

SUBMISSION NO. A0096/2023

November 08, 2023

OWNER(S): MIKE FAUGHT, 90 Windsor Cres, Sudbury ON P3E 1Z7  
ROSANNA FAUGHT, 90 Windsor Cres, Sudbury ON P3E 1Z7

AGENT(S):

LOCATION: PIN 73590 0344, Parcel 25043 SEC SES SRO, Lot(s) 64, Subdivision M-487 SRO, Township of McKim, 90 Windsor Crescent, Sudbury

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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 install an in-ground pool with enclosure and construct a pool house on the subject property providing front yard setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, November 03, 2023

## REVISED

This application was previously deferred in order to afford the owner the opportunity to address those concerns identified by circulated agencies and departments. Staff has previously acknowledged that the lands form an irregularly shaped urban residential lot whereby situating any type of accessory structure within the outdoor amenity space that exists on the lands is difficult. Staff notes that there does appear to be a demonstrated need for some relief from zoning requirements provided the impact on abutting residential properties is minimized. Staff remains concerned with respect to the fence and sightlines comments submitted by Infrastructure Capital Planning Services. Staff remains unable to support the overall development proposal at this time.

CGS: Building Services Section, November 01, 2023

## REVISED

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

CGS: Infrastructure Capital Planning Services, November 01, 2023

## REVISED

## Roads

No concerns.

## Transportation and Innovation Support

We note from the sketch provided that the owner has proposed a 1.2-meter-high fence. A review of the sight lines with the proposed fence height revealed that the sight lines will not be impacted. However, we do have concerns regarding the impact the 1.2m fence will have on the neighbor's (at 100 Windsor Cres) ability to see incoming vehicles as he exits his driveway.

## Active Transportation

No concerns.

The Nickel District Conservation Authority, October 29, 2023

REVISED

Conservation Sudbury does not object to Minor Variance A0096/2023 Revised. 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.

Greater Sudbury Hydro Inc., October 26, 2023

REVISED

No conflict.

Ministry of Transportation, October 26, 2023

REVISED

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: Site Plan Control, October 26, 2023

REVISED

No objection.

Ministry of Transportation, September 07, 2023

REVISED

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.

Source Water Protection Plan, September 06, 2023

REVISED

The original Section 59 Review for 90 Windsor Crescent associated with A0096/2023 is still valid.

There's no significant drinking water threat identified at this time.

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, September 06, 2023

REVISED

This application was previously deferred in order to afford the owner the opportunity to address those concerns identified by circulated agencies and departments. Staff did meet with the owner and would note that the "pool house" has been shifted away from the easterly interior side lot line which abuts those lands known municipally as 100 Windsor Crescent. Staff notes that the "pool house" now complies with accessory building setback requirements to the shared lot line with 100 Windsor Crescent. The owner has also advised that they are willing to situate the pool equipment within the "pool house" in a manner whereby an even greater setback is achieved to the easterly lot line abutting 100 Windsor Crescent. Staff advise in this regard that regulating the internal layout of pool equipment within an accessory building within by way of a minor variance is difficult and presents a challenge in terms of ensuring compliance with such is maintained across time. It is noted that the revised location of the "pool house" now requires a variance in order to provide for a reduced front yard setback of 0.6 m (1.97 ft) whereas 6 m (19.69 ft) is required in the "R1-5" Zone. Staff has previously acknowledged that the lands form an irregularly shaped urban residential lot whereby situating any type of accessory structure within the outdoor amenity space that exists on the lands is difficult. Staff notes that there does appear to be a demonstrated need for some relief from zoning requirements provided the impact on abutting residential properties is minimized. Staff remains concerned with respect to the fence and sightlines comments submitted by Infrastructure Capital Planning Services. Staff remains unable to support the overall development proposal at this time, but it is acknowledged that concerns relating to the location of the pool equipment has largely been resolved.

CGS: Infrastructure Capital Planning Services, September 06, 2023

REVISED  
Roads  
No concerns.

Transportation and Innovation Support

We note from the sketch provided that the owner has proposed a 2 meter high fence. A review of the sight lines with the proposed fence height shows that sight lines for motorists on Windsor Crescent will not be impacted. However, we do have concerns regarding the impact the 2 meter fence will have on the ability of the adjacent property at 100 Windsor Crescent to see oncoming vehicles as they exit their driveway.

Active Transportation  
No concerns.

CGS: Building Services Section, September 06, 2023

REVISED  
Building Services has reviewed your application and sketch for the requested minor variance, and we have no further comments.

Greater Sudbury Hydro Inc., September 05, 2023

REVISED  
No conflict.

The Nickel District Conservation Authority, September 05, 2023

REVISED  
Conservation Sudbury does not object to Minor Variance A0096/2023. The north-west portion of the property is adjacent to a watercourse. Future development within 15m of the watercourse requires permission of Conservation Sudbury.

CGS: Site Plan Control, August 31, 2023

REVISED.  
No objection.

CGS: Building Services Section, August 09, 2023

Based on the information and plot plan provided at this time, we can advise that Building Services has no objections to this application.

For the applicant's information, we can advise that Building Services has the following additional comments regarding this application.

1. Applicant is to be aware that a portion of the subject property falls within a designated Ramsey Lake Source Water Protection Area.

2. With respect to additional considerations related to this project, Building Services reserves further comment until the time of Building Permit Application and Plans Examination.

CGS: Development Approvals Section, August 09, 2023

The variances being sought would facilitate construction of a swimming pool and pump equipment with an enclosure fence in the front yard of the subject lands that have frontage on Windsor Crescent in Sudbury. 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 lands form an irregularly pie-shaped lot having a curving front line along Windsor Crescent. The existing residential dwelling is situated on a southerly portion of the lands closer to the rear lot line which forms a point than it is to the front lot line given the irregular shape of the lot. Staff acknowledges that some degree of relief from the applicable development standards of the City's

Zoning By-law is warranted given the above noted site context. Staff notes however that the pump equipment (ie. "pool house") would be situated in close proximity to an abutting urban residential lot and there appears to be sufficient area to comply with setback requirements in this regard. There may also be an opportunity to increase the front yard setback to the swimming pool itself so that it would maintain more than a 1 m (3.28 ft) setback. Staff has no issues with an enclosure fence having an increased height in this location provided that Roads staff has reviewed the variance request and also have no concerns. Staff recommends that the application be deferred in order to afford the owner the opportunity to address those comments received from circulated agencies and departments.

Source Water Protection Plan, August 09, 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: Infrastructure Capital Planning Services, August 09, 2023

Roads  
No concerns.

Transportation and Innovation Support  
We note from the sketch provided that the owner has proposed a 2 meter high fence. A review of the sight lines with the proposed fence height shows that sight lines for motorists on Windsor Crescent will not be impacted. However, we do have concerns regarding the impact the 2 meter fence will have on the ability of the adjacent property at 100 Windsor Crescent ability to see oncoming vehicles as they exits their driveway.

Active Transportation  
No concerns.

Ministry of Transportation, August 08, 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.

Greater Sudbury Hydro Inc., August 08, 2023

No conflict.

CGS: Site Plan Control, August 07, 2023

No objection.

The Nickel District Conservation Authority, August 07, 2023

Conservation Sudbury does not object to Minor Variance A0096/2023. 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, August 02, 2023

No objection.  
REVISED: No objection.

August 17, 2023

One of the Applicants, Mike Faught, appeared before Committee and provided a summary of the application. Committee Member Castanza expressed support of Staff's recommendation of deferral. Committee Member Sawchuk asked the Applicant if they had reviewed the comments from City Departments and whether consideration had been given to move the pool house. The Applicant asked if that was the only concern at this time. Committee Member Sawchuk asked Staff if there was a way to be able to provide a decision with changes to the location of the pool house. Staff advised that due to the irregular shape of the lot and variances requested, it is still their recommendation to defer the application for the Applicant to be able to address the Department comments. Staff advised that in the case of any

deferral, Staff is willing to work with the Applicant to assist in what is needed to return the application to the Committee with a revised proposal.

September 13, 2023

Chair Dumont removed himself from the hearing of this application as he had not been present during the original hearing of this application.

One of the Applicants, Mike Faught, appeared before Committee and provided a summary of the application which had been previously deferred from the August 17, 2023, meeting. The Applicant confirmed discussions having taken place with Development Approvals and Transportation and Innovation to resolve some of the issues brought to light at the original hearing of the application. He explained that he also spoke with the owner of the neighbouring property who expressed no concerns with respect to the sight lines.

Committee Member Sawchuk asked if the proposed fence is in a different location from the previous fence. The Applicant advised that the old fence no longer exists but that the proposed fence will be in line with the previous fence. Committee Member Castanza expressed the opinion that she could not support the application due to the height of the fence reducing sight lines.

Committee Member Sawchuk asked for confirmation that the current resolution was to deny the application. Vice-Chair advised that the current resolution was to defer the application.

Committee Member Murray asked the name of the individual from the City who attended the site to look at the sight lines. Staff was unable to respond due to technical difficulties. The Secretary-Treasurer provided the name to the Committee.

Vice-Chair Goswell expressed concerns that this application may trigger another variance for the front yard setback and asked the Applicant was willing to defer to have further discussions with the City or to proceed to a decision that may lead to a denial. The Applicant confirmed the revised comment from Development Approvals acknowledges that the pool shed distance appeases the concerns with respect to the pool equipment and Development Approval comments state it has been largely satisfied. Staff was still experiencing technical difficulties and was unable to comment.

Committee Member Murray expressed the wish to defer as he had questions that could be clarified by Staff which would allow him to make a decision on the Application. Committee Member Murray also expressed the desire to motion for a waiver of the deferral fee.

Committee Member Sawchuk confirmed his belief that the only issue at hand is the sight lines with respect to the fence. Committee Member Sawchuk and Committee Member Murray both acknowledged that in the circumstances a deferral is the course of action due to Staff technical difficulties.

The resolution to defer was read and voted upon.

Committee Member Murray brought a motion to waive the second deferral fee of this application due to the technical issues of Staff prohibiting further clarification of the application for the Committee. Committee Member Castanza seconded the motion. Vice-Chair Goswell expressed the opinion that the motion to waive the deferral fee could have waited until the application returned to an agenda. The motion was voted upon and carried.

November 08, 2023

Chair Dumont removed himself from the hearing of this application as he had not been present during the original hearing or subsequent hearing of this application.

One of the Applicants, Mike Faught, appeared before Committee and provided a summary of the application which had been previously deferred from the August 17, 2023, and September 13, 2023 meetings and the amendments made to the application that is now brought before the Committee at this meeting. He explained that the pool shed setback to the neighbour's property was increased, eliminating the need for one of the variances sought originally. The fence was reduced to 1.2m to attempt to alleviate previous concerns raised by Staff.

Vice-Chair Goswell recognized that the Applicant made progress with the lot layout. He expressed concern that the property location was at a curve on a narrow road and despite the work put into the amendments to the original proposal since the last deferral, there remain concerns regarding the sightlines.

Committee Member Sawchuk asked for confirmation that there were no letters of concern from the previously submitted. The Secretary-Treasurer confirmed no public comments received at any point of the process. The Applicant confirmed no concerns had been received.

Committee Member Castanza confirmed she had attended the site and echoed the concerns of staff with respect to sightlines.

Committee Member Sawchuk expressed that there were no specific or clear indication from Infrastructure and Capital Planning that there would be an obstruction to the sightlines by the fence.

Staff clarified that Development Approvals had discussions with Infrastructure and Capital Planning and that the information provided was that the limitation of 1m for sightlines is reflective of the sightline height of someone sitting in a vehicle and that the comments are based on that standard. Staff advised that the recommendation of Staff is to either defer or deny the application at this time.

Vice-Chair Goswell asked the Applicant if there would be an interest in deferring the application to continue to work on the proposal. The Applicant advised that he had no interest in deferring again as he did not believe he could amend his application to comply with the sightline comments when he is required to have a minimum fence height of 1.2m for the pool enclosure to satisfy building code standards. He advised that there were existing trees that would remain on the

outside of the pool enclosure and that the neighbour at 100 Windsor Crescent had no concerns with exiting his driveway with the sightlines being proposed.

Staff recognized that the height requirement for a pool enclosure is 1.2m but that the pool enclosure is not required to follow the lot line. Staff further advised that there may be opportunities to further amend the proposal to satisfy all departments.

Vice-Chair Goswell asked the Applicant again if there was an interest to defer to amend the proposal in a further attempt to receive favorable recommendations. The Applicant respectfully advised that several attempts to amend the application have been made that did not meet the satisfaction of all departments. The Applicant again confirmed no desire to defer but that a decision be made by the Committee.

The following decision was reached:

**DECISION:**

THAT the application by:

MIKE FAUGHT AND ROSANNA FAUGHT

the owner(s) of PIN 73590 0344, Parcel 25043 SEC SES SRO, Lot(s) 64, Subdivision M-487 SRO, Township of McKim, 90 Windsor Crescent, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.3, 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 install a pool, pool enclosure and pool house providing firstly, a pool enclosure in the front yard, maintaining a front yard setback of 0.0m and consisting of a fence with a maximum height of 1.2m, where fences higher than 1.0 m are not permitted within the required front yard, and secondly, a front yard setback of 1.0m for the pool and 0.6m for the pool house, where a minimum front yard setback of 6.0m is required, be denied.

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 NOT minor in nature and are NOT 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 NOT 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>
Cathy Castanza	Concurring
Justin Sawchuk	Non-Concurring
Ron Goswell	Concurring





## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0119/2023

November 08, 2023

OWNER(S): JASON DESFORGE, 75 Leo Street North, Azilda, ON P0M 1B0

AGENT(S): DESTINIE FOURNIER, 457 Gordon Lake Road, Chelmsford ON P0M 1L0

LOCATION: PIN 73347 0113, Parcel 13819 SEC SWS SRO, Lot(s) 52, Subdivision M-289, Lot Part 6, Concession 2, Township of Rayside, 75 Leo Street North, Azilda

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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 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, November 06, 2023

#### REVISED

Based on the information provided, Building Services has the following comments:

1) We note that relief has been requested for a maximum height of 5.24m (17.19'). Should the minor variance be granted, the drawings submitted with the associated building permit (BP-ACC-2023-00342) are to be updated accordingly to reflect a maximum permitted height of 5.24m.

CGS: Development Approvals Section, November 06, 2023

#### REVISED

The variance being sought would facilitate the construction of a detached garage providing a maximum height of 5.24m. The lands are designated Rural and Living Area 1 in the City's Official Plan and are zoned R1-5, Low Density Residential 1 per the City's Zoning By-law 2010-100Z. The proposed minor variance is analyzed below.

Minor Variance – detached garage providing a maximum height of 5.24m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m.

Intent of the Official Plan – The Official Plan permits residential development of all type and tenure in Living Area 1 areas. Associated accessory structures that support and/or enhance the parcel are also permitted, subject to the zoning by-law. The intent of the OP is met.

Intent of Zoning By-law 2010-100Z – The intent of Zoning By-law 2010-100Z is to create inviting, walkable, and safe neighbourhoods, where there are “eyes on the street” and the streetscape is inviting.

Is the variance minor? – The proposed variance would allow for the construction of an accessory structure 24 cm greater than what is currently permitted. There are no concerns for incompatibility with adjacent development, loss of privacy, or shadowing.

Is the variance desirable? – The variances would permit continued enjoyment of an existing residential property and is considered desirable for the proposed development.

Staff is of the opinion that the proposed minor variance as noted above is consistent with both the Official Plan and Zoning By-law 2010-100Z, is minor and desirable for the development. As such, staff recommends application A0119/2023 be approved.

SUBMISSION NO. A0119/2023 Continued.

CGS: Development Approvals Section, November 03, 2023

The variance being sought would facilitate the construction of a detached garage providing a maximum height of 5.24m. The lands are designated Rural and Living Area 1 in the City's Official Plan and are zoned R1-5, Low Density Residential 1 per the City's Zoning By-law 2010-100Z. Staff notes that the proposed minor variance is inconsistent with the proposed building height as shown on the building permit drawings, which shows a building height of 5.8 metres. As such, staff recommends application A0119/2023 be deferred to afford the applicant an opportunity to correct the application.

CGS: Building Services Section, November 01, 2023

Based on the information provided, Building Services has the following comments:

1) We note that relief has been requested for a maximum height of 5.24m. A review of the drawings submitted with the associated building permit (BP-ACC-2023-00342) indicates a proposed height of 5.8m. Applicant/Owner to verify the relief required.

CGS: Infrastructure Capital Planning Services, November 01, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

The Nickel District Conservation Authority, October 29, 2023

Conservation Sudbury does not object to Minor Variance A0119/2023. 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, October 26, 2023

No objection.

Greater Sudbury Hydro Inc., October 26, 2023

Please note application A0119/2023 is outside of our territory.

Ministry of Transportation, October 26, 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: Site Plan Control, October 26, 2023

No objection.

The Agent of the Applicant, Destinie Fournier, appeared before the Committee and provided a summary of the Application. She clarified that the height indicated in the building permit drawings was incorrect and has now been amended to show the 5.24m relief request being sought in the Minor Variance Application.

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



SUBMISSION NO. A0119/2023 Continued.

The following decision was reached:

**DECISION:**

THAT the application by:

JASON DESFORGE

the owner(s) of PIN 73347 0113, Parcel 13819 SEC SWS SRO, Lot(s) 52, Subdivision M-289, Lot Part 6, Concession 2, Township of Rayside, 75 Leo Street North, Azilda

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 5.24m, 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.

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

SUBMISSION NO. A0121/2023

November 08, 2023

OWNER(S): GLORIA HELENE BASSO, 27 Riverbend Rd, Sudbury ON P3E 4N1

AGENT(S): TULLOCH ENGINEERING, Attn: Aaron Ariganello - 1942 Regent Street Unit L, Sudbury ON P3E 5V5

LOCATION: PINs 73469 0137 & 73469 0143, Parcels 35025 & 35091 SEC SES, Survey Plan SR-2922 Part(s) 30 and 31, Lot Part 12, Concession 2, Township of Cleland, 27 River Bend Road, Sudbury

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**SUMMARY**

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

Application: Approval of a lot to be retained subject of Consent Application B0051/2023, providing a minimum lot area at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, November 03, 2023

The variance being sought would facilitate a lot addition where the retained lot has a minimum area of 3700 square metres, where 4000 square metres is required. The lands are designated Rural and Living Area 2 in the City's Official Plan and are zoned R1-1, Low Density Residential 1 per the City's Zoning By-law 2010-100Z. As a note, the subject lands are entirely within the flood plain associated with the Wanapitei River and development may be limited despite permitted uses and other zoning standards. The proposed minor variance is analyzed below.

Minor Variance – a minimum area of 3700 square metres, where 4000 square metres is required.

Intent of the Official Plan – The Official Plan permits low density residential development in the form of single detached dwellings in Living Area 2 designations. The intent of the OP is met.

Intent of Zoning By-law 2010-100Z – The intent of Zoning By-law 2010-100Z is to create inviting, walkable, and safe neighbourhoods, where there are “eyes on the street” and the streetscape is inviting. The R1-1 zone also requires parcels that are of a large enough size to allow for private water and septic systems. The application proposes to increase the size of an existing parcel from 1925 square metres to 3792 square metres. The intent of the Zoning By-law is met.

Is the variance minor? – The proposed variance would permit the consolidation of lots to create a parcel larger than exists. The variance is minor.

Is the variance desirable? – The variance would permit the continued enjoyment of residential property and are considered desirable.

Staff is of the opinion that the proposed minor variance as noted above is consistent with both the Official Plan and Zoning By-law 2010-100Z, is minor and desirable for the development. As such, staff recommends application A0121/2023 be approved.

CGS: Building Services Section, November 01, 2023

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

However, Applicant/Owner is to be advised of the following comments:

1) A search of our records indicates an incomplete permit for the property to remove a mobile home and construct a single family dwelling (03-1204). Please contact Building Services to proceed in closing this project.

CGS: Infrastructure Capital Planning Services, November 01, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

The Nickel District Conservation Authority, October 29, 2023

Subject property is located outside the jurisdictional boundary of the Conservation Authority. Conservation Sudbury does not have any comments on minor variance application related to the subject property. However, Conservation Sudbury's floodplain study does extend into this area and Conservation Sudbury can share the details, including elevations, with the regulatory agency enforcing section 3.1 of the Provincial Policy Statement.

CGS: Strategic and Environmental Planning, October 26, 2023

This correspondence is for informational purposes only. Shoreline property owners are encouraged to continue adopting lake-friendly practices.

The subject lands are immediately adjacent to Wanapitei River, Township of Cleland, City of Greater Sudbury.

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

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

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

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

6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake or river as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

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

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

CGS: Development Engineering, October 26, 2023

No objection.

Greater Sudbury Hydro Inc., October 26, 2023

Please note application A0121/2023 is outside of our territory.

Ministry of Transportation, October 26, 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: Site Plan Control, October 26, 2023

No objection.

The Agent of the Applicant, Aaron Ariganello of Tulloch Engineering, 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:

GLORIA HELENE BASSO

the owner(s) of PINs 73469 0137 & 73469 0143, Parcels 35025 & 35091 SEC SES, Survey Plan SR-2922 Part(s) 30 and 31, Lot Part 12, Concession 2, Township of Cleland, 27 River Bend Road, Sudbury

for relief from 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 approve the lands to be retained, subject of Consent Application B0051/2023, providing a minimum lot area of 3700.0 sq.m., where 4000.0 sq.m. 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 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.

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