



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0130/2021

October 27, 2021

OWNER(S): SUNCOR ENERGY INC., 3275 Rebecca St Oakville ON L6L 6N5

AGENT(S): NEW NORTH FUELS INC, 1000 Barry Downe Road Sudbury ON P3A 3V3

LOCATION: PIN 73571 0253, Parcel 18444, Lot Pt 12, Concession 5, Township of Neelon, 1000 Barry Downe Road, Sudbury

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### SUMMARY

**Zoning:** The property is zoned C2 (General Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval to construct an office extension on the subject property providing a reduced front yard setback and railroad setback and an increase in gross floor area within the minimum required front yard setback and railroad setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, October 27, 2021

REVISED

No concerns.

The Nickel District Conservation Authority, October 21, 2021

Conservation Sudbury does not object to Minor Variance A0130/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

#### Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

CGS: Infrastructure Capital Planning Services, October 21, 2021

Roads  
No concerns.

Transportation & Innovation

SUBMISSION NO. A0130/2021 Continued.

No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, October 20, 2021

The variance being sought would facilitate the construction of an addition to an existing office building having frontage on Barry Downe Road in Sudbury. The lands are designated Mixed Use Commercial in the City's Official Plan and zoned "C2", General Commercial under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed addition would not further reduce the legal non-complying front yard setback. Staff also notes that the proposed addition would not further reduce the legal non-complying setback from the railroad right-of-way. Staff is therefore of the opinion that the proposed addition is not excessive in nature and no negative impacts are anticipated on abutting properties. Staff recommends that the application be approved as the development is considered to be reasonable, appropriate development for the lands and no negative impacts would be generated on abutting properties.

Greater Sudbury Hydro Inc., October 19, 2021

All structures, equipment and personnel must maintain proper clearance from energized electrical conductors and apparatus as per the latest edition of the Ontario Electrical Safety Code.

CGS: Building Services Section, October 18, 2021

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

1) Two bicycle parking spots are required as per Table 5.10 of Zoning By-Law 2010-100Z due to having an office use.

CGS: Site Plan Control, October 14, 2021

No Objections.

CGS: Development Engineering, October 14, 2021

No objection.

The applicant, David Joyce of Suncor Energy Products Partnership, appeared before Committee and explained that they have an existing office building on the property. The applicant explained that the building has been there for a number of years and its current setback is 6.14m off the front yard and the minimum side yard gets closer to the railway as you go to the rear of the property. The applicant explained that they want to square off the building and make it efficient from the point of view of the construction and operation of the facility and they are not increasing the front yard setback or the side yard setback beyond what is already existing. The applicant explained that they are maintaining the existing legal non-conforming.

The following decision was reached:

DECISION:

THAT the application by:

SUNCOR ENERGY INC.

the owner(s) of PIN 73571 0253, Parcel 18444, Lot Pt 12, Concession 5, Township of Neelon, 1000 Barry Downe Road, Sudbury

for relief from Part 4, Section 4.25, subsection 4.25.1, Section 4.37, subsection 4.37.2 and Part 7, Section 7.3, Table 7.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an office extension providing, firstly, a minimum front yard setback of 6.14m, where 7.5m is required, secondly, a minimum railroad setback of 14.9m, where all buildings and structures shall be setback 15.0m from any lot line abutting a railroad right-of-way, and thirdly, an increase in gross floor area of a legally existing building of 11.47m<sup>2</sup>, where enlargement, reconstruction, repair and/or renovation does not increase the gross floor area of the building located within the minimum required front yard setback and railroad setback, 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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Dan Laing	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0131/2021

October 27, 2021

OWNER(S): ETELINDA DUBIE, 441 St Charles Lake Road Sudbury ON P3E 5G6  
KYLE DUBIE, 441 St Charles Lake Road Sudbury ON P3E 5G6

AGENT(S): KEVIN JARUS - TULLOCH ENGINEERING, 1942 Regent Street, Unit L, Sudbury, ON, P3E 5V5

LOCATION: PIN 73475 1726, Parcel 45548, Survey Plan 53R-8872 Part(s) 8, Lot Pt 6, Concession 6, Township of Broder, 441 St Charles Lake Road, 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:** For approval to construct a retaining wall on the subject property providing a side yard setback and front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Environmental Planning Initiatives, October 21, 2021

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

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have confirmed the presence of cyanobacterial blooms in St. Charles Lake in 2017.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments 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 stream bank 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 stream bank or up to 23 metres, whichever is less, is allowable.
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 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 applicant or 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, October 21, 2021

Conservation Sudbury does not object to Minor Variance A0131/2021 as the proximity of the retaining wall to the front yard or side yard line are not germane to the concerns of Conservation Sudbury.

However, the proponent is advised that a permit pursuant to Section 28 of the Conservation Authorities Act will be required for any development in an area subject to Ontario Regulation 156/06 (regulated areas). '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 or retaining wall. 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. The application form can be found at [ConservationSudbury.ca](http://ConservationSudbury.ca) or by typing the following into the URL bar: [bit.ly/cspermit](http://bit.ly/cspermit). For more information about the Section 28 application process please contact our office at 705.674.5249.

#### Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

CGS: Infrastructure Capital Planning Services, October 21, 2021

#### Roads

No concerns.

#### Transportation & Innovation

No concerns.

#### Active Transportation

No concerns.

SUBMISSION NO. A0131/2021 Continued.

CGS: Development Approvals Section, October 20, 2021

The variance being sought would facilitate the construction of a retaining walls in the front yard of the subject lands that have frontage on St. Charles Lake Road 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 understands that the retaining wall is necessary in order to facilitate construction of a single-detached dwelling on the lands. The lands are presently vacant. Staff has no concerns with the retaining wall from a good land use planning perspective. 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., October 19, 2021

No Conflict.

CGS: Building Services Section, October 18, 2021

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

However, Owner to be advised of the following comments:

1) Guarding is required on retaining wall(s) for areas with a difference in elevation of more than 600mm including stair locations(OBC 9.8.8.1 Div B).

CGS: Site Plan Control, October 14, 2021

No Objections.

CGS: Development Engineering, October 14, 2021

No objection.

The agent, Kevin Jarus of Tulloch Engineering, appeared before Committee and explained that the application is to legalize an existing retaining wall constructed on the property. The agent explained that the retaining wall is being used to facilitate the construction of a single detached dwelling and is relatively substantial in nature as it is above the 2.5m height that the Zoning By-law requires for the setback. The agent also explained that the lands directly abutting the property to the east is a narrow parcel of land approximately 2.5m wide and is not buildable in its current form and therefore is of the opinion that the 2.5m setback is being provided between the retaining wall and the closest residential buildable lot. The agent explained that the reduction in the front yard setback is needed to ensure flexibility with Building Services when it comes to the permits to make sure that there is no question to whether any extent of the retaining wall that is over 1.0m in height does encroach into that 6.0m front yard.

The following decision was reached:

DECISION:

THAT the application by:

ETELINDA DUBIE AND KYLE DUBIE

the owner(s) of PIN 73475 1726, Parcel 45548, Survey Plan 53R-8872 Part(s) 8, Lot Pt 6, Concession 6, Township of Broder, 441 St Charles Lake Road, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a retaining wall providing, firstly, a minimum interior side yard setback of 0.0m, where an accessory structure greater than 2.5m in height shall be no closer than 1.2m from the side lot line, and secondly, a minimum front yard setback of 5.0m, where 6.0m is required, be granted.



SUBMISSION NO. A0131/2021 Continued.

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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Dan Laing	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0132/2021

October 27, 2021

OWNER(S): CLARE GIESELMAN, 2433 Sandy Cove Road Sudbury ON P3G 1H4

AGENT(S): TULLOCH ENGINEERING - VANESSA SMITH, 1942 REGENT STREET UNIT L SUDBURY ON P3E 5V5

LOCATION: PINs 73472 0166 & 73472 0192, Parcels 13617 & 22068, Lot Pt 11, Concession 2, Township of Broder, 2433 Sandy Cove Road, Sudbury

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### 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 of the proposed retained lot, following a severance, having a minimum lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Environmental Planning Initiatives, October 21, 2021

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

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have confirmed the presence of cyanobacterial blooms in Long Lake in 2008, 2011, 2012, 2013, 2014, 2016, 2019, and 2021.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments 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 stream bank 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 stream bank or up to 23 metres, whichever is less, is allowable.
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 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 applicant or 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).

All future planning-related applications relating to this property will be reviewed in light of applicable official plan policies, by-laws and guidelines in place at the time of receipt of the applications.

The Nickel District Conservation Authority, October 21, 2021

Conservation Sudbury does not object to Minor Variance A0132/2021 as the frontage along a public right-of-way is not germane to the concerns of Conservation Sudbury.

However, the proponent is advised that a permit pursuant to Section 28 of the Conservation Authorities Act may be required for any development in an area subject to Ontario Regulation 156/06 (regulated areas). '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 or retaining wall. 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. The application form can be found at [ConservationSudbury.ca](http://ConservationSudbury.ca) or by typing the following into the URL bar: [bit.ly/cspermit](http://bit.ly/cspermit). For more information about the Section 28 application process please contact our office at 705.674.5249.

#### Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

CGS: Infrastructure Capital Planning Services, October 21, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

SUBMISSION NO. A0132/2021 Continued.

Active Transportation  
No concerns.

CGS: Development Approvals Section, October 20, 2021

The variance being sought would facilitate the creation of a rural lot having frontage on Sandy Cove Road in Sudbury. The lands are designated Rural 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 there is a concurrent application for consent (File # B0104/2021) and this application for minor variance is required in order to facilitate the rural lot creation that is being contemplated in the related consent application. Staff has no concerns with respect to the proposed retained lands providing for a minimum lot frontage on Sandy Cove Road of 32 m (104.99 ft) whereas 36 m (118.11 ft) is required in the "R1-2" Zone. Staff would also note that both the severed and retained lands otherwise appear to comply with development standards applicable within the "R1-2" Zone. 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.

Greater Sudbury Hydro Inc., October 19, 2021

No Conflict.

CGS: Building Services Section, October 18, 2021

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

However, Owner to be advised of the following comments:

1) We have no record of permits for all sheds and the detached deck with a Gazebo. Building permits are required for all buildings greater than 10m<sup>2</sup> (108 ft<sup>2</sup>) in area. Building permits are required for all decks with a height greater than 24"; measured at any point around the deck to the adjacent grade. Please contact building services if a permit is required.

CGS: Site Plan Control, October 14, 2021

No Objections.

CGS: Development Engineering, October 14, 2021

No objection.

The agent, Vanessa Smith of Tulloch Engineering, appeared before Committee and explained that the application is to vary the lot frontage to 32.0m, where 36.0m is required as the property is proposed to be severed but does not have sufficient frontage required under the R1-2 zone. The agent explained that the property has two residential structures on it which is due to the lots being put into common ownership and merged on title a number of years ago. The agent explained that the intent of the application is to unmerge these properties which would result in the two residential structures being located on separate lots as shown on the sketch submitted with the application. The agent advised that in terms of appropriateness it is her opinion that the variance is both minor and appropriate as both the lots will meet the Official Plan water frontage and area requirements of 45.0m of water frontage and 0.8ha area.

The following decision was reached:

DECISION:

THAT the application by:

CLARE GIESELMAN  
the owner(s) of PINs 73472 0166 & 73472 0192, Parcels 13617 & 22068, Lot Pt 11, Concession 2, Township of Broder,  
2433 Sandy Cove Road, Sudbury

SUBMISSION NO. A0132/2021 Continued.

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 proposed retained lot following a severance, which is subject of a proposed Consent Application, providing a minimum lot frontage of 32.0m, where 36.0m 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 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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Dan Laing	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0120/2021

October 27, 2021

OWNER(S): LISE GOSSELIN, 1381 VERMILION LAKE ROAD CHELMSFORD ON P0M 1L0  
RONALD GOSSELIN, 1381 VERMILION LAKE ROAD CHELMSFORD ON P0M 1L0

AGENT(S):

LOCATION: PIN 73368 0333, Surveys Plan 53R-20628 Part(s) 5 & Plan 53R-21130 Part(s) Except 1, 2 and 3, Lot Pt 12, Concession 6, Township of Creighton - Davies, 0 Vermilion Lake Road, Walden

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### SUMMARY

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

Application: Approval of the lot to be severed, subject of Consent Application B0067/2020, providing a lot frontage and lot area at variance to the By-law.

Comments concerning this application were submitted as follows:

The Nickel District Conservation Authority, October 21, 2021

#### REVISED

Conservation Sudbury does not oppose Minor Variance Applications A0120/2021 and A0121/2021 as the lot area and lot frontage are not germane to the concerns of Conservation Sudbury.

However, the proponent is advised that development, as defined by the Conservation Authorities Act, will not be permitted within the floodplain or wetland and therefore any structures, lot grading, septic systems and other servicing and infrastructure will not be allowed within the floodplain nor the wetland. A cut and fill will not be considered to alter the floodplain. It is recommended that the proponent clearly communicate these restrictions to any prospective purchasers.

The proponent is advised that development within an area regulated by Ontario Regulation 156/06 will 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. For more information and to discuss the requirements, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

#### Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

SUBMISSION NO. A0120/2021 Continued.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

CGS: Infrastructure Capital Planning Services, October 21, 2021

REVISED

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, October 20, 2021

The above noted applications were submitted concurrently are intended to facilitate the creation of two new rural waterfront lots having frontage on Vermilion Lake Road in Chelmsford. The proposed new rural waterfront lots would also have water frontage on the Vermilion River. 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 would note that the development proposal represents rural waterfront lot creation and as such the policies contained under Section 5.2.2(4) of the City's Official Plan are applicable. In particular, Section 5.2.2(4) of the City's Official Plan requires both the severed and retained lands to have a minimum lot area of 0.8 ha (2 acres) along with a minimum water lot frontage of 45 m (148 ft). Staff is generally supportive of the development proposal and notes that the proposed rural waterfront lots are in conformity with the above noted policies in the City's Official Plan and therefore the variances are largely technical in nature.

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., October 19, 2021

REVISED

No objections.

CGS: Building Services Section, October 18, 2021

REVISED

No concerns.

CGS: Site Plan Control, October 14, 2021

REVISED

No Objections.

CGS: Environmental Planning Initiatives, October 09, 2021

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

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



cases, toxic cyanobacterial (blue-green algae) blooms.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments 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 stream bank 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 stream bank or up to 23 metres, whichever is less, is allowable.
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 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 applicant or 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 Approvals Section, October 06, 2021

Staff notes that an additional variance on each of the above noted files are required in order to recognize a reduced minimum lot area on both of the proposed new rural waterfront lots that are to be proposed to be created. Staff is therefore unable to support the applications at this time and would advise the owner to amend their applications to each include an additional variance seeking to reduce the minimum required lot area that is applicable to the "RU", Rural Zone under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury.

Staff recommends that the application be deferred in order to afford the owner the opportunity to amend

SUBMISSION NO. A0120/2021 Continued.

their application to include additional variance(s) where necessary.

The Nickel District Conservation Authority, October 06, 2021

Conservation Sudbury is requesting that Minor Variance Application A0120/2021 and A0121/2021 be deferred until a sketch can be provided demonstrating that all future development associated with the intended use and zoning (ie. single-family dwelling) of the each of the new and retained lots can be accommodated outside of the floodplain and regulated areas.

The proponent is advised that development will not be permitted in any regulated natural hazard, such as the floodplain or wetlands, and that a "cut and fill" application will not be considered to alter the floodplain. Additionally, the proponent is advised that any works within an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, and the erection of a building or structure. Any permit issued may include conditions of development and permits are not guaranteed. For more information and to discuss the requirements, please contact the undersigned at [melanie.venne@conservationsudbury.ca](mailto:melanie.venne@conservationsudbury.ca).

#### Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [melanie.venne@conservationsudbury.ca](mailto:melanie.venne@conservationsudbury.ca).

CGS: Infrastructure Capital Planning Services, October 06, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, October 06, 2021

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

1) The required lot size in Rural zones is 2 hectares. The purposed lot is only 1.57 hectares. We suggest a deferral of this application to encompass this additional minor variance.

CGS: Site Plan Control, October 05, 2021

No objection.

CGS: Development Engineering, September 29, 2021

No objection.

The applicants, Ron and Lise Gosselin, appeared before Committee and explained that the application coincides with the consent application to sever the lot. The applicant explained that the reason they are splitting the lot is because it is good for the City of Greater Sudbury, it doesn't impact services as it will have a field bed and water and according to the Ministry, creating lots in the outskirts of the City is good planning. The applicants also explained that they had 11 conditions for the consent application and one of the conditions referred to the width of the property, which they made a variance application for. The applicants explained that they were advised that they needed to defer the variance application because there was another variance needed that was not in the conditions in the consent application and they are therefore requesting a refund of the deferral fee. Staff advised that there was a concurrent application, and it was within Committee's jurisdiction and purview to hold the hearings concurrently. Staff suggested that the Secretary-Treasurer could read and do roll calls for both applications as they are side-by-side and related variance applications. Staff also advised that they were fully prepared and looked into the deferral question that the applicants asked as typically Committee asks staff to take the request away and report back at a future meeting, however staff had enough time and awareness of the issue to look into it prior to the meeting. Committee Chair Chartrand asked staff to confirm the procedure in introducing the concurrent application and the Secretary-Treasurer advised that the second application being A0121/2021 could be read into the hearing and voted on concurrently with A0120/2021 as it relates to the same property. Committee Chair Chartrand asked the applicants if they had any issue with Committee voting on both applications at the same time and applicants advised that they did not. Committee Chair Chartrand asked Committee if they had any issue voting on the concurrent application at the same time and no objections were raised. The Secretary-Treasurer read in application A0121/2021 to the hearing in order for Committee to vote on the application concurrently with A0120/2021.

The following decision was reached:

DECISION:

THAT the application by:

LISE GOSSELIN AND RONALD GOSSELIN

the owner(s) of PIN 73368 0333, Surveys Plan 53R-20628 Part(s) 5 & Plan 53R-21130 Part(s) Except 1, 2 and 3, Lot Pt 12, Concession 6, Township of Creighton - Davies, 0 Vermilion Lake Road, Walden

for relief from Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to approve the lands to be retained, subject of Consent Application B0067/2020, providing a minimum lot area of 1.546ha, where 2.0ha is required and minimum lot frontage of 30.48m, 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. 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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Dan Laing	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0121/2021

October 27, 2021

OWNER(S): LISE GOSSELIN, 1381 VERMILION LAKE ROAD CHELMSFORD ON P0M 1L0  
RONALD GOSSELIN, 1381 VERMILION LAKE ROAD CHELMSFORD ON P0M 1L0

AGENT(S):

LOCATION: PIN 73368 0333, Surveys Plan 53R-20628 Part(s) 5 & Plan 53R-21130 Part(s) except 1, 2, and 3, Lot Pt 12, Concession 6, Township of Creighton - Davies, 0 Vermilion Lake Road, Walden

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### SUMMARY

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

**Application:** Approval of the lot to be severed, subject of Consent Application B0068/2021, providing a lot frontage and lot area at variance to the By-law.

Comments concerning this application were submitted as follows:

The Nickel District Conservation Authority, October 21, 2021

#### REVISED

Conservation Sudbury does not oppose Minor Variance Applications A0120/2021 and A0121/2021 as the lot area and lot frontage are not germane to the concerns of Conservation Sudbury.

However, the proponent is advised that development, as defined by the Conservation Authorities Act, will not be permitted within the floodplain or wetland and therefore any structures, lot grading, septic systems and other servicing and infrastructure will not be allowed within the floodplain nor the wetland. A cut and fill will not be considered to alter the floodplain. It is recommended that the proponent clearly communicate these restrictions to any prospective purchasers.

The proponent is advised that development within an area regulated by Ontario Regulation 156/06 will 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. For more information and to discuss the requirements, please contact Melanie Venne at [melanie.venne@conservationsudbury.ca](mailto:melanie.venne@conservationsudbury.ca).

#### Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

SUBMISSION NO. A0121/2021 Continued.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [bailey.chabot@conservationsudbury.ca](mailto:bailey.chabot@conservationsudbury.ca).

CGS: Infrastructure Capital Planning Services, October 21, 2021

REVISED

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, October 20, 2021

The above noted applications were submitted concurrently are intended to facilitate the creation of two new rural waterfront lots having frontage on Vermilion Lake Road in Chelmsford. The proposed new rural waterfront lots would also have water frontage on the Vermilion River. 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 would note that the development proposal represents rural waterfront lot creation and as such the policies contained under Section 5.2.2(4) of the City's Official Plan are applicable. In particular, Section 5.2.2(4) of the City's Official Plan requires both the severed and retained lands to have a minimum lot area of 0.8 ha (2 acres) along with a minimum water lot frontage of 45 m (148 ft). Staff is generally supportive of the development proposal and notes that the proposed rural waterfront lots are in conformity with the above noted policies in the City's Official Plan and therefore the variances are largely technical in nature.

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: Building Services Section, October 18, 2021

REVISED

No concerns.

CGS: Site Plan Control, October 14, 2021

REVISED

No Objections.

CGS: Development Approvals Section, October 06, 2021

Staff notes that an additional variance on each of the above noted files are required in order to recognize a reduced minimum lot area on both of the proposed new rural waterfront lots that are to proposed to be created. Staff is therefore unable to support the applications at this time and would advise the owner to amend their applications to each include an additional variance seeking to reduce the minimum required lot area that is applicable to the "RU", Rural Zone under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury.

Staff recommends that the application be deferred in order to afford the owner the opportunity to amend their application to include additional variance(s) where necessary.

The Nickel District Conservation Authority, October 06, 2021



SUBMISSION NO. A0121/2021 Continued.

Conservation Sudbury is requesting that Minor Variance Application A0120/2021 and A0121/2021 be deferred until a sketch can be provided demonstrating that all future development associated with the intended use and zoning (ie. single-family dwelling) of the each of the new and retained lots can be accommodated outside of the floodplain and regulated areas.

The proponent is advised that development will not be permitted in any regulated natural hazard, such as the floodplain or wetlands, and that a "cut and fill" application will not be considered to alter the floodplain. Additionally, the proponent is advised that any works within an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, and the erection of a building or structure. Any permit issued may include conditions of development and permits are not guaranteed. For more information and to discuss the requirements, please contact the undersigned at [melanie.venne@conservationsudbury.ca](mailto:melanie.venne@conservationsudbury.ca).

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Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at [melanie.venne@conservationsudbury.ca](mailto:melanie.venne@conservationsudbury.ca).

CGS: Infrastructure Capital Planning Services, October 06, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, October 06, 2021

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

1) The required lot size in Rural zones is 2 hectares. The purposed lot is only 1.57 hectares. We suggest a deferral of this application to encompass this additional minor variance.

CGS: Site Plan Control, October 05, 2021

No objection.

CGS: Development Engineering, September 29, 2021

No objection.

The applicants, Ron and Lise Gosselin, appeared before Committee and explained that the application coincides with the consent application to sever the lot. The applicant explained that the reason they are splitting the lot is because it is good for the City of Greater Sudbury, it doesn't impact services as it will have a field bed and water and according to the Ministry, creating lots in the outskirts of the City is good planning. The applicants also explained that they had 11 conditions for the consent application and one of the conditions referred to the width of the property, which they made a variance application for. The applicants explained that they were advised that they needed to defer the variance application because there was another variance needed that was not in the conditions in the consent application and they are therefore requesting a refund of the deferral fee. Staff advised that there was a concurrent application, and it was within Committee's jurisdiction and purview to hold the hearings concurrently. Staff suggested that the Secretary-Treasurer could read and do roll calls for both applications as they are side-by-side and related variance applications. Staff also advised that they were fully prepared and looked into the deferral question that the applicants asked as typically Committee asks staff to take the request away and report back at a future meeting, however staff had enough time and awareness of the issue to look into it prior to the meeting. Committee Chair Chartrand asked staff to confirm the procedure in introducing the concurrent application and the Secretary-Treasurer advised that the second application being A0121/2021 could be read into the hearing and voted on concurrently with A0120/2021 as it relates to the same property. Committee Chair Chartrand asked the applicants if they had any issue with Committee voting on both applications at the same time and applicants advised that they did not. Committee Chair Chartrand asked Committee if they had any issue voting on the concurrent application at the same time and no objections were raised. The Secretary-Treasurer read in application A0121/2021 to the hearing in order for Committee to vote on the application concurrently with A0120/2021.

The following decision was reached:

**DECISION:**

THAT the application by:

LISE GOSSELIN AND RONALD GOSSELIN  
the owner(s) of PIN 73368 0333, Surveys Plan 53R-20628 Part(s) 5 & Plan 53R-21130 Part(s) except 1, 2, and 3, Lot Pt 12, Concession 6, Township of Creighton - Davies, 0 Vermilion Lake Road, Walden

for relief from Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to approve the lands to be severed, subject of Consent Application B0068/2020, providing a minimum lot area of 1.458ha, where 2.0ha is required and minimum lot frontage of 30.48m, 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. 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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Dan Laing	Concurring
Derrick Chartand	Concurring
Matt Dumont	Concurring