvement of a septic is really necessary.

May 31, 2023

One of the Applicants, Mark Alexander, and the Agent of the Applicants, Greg Bruce, appeared before Committee and provided a summary of the application. The Agent stated that they were looking for the Committee to recognize the existing setback and to permit the septic setback as it is really the only way to build on this property.

Sandra Willock attended on behalf of the Long Lake Stewardship Committee. She outlined how the Stewardship Committee members are appointed and that some members are made up of retired professionals. She congratulated the Committee for ensuring that the septic system is as good as it can be on this small lot.

A letter of concern was received from Mr. Zylberberg on behalf of the Long Lake Stewardship Committee on May 20, 2023, expressing concerns with the shoreline setback and vegetative buffer relief requested.

Committee Member Castanza asked for clarification with respect to the number of bathrooms as the septic permit states 2 bathrooms, but the application states 3 bathrooms. The Agent confirmed it will be 2.5 baths. The previous permit was approved for 2 bathrooms, and they have now resubmitted for a permit for 3 bathrooms, which has been confirmed.

Committee Member Castanza also asked for clarification with respect to the side yard setback. The Agent confirmed they have amended their application to comply with the side yard setback in the zoning By-law.

Chair Goswell asked the agent to outline all revisions that had been made in the amended application compared to the original application. The Agent outlined the changes for Committee.

The following decision was reached:

DECISION:

THAT the application by:

TARA ALEXANDER AND MARK ALEXANDER

the owner(s) of PIN 73477 0096, Parcel 30029 SEC SES, Lot Part 4, Concession 4 as in LT201331 except LT251846, Township of Broder, 198 Birch Hill Road, Sudbury

for relief from Part 4, Section 4.2, Table 4.1, and 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 with attached garage, septic system and leaching bed providing, firstly, a high water mark setback of 10.76m for the dwelling and 24.94m for the leaching bed, where no person shall erect any residential building, other accessory structure or leaching bed closer than 30.0m to the high water mark of a lake or river, and secondly, for the proposed single detached dwelling to be 10.76m setback from the high water mark of a lake or a river, where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3, 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
Ron Goswell	Concurring

SUBMISSION NO. A0035/2023

May 31, 2023

OWNER(S): MARGARET RALPH, 166 A Wickie Road, Worthington P0M 3H0

AGENT(S): LARRY RALPH, 166 A Wickie Road, Worthington P0M 3H0

LOCATION: PIN 73365 0006, Parcel 53M1166-14 SEC SWS SRO, Lot(s) 14, Subdivision 53M-1166, Lot Part 1, Concession 1 subject to LT605471, Township of Trill, 166 A Wickie Road, Worthington

SUMMARY

Zoning: The property is zoned SLS (4) (Seasonal Limited Service), 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 at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 17, 2023

REVISED

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Building Services Section, May 17, 2023

REVISED

However, for the Owner's information Building Services has the following comments,

1) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the proposed accessory structure (detached garage).

2) The proposed detached garage shall not be used as "Habitable Living Space", as per CGS Zoning By-law 2010-100Z, 4.2 Accessory Buildings, Structures and Uses.

3) A search of our records indicates there are Building Permits which have not been completed. Owner shall contact Building Services to discuss outstanding items. Building permit No. B16-0835, P16-0261 and B20-1881.

4) Based on a search of our records, it appears there may be a structure built without the benefit of building permit (sauna). Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official which includes a revised plot plan indicating all structures and setbacks.

CGS: Development Approvals Section, May 17, 2023

REVISED

This application was previously deferred at the owner's request as they were unable to attend the originally scheduled public hearing for the application at the meeting of the Committee of Adjustment on April 26, 2023. Staff provided comments dated April 20, 2023 and would advise that those previous comments continue to be relevant and applicable. Staff notes however that an updated sketch has since been provided that depicts a maximum building height of 6.04 m (19.82 ft) for the proposed detached garage and a condition requiring an updated sketch is no longer necessary. Staff therefore now recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Strategic and Environmental Planning, May 17, 2023

REVISED
No concerns.

Greater Sudbury Hydro Inc., May 15, 2023

REVISED
Outside of our territory, there we have no objection.

Ministry of Transportation, May 15, 2023

REVISED
We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, May 12, 2023

REVISED
No objections.

The Nickel District Conservation Authority, May 12, 2023

REVISED
Conservation Sudbury does not oppose Minor Variance A0035/2023. Part of the subject property is located in area regulated by the Conservation Authority. However, the proposed garage is located sufficiently far from the shoreline.

Notes

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

CGS: Development Approvals Section, April 20, 2023

The variance being sought would facilitate construction of a detached garage in the front yard of the subject lands that have water frontage only on Fairbank Lake in Worthington. The lands are also accessed via a private driveway providing access to Wickie Road. The lands are designated Rural in the City's Official Plan and zoned "SLS (4)", Seasonal Limited Service Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would maintain a 30 m (98.43 ft) front yard setback from the shoreline of Fairbank Lake along with a 16 m (52.49 ft) easterly interior side yard setback and a 40 m (131.23 ft) westerly interior side yard setback. The proposed detached garage would also be screened from abutting residential properties by mature vegetation. Staff also notes that the proposed detached garage would otherwise appear to comply with all applicable yard setbacks for an accessory building in the "SLS (4)" Zone. Staff has no concerns in this rural residential context with the additional 1.04 m (3.41 ft) in maximum accessory building height for the proposed detached garage. Staff also notes that only a portion of the proposed detached garage would have an increased maximum accessory building height with the balance of the structure having a height below the maximum accessory building height of 5 m (16.40 ft). Staff would caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also caution the owner that the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff notes however that the submitted sketch depicts a maximum accessory building height of 6.1 m (20.01 ft) whereas the owner has indicated on their application form that a maximum accessory building height of 6.04 m (19.82 ft) is proposed. If the actual proposed maximum accessory building height is 6.1 m (20.01 ft) then the application should be deferred as additional public notice would be required. The owner might also consider proceeding with the height as applied for, however in this case an updated sketch would be

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

1. That the owner provides an updated elevation sketch depicting a detached garage having a maximum accessory building height of 6.04 m (19.82 ft) to the satisfaction of the Director of Planning Services and within 30 days of the variance decision.

CGS: Infrastructure Capital Planning Services, April 19, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Strategic and Environmental Planning, April 19, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 15 York Drive, Dowling. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

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

1. The proposed garage is not within the required 30 metre setback to the highwater mark.

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

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

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

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

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be

imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.

3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.

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

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

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

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

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

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

The Nickel District Conservation Authority, April 18, 2023

Conservation Sudbury does not oppose Minor Variance A0035/2023. Part of the subject property is located in area regulated by the Conservation Authority. However, the proposed garage is located sufficiently far from the shoreline

Notes

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

Greater Sudbury Hydro Inc., April 18, 2023

No conflict - outside of our territory.

CGS: Building Services Section, April 18, 2023

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

Ministry of Transportation, April 14, 2023

We have determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide.

CGS: Site Plan Control, April 13, 2023

No objection.

CGS: Development Engineering, April 13, 2023

No objection.

The Applicant, Margaret Ralph, appeared before Committee and provided a summary of the application. Committee Member Castanza advised that she attended on site and had no issues with this application going forward. Committee had no questions in relation to this application.

The following decision was reached:

DECISION:

THAT the application by:

MARGARET RALPH

the owner(s) of PIN 73365 0006, Parcel 53M1166-14 SEC SWS SRO, Lot(s) 14, Subdivision 53M-1166, Lot Part 1 , Concession 1 subject to LT605471, Township of Trill, 166 A Wickie Road, Worthington

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 6.04m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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

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

<i>Member</i>	<i>Status</i>
Cathy Castanza	Concurring
David Murray	Concurring
Ron Goswell	Concurring