

SUBMISSION NO. A0110/2023

September 27, 2023

OWNER(S): IAN ROBERTSON, 1891 Morgan Road, Chelmsford ON P0M 1L0  
ELIZABETH ANNE BENNES, 1891 Morgan Road, Chelmsford ON P0M 1L0

AGENT(S): D.S. DORLAND LIMITED, 298 Larch Street, Sudbury P3B 1M1

LOCATION: PINs 73351 0132 & 73351 0321, Parcels 6287 SEC SWS & 21610 SEC SWS SRO, Surveys Plan 53R-8530 Part(s) 1, 2, 3, 4, 5, and 6 & Plan 53R-14124 Part(s) 1, 2, and 3 & Plan 53R-15134 Part(s) 1, 2, and 3, Lot Part 8, Concession 6, Township of Balfour, 1891 Morgan Road, Chelmsford

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**SUMMARY**

**Zoning:** The property is zoned RU (Rural), H3RU (Holding Rural), EP (Environmental Protection) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval of a lot to be retained, subject of a future Consent Application, providing a minimum lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

Ministry of Transportation, September 21, 2023

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

CGS: Infrastructure Capital Planning Services, September 21, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, September 21, 2023

The variance being sought would facilitate the future consolidation of a northerly portion of the subject lands having frontage on Morgan Road with abutting lands described legally as being PIN 73351-0670 in Chelmsford. The variance that is required pertains to the remaining minimum lot frontage that would be provided for on the proposed severed lands. The lands forming the retained lands also have water frontage on the Vermilion River. The lands are designated Rural as well as Parks and Open Space in the City's Official Plan and zoned "RU", Rural, "H3RU", Holding – Rural and "EP", Environmental Protection under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the primary intent of the application is to transfer a vacant northerly portion of the lands to abutting lands being actively farmed (ie. Poulin Potatoes) to the east. The owners were previously also pursuing lot creation in addition to the above noted lot consolidation, however this current development proposal has abandoned the notion of lot creation in this location. Staff has no concerns with respect to the variance and would note that the retained lands in this instance can be viewed as a rural waterfront lot that will also have frontage on a road that maintained by the municipality. Staff further acknowledges that the resulting lot fabric will allow for a larger agricultural parcel of land to be utilized for the expansion of farming operations. 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.

The Nickel District Conservation Authority, September 20, 2023

Conservation Sudbury does not oppose Minor Variance A0110/2023. Subject property includes areas regulated by Conservation Sudbury, including an erosion hazard. In future planning applications, please indicate the regulated of the meander belt, which is a 30m buffer from the meander belt as shown on the detail sketch by D.S. Dorland, dated January 6, 2023. Please note that the river has high banks at this location, approximately 5m above bankfull elevation, as per cross-sectional sketch by D.S. Dorland dated October 9, 2019. If the river was the meander to the extent of the meander belt line show on sketch, then an additional slope stability hazard of 15m would be added.

#### Notes

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

CGS: Strategic and Environmental Planning, September 20, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the revised proposed development at 1891 Morgan Road, Chelmsford. 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.

Staff have no objection to the application. However, staff would advise the applicant of the requirements for setbacks to the highwater mark of rivers, such as the Vermilion.

The proponent is advised that it is their sole responsibility to ensure compliance with the Endangered Species Act and the Migratory Birds Convention 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 276m<sup>2</sup>.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.

3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.
6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

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

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

CGS: Development Engineering, September 19, 2023

No objection.

CGS: Building Services Section, September 19, 2023

Building Services has reviewed your application and sketch for the requested minor variance for reduced lot frontage and we have the following comment:

The survey indicates a gravel portion of Morgan Road which is publicly maintained, and which forms the basis of the requested 51.5m lot frontage. This area appears to be the driveway access to the property and does not appear to be publicly maintained. Our records do not provide clarity for the actual frontage by means of registered surveys.

While we have no concerns with the requested reduced frontage, the associated consent must clearly indicate the extents of the actual lot frontage, confirming a frontage not less 51.5m.

Greater Sudbury Hydro Inc., September 14, 2023

We have no concerns as the application A0110/2023 is outside of our territory.

CGS: Site Plan Control, September 14, 2023

No objection.

One of the Applicants, Ian Robertson, and the agent for the Applicants, Bryan Carrier-Dorland, 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:

IAN ROBERTSON AND ELIZABETH ANNE BENNES  
the owner(s) of PINs 73351 0132 & 73351 0321, Parcels 6287 SEC SWS & 21610 SEC SWS SRO, Surveys Plan 53R-8530 Part(s) 1, 2, 3, 4, 5, and 6 & Plan 53R-14124 Part(s) 1, 2, and 3 & Plan 53R-15134 Part(s) 1, 2, and 3, Lot Part 8, Concession 6, Township of Balfour, 1891 Morgan Road, Chelmsford

for relief from Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the lands to be retained, subject of future Consent Application, providing a minimum lot frontage of 51.5m, where 90.0m 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 Buildings. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

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

SUBMISSION NO. A0111/2023

September 27, 2023

OWNER(S): KELLY STUTT, 4655 Serenna Dr, Hanmer ON P3P 1G3  
THERESSA BEASLEY, 4655 Serenna Dr, Hanmer ON P3P 1G3

AGENT(S): RON DENOMME, 3236 Lammis Road, Sudbury ON P3G 1M6  
JULIE DENOMME, 3236 Lammis Road, Sudbury ON P3G 1M6

LOCATION: PIN 73503 0379, Parcel 48670 SEC SES, Survey Plan 53R-12077 Part(s) 2, Lot(s) Part 5, Subdivision M-584, Lot Part 1, Concession 3, Township of Hanmer, 4655 Serenna Drive, Hanmer

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### SUMMARY

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

**Application:** Approval to permit an existing two storey dwelling providing an interior side yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

Ministry of Transportation, September 21, 2023

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

CGS: Infrastructure Capital Planning Services, September 21, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, September 21, 2023

The variances being sought would recognize the location of an existing residential dwelling on the subject lands having frontage on Serenna Drive in Hanmer. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that this current application amounts to a re-application as the exact application was considered by the Committee of Adjustment of February 22, 1993. The Committee did not make a decision on the prior application as the owner and agent did not appear at the public hearing on February 22, 1993. The matter was deferred at the time and the current owners are now bringing forward a re-application to have the interior side yard setback and eaves variances addressed. Staff has no concerns with either variance and note that the existing residential dwelling does not appear to have generated any negative land use planning impacts on abutting residential properties. Staff would also note that the variances were previously supported by circulated agencies and departments. 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.

The Nickel District Conservation Authority, September 20, 2023

Conservation Sudbury does not object to Minor Variance A0111/2023. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, September 19, 2023

No objection.

CGS: Building Services Section, September 19, 2023

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

Greater Sudbury Hydro Inc., September 14, 2023

We have no concerns as the application A0111/2023 is outside of our territory.

CGS: Site Plan Control, September 14, 2023

No objection.

The Agent of the Applicants, Julie Denomme, appeared before the Committee and provided a summary of the Application. The Agent advised that the property had been sold and upon the sale of the property it was discovered that a variance was needed for the side yard setback. There had been a previous variance application that was brought before the Committee by the original owners who did not attend the previous hearing at which time the application was deferred and has since expired. The Agent advised that they are now trying to obtain the variance on behalf of the current owners.

Committee had no comments or questions in relation to this application.

The following decision was reached:

**DECISION:**

THAT the application by:

KELLY STUTT AND THERESSA BEASLEY  
the owner(s) of PIN 73503 0379, Parcel 48670 SEC SES, Survey Plan 53R-12077 Part(s) 2, Lot(s) Part 5, Subdivision M-584, Lot Part 1, Concession 3, Township of Hanmer, 4655 Serenna Drive, Hanmer

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing two storey dwelling providing a minimum interior side yard setback of 1.34m with eaves encroaching 0.58m into the proposed 1.34m interior side yard setback, where a minimum side yard setback of 1.8m is required and where eaves may encroach 0.6m into the required side yard, but not closer than 0.6m to the lot line, be granted.

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

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

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