

SUBMISSION NO. A0019/2023

March 15, 2023

OWNER(S): JAMES ROBERT , 157 Montee Genereux, Chelmsford, ON P0M 1L0
JOSEE ROBERT , 157 Montee Genereux, Chelmsford, ON P0M 1L0

AGENT(S):

LOCATION: PIN 73347 1742, Survey Plan 53R-20042 Part(s) 1 and 2, Lot Part West Half 11, Concession 2, Township of Rayside, 157 Montée G  n  reux, Chelmsford

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 covered storage accessory structure on the subject property providing a maximum height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, March 08, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

Ministry of Transportation, March 07, 2023

The ministry has confirmed that the above minor variance application are not located within MTO's permit control area, therefore, the MTO does not have any comment to provide.

CGS: Development Approvals Section, March 06, 2023

The variance being sought would facilitate the construction of a storage building in the rear yard of the subject lands that have frontage on Mont  e G  n  reux in Chelmsford. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff attended the lands and noted that there is limited screening (eg. trees) available on the lands, however most rural residential lots in the immediate area have also been cleared. Staff further noted that most accessory buildings and structures along this portion of Mont  e G  n  reux are therefore visible from the street-line. Staff notes that the proposed storage building would maintain a setback of approximately 46 m (150.92 ft) from the street-line of Mont  e G  n  reux whereby the addition 0.7 m (2.30 ft) in maximum accessory building height is unlikely to be noticeable or appear out of character. Staff is satisfied that the proposed maximum accessory building height of 7.2 m (23.62 ft) will have no negative land use planning impacts on abutting lands or on the rural residential character that exists along this portion of Mont  e G  n  reux. Staff also notes that the proposed storage building would otherwise appear to comply with all applicable yard setbacks for an accessory building in the "RU" Zone. Staff has no concerns in this particular rural context with the additional 0.7 m (2.29 ft) in maximum building height for the proposed storage building. It is unclear from the submitted sketch as to whether or not the owner is seeking an additional driveway entrance in order to access the proposed

storage building. Staff notes however that the existing driveway entrance from Montée G n reux appears to be sufficient for the purposes of accessing both the existing residential dwelling and the proposed storage building. Staff would caution the owner that the proposed storage building may not be utilized for commercial or industrial purposes (ie. non-residential land uses) unless specifically permitted under Section 9.2, Table 9.2 of the City's Zoning By-law. Staff notes that the submitted elevation plan depicts a maximum height of 7 m (22.97 ft) whereas the variance being sought is for 7.2 m (23.62 ft). Staff in this regard would note that the additional 0.2 m (0.66 ft) is typically not included as it does not appear to 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.

CGS: Building Services Section, March 06, 2023

Building Services has no concerns with this application.

The Nickel District Conservation Authority, March 03, 2023

Conservation Sudbury does not object to Minor Variance A0019/2023. 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: Site Plan Control, March 02, 2023

No objection.

CGS: Development Engineering, March 01, 2023

No objection.

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

The following decision was reached:

DECISION:

THAT the application by:

JAMES ROBERT AND JOSEE ROBERT

the owner(s) of PIN 73347 1742, Survey Plan 53R-20042 Part(s) 1 and 2, Lot Part West Half 11, Concession 2, Township of Rayside, 157 Mont e G n reux, Chelmsford

for relief from Part 4, Section 4.2, subsection 4.2.4 b) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a covered storage accessory structure providing a maximum height of 7.2m, where the maximum height of any building or structure accessory to a residential dwelling shall be 6.5m, be granted.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0021/2023

March 15, 2023

OWNER(S): JAMIE DEWAR, 6 Cerilli Crescent, Sudbury, Ontario P3E 5R8
TAMMY DEWAR, 6 Cerilli Crescent, Sudbury, Ontario P3E 5R8

AGENT(S): TAMMY DEWAR, 6 Cerilli Crescent, Sudbury, Ontario P3E 5R8

LOCATION: PIN 73593 0124, Parcel M1090-10 SEC SES, Subdivision Lot 10 on M -1090, Lot Part 4, Concession 1, Township of McKim, 6 Cerilli Crescent, 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 permit an addition on the existing single detached dwelling on the subject property providing a high water mark setback and side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, March 08, 2023

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Strategic and Environmental Planning, March 08, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 6 Cerilli Crescent, 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.

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

1. The proposed redevelopment is no closer to the shoreline than exists today.

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).

Ministry of Transportation, March 07, 2023

The ministry has confirmed that the above minor variance application are not located within MTO's permit control area, therefore, the MTO does not have any comment to provide.

Greater Sudbury Hydro Inc., March 06, 2023

No conflict.

CGS: Development Approvals Section, March 06, 2023

The variances being sought would facilitate construction of a second-storey addition to an existing single-detached dwelling that has frontage on Cerilli Crescent in Sudbury. The lands also have water frontage on Lake Nepahwin. 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 second-storey addition would add gross floor area within the minimum required shoreline buffer, however the legal non-complying setback to the high-water mark would not be further reduced as a result. Staff also has no concerns with general nature of the requested interior side yard setback variance, however there are three sketches included with the application with each containing a different interior side yard setback. Staff notes that the proposed interior setback of 0.19 m (0.62 ft) appears on one of the sketches with the other two depicting a 0 m (0 ft) interior side yard setback and the other suggests that a 0.33 m (1.08 ft) interior side yard setback would be maintained. Staff understands that the development proposal intends on reconstructing the sunroom atop its former building footprint however this number needs to be confirmed in order to ensure that any variance decision correctly identifies the relief being sought. Staff recommends that the application be deferred in order to afford the owner the opportunity to confirm the interior side yard setback variance that is being requested.

CGS: Building Services Section, March 06, 2023

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

However, Owner to be advised of the following comments:

1) The proposed sunroom within 1.2m of the property line, has stringent requirements under section 9.10.14 & 9.10.15 of the Ontario Building Code relating to construction type, fire resistance rating and required closures.

The Nickel District Conservation Authority, March 03, 2023

Conservation Sudbury does not object to Minor Variance A0021/2023. Part of the subject property is located within a shoreline regulated area. However, the proposed addition is not within these regulated areas.

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. Any permit issued may include conditions of development and permits are not guaranteed.

CGS: Site Plan Control, March 02, 2023

No objection.

CGS: Development Engineering, March 01, 2023

No objection.

One of the Applicants, Jamie Dewar, appeared before Committee and provided a summary of the application. Committee Member Castanza thanked the Applicant for providing photographs of the rear yard and confirmed that the pictures had satisfied any concerns she may have had. Committee Member Murray asked Staff to clarify comments from Development Approvals with respect to the side yard setback. Staff outlined that the multiple sketches provided had conflicting setback dimensions which is why a deferral was recommended in order to confirm the relief being sought. Chair Dumont asked the Applicant if they were confident that the 0.19m setback was accurate for the minor variance relief being requested. The Applicant confirmed. Chair Dumont recommended a condition for an updated sketch within 30 days to confirm the setback of 0.19m. Staff suggested that a condition for a drawing may not be needed as we had a drawing in our possession indicating that setback relief requested. It was decided to reflect in the minutes that drawing MV-1 is what the decision and resolution is being based on. The resolution to defer was read and was defeated. A motion was brought by Committee Member Murray and seconded by Committee Member Castanza to amend the resolution to grant the requested relief based on drawing MV-1. The amended resolution was read and voted on.

The following decision was reached:

DECISION:

THAT the application by:

JAMIE DEWAR AND TAMMY DEWAR

the owner(s) of PIN 73593 0124, Parcel M1090-10 SEC SES, Subdivision Lot 10 on M -1090, Lot Part 4 , Concession 1, Township of McKim, 6 Cerilli Crescent, Sudbury

for relief from Part 4, Section 4.41, subsection 4.41.2 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 addition on the existing single detached dwelling, providing, firstly, a high water mark setback of 26.21m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, and secondly, a minimum side yard setback of 0.19m, where 1.8m is required, be granted.

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

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