

SUBMISSION NO. A0122/2022

September 07, 2022

OWNER(S): EVA GERVAIS, 757 Montée Rouleau Chelmsford ON P0M 1L0  
TIM GERVAIS, 757 Montée Rouleau Chelmsford ON P0M 1L0

AGENT(S): TIM GERVAIS, 757 Montée Rouleau Chelmsford ON P0M 1L0

LOCATION: PIN 73345 0134, Parcel 16653 SEC SWS, Lot Pt 2, Concession 5, Township of Rayside, 757 Montée Rouleau, Blezard Valley

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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 to permit the addition of a secondary dwelling unit to the existing single detached dwelling on the subject property providing a front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, September 01, 2022

Roads / Active Transportation

No concerns.

Transportation and Innovation

Staff have no concerns with the application. However, the provided drawings inaccurately depict the City's right of way. The applicant is advised to verify the property limits.

Greater Sudbury Hydro Inc., August 31, 2022

No objections, outside our territory.

CGS: Environmental Planning Initiatives, August 31, 2022

No concerns.

CGS: Development Approvals Section, August 31, 2022

The variances being sought would facilitate the addition of a secondary dwelling unit within the existing single-detached dwelling having frontage on Montee Rouleau in Blezard Valley. The lands are designated Agricultural Reserve 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 notes that the existing single-detached dwelling maintains a legal non-complying front yard setback of 8.53 m (27.99 ft) and the proposed addition with a front yard setback of 6.71 m (22.01 ft) would be situated approximately 1.82 (5.97 ft) closer to the street line of Montee Rouleau. Staff has also reviewed aerial photography and would note that several other existing single-detached dwellings on the east side of Montee Rouleau appear to also maintain legal non-complying front yard setbacks. Staff also further notes that the proposed addition to the existing single-detached dwelling would otherwise appear to comply with all other applicable development standards under the "RU" Zone. Staff do not anticipate any negative land use planning impacts on abutting residential properties or any negative impacts on the existing rural residential character that exists along this portion of Montee Rouleau should the front yard setback variance be approved. Staff also have no concerns with the eaves variance. 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, August 31, 2022

No concerns.

The Nickel District Conservation Authority, August 31, 2022

Conservation Sudbury does not object to Minor Variance A0122/2022, as the setbacks as described are not a concern of the Conservation Authority. The property may be located within the meander belt erosion hazard of the Whitson River. Conservation Sudbury staff are currently conducting a site specific calculation to understand the potential impact this may have on the proposed development.

CGS: Site Plan Control, August 25, 2022

No objections.

CGS: Development Engineering, August 24, 2022

Eaves Encroachment Condition:

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be \*0 m (0 ft) from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

The applicant, Tim Gervais, appeared before Committee and provided a summary of the application. Committee had no questions or comments.

The following decision was reached:

**DECISION:**

THAT the application by:

EVA GERVAIS AND TIM GERVAIS

the owner(s) of PIN 73345 0134, Parcel 16653 SEC SWS, Lot Pt 2, Concession 5, Township of Rayside, 757 Montée Rouleau, Blezard Valley

to facilitate the construction of a secondary dwelling unit addition to the existing single detached dwelling providing a minimum required front yard setback of 6.71m with eaves encroaching 0.6m into the proposed 6.71m front yard setback, where 10.0m is required and where eaves may encroach 1.2m into the required front 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 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
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring

SUBMISSION NO. A0123/2022

September 07, 2022

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

AGENT(S):

LOCATION: PIN 73368 0337, Survey Plan 53R-21523 Part(s) 4, 5 and 6, Lot Part 12, Concession 6, Township of Creighton - Davies, 0 Vermilion Lake Road, Chelmsford

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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 a lot to be severed, subject of Consent Application B0046/2022, providing a reduced lot area and lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, September 01, 2022

Roads / Active Transportation

No concerns.

Transportation and Innovation

No concerns.

Greater Sudbury Hydro Inc., August 31, 2022

No objections, outside our territory.

CGS: Environmental Planning Initiatives, August 31, 2022

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 has confirmed the presence of cyanobacterial blooms in the Vermilion River in 2011.

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 river bank 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. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or river bank 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 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 to discuss permitting requirements before starting any work in water or on the shoreline of a lake or on a river/stream bank (retaining walls, etc).

CGS: Development Approvals Section, August 31, 2022

The variances being sought would facilitate the creation of a rural waterfront lot having frontage on Vermilion Lake Road in Chelmsford. The lands 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. There is a concurrent application for consent (File # B0123/2022) that is tentatively scheduled for a decision from the City's Consent Official on September 26, 2022. 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 lot demonstrates conformity with the above noted policies in the City's Official Plan and therefore the variances being sought 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, August 31, 2022

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

1) Building Services recognizes that this application reflects property information and relief in regard to part 6 only, as identified on the submitted plot plan.

Owner to also be informed of the following information:

2) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, are required for future construction.

3) Each of the lots will be required to provide a geotechnical report at the time of building permit application if building within the NDCA Regulation area.

The Nickel District Conservation Authority, August 31, 2022

The Minor Variance would result in narrow lot frontage which will constrain development opportunities near the road, at the north of the parcels. The floodplain and other hazards, as described above, will constrain development to the south of the parcels. We are concerned that the proposed lot fabric does not provide a suitable building envelope for the intended residential use.

Conservation Sudbury would like the following condition added to Minor Variance application A0123/2022:

A drawing must be provided to the satisfaction of Conservation Sudbury showing that a suitable building envelope outside of the hazards and features on the site. The building envelope must include space for the dwelling, septic system, accessory structures, and any required fill. The placement of fill must be 15 meters outside the field verified floodplain.

This requirement is in line with a similar requirement made at the consent referral stage. Understanding the hazards on the site, and ensuring that future development is possible, is critical to obtaining Conservation Sudbury's approval.

#### Notes

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

CGS: Site Plan Control, August 25, 2022

No objections.

CGS: Development Engineering, August 24, 2022

No objection.

The applicants appeared before Committee and provided a summary of the application. Committee Member Dumont stated that he was not in support of imposing the condition requested by the Nickel District Conservation Authority. Committee Chair Chartrand asked staff to speak to the Nickel District Conservation Authority's request and staff explained that staff was not in support of imposing the condition either as their comments would be addressed through other avenues. Committee Member Castanza explained the Nickel District Conservation Authority's comments to the applicants and the process that the applicants or future owners would have to go through to address their concerns. Committee Member Dumont asked the applicants if they intended to sell the lots and the applicants explained that two lots are combined, and they intend to sell. Committee Member Dumont explained that any buyer would have to approach the Nickel District Conservation Authority as part of the building permit process. Committee Chair Chartrand explained to the applicants that any future buyer would have to work with the Nickel District Conservation Authority for any proposed development. Committee Member Dumont directed the applicants to Building Services comments regarding the requirement for a geotechnical report. Committee had no further questions or comments.

The following decision was reached:

**DECISION:**

THAT the application by:

RONALD GOSSELIN AND LISE GOSSELIN

the owner(s) of PIN 73368 0337, Survey Plan 53R-21523 Part(s) 4, 5 and 6, Lot Part 12, Concession 6, Township of Creighton - Davies, 0 Vermilion Lake Road, Chelmsford

to approve the lands to be severed subject of Consent Application B0046/2022 providing, firstly, a minimum lot area of 1.445ha, where 2.0ha is required, and secondly, a minimum lot frontage of 30.48m, where 90.0 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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring





## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0124/2022

September 07, 2022

OWNER(S): DAN SAUMUR, 1997 Wiltshire Street, Sudbury, Ontario P3B 1Y3  
VICTORIA SAUMUR, 1997 Wiltshire Street, Sudbury, Ontario P3B 1Y3

AGENT(S):

LOCATION: PIN 73578 0185, Parcel 32907 SEC SES, Lot(s) 51, Subdivision M-201, Lot Part 12, Concession 3, Township of Neelon, 1997 Wiltshire Street, 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 of a lot to be severed subject of Consent Application B0075/2022, providing a reduced minimum lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, September 07, 2022

#### REVISED

Based on the information provided, Building Services no concerns with this application. However, Owner to also be informed of the following information:

- 1) It appears there may be structures built without the benefit of building permit (rear addition, deck, front entrance deck). Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.
- 2) Further minor variance may be required upon review of revised site plan.

CGS: Infrastructure Capital Planning Services, September 01, 2022

Roads / Active Transportation

No concerns.

Transportation and Innovation

No concerns.

Greater Sudbury Hydro Inc., August 31, 2022

No conflict.

CGS: Environmental Planning Initiatives, August 31, 2022

No concerns.

CGS: Development Approvals Section, August 31, 2022

The variance being sought would facilitate the creation of one new urban residential lot having frontage on Wiltshire Street 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. There is a concurrent application for consent (File # B0075/2022) that is tentatively scheduled for a decision from the City's Consent Official on October 3, 2022. Staff notes that the proposed severed lands would maintain a minimum lot frontage of 14.74 m (48.36 ft) whereas 15 m (49.21 ft) is required in the "R1-5" Zone. Staff have attended the lands and would note that the reduced minimum lot frontage on the proposed severed lands would allow for an existing detached garage on the retained lands to maintain a complying interior side yard setback of 1.2 m (3.94 ft). Staff acknowledge that for maintenance purposes it is preferable that a complying interior side yard setback be provided for given that the reduced minimum lot frontage variance would amount to an urban residential lot having a lot frontage on Wiltshire Street that is 0.26 m (0.85 ft) less than what is required in the "R1-5" Zone. Staff are of the opinion that the reduced minimum lot frontage on the severed lands is not an excessive or unreasonable reduction and as such it would not be noticeable from the street line of Wiltshire Street. Staff do not anticipate any negative land use planning impacts on abutting residential properties or any negative impacts on the existing urban residential character that exists along this portion of Wiltshire Street should the minimum lot frontage variance be approved. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, August 31, 2022

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

1) In order for Building Services' to complete a thorough review of this application and the subject property, we recommend deferral of this application until such time that the applicant provides an updated site plan or survey that reflects all buildings and structures on the property (including entrances, additions, correct building footprint, porches, decks, sheds and garages) and their setbacks to the property lines. Sizes of structures are to be identified. Site plans are required to be clear, legible, and to a scale.

Owner to also be informed of the following information:

2) It appears there may be structures built without the benefit of building permit (rear addition, deck, front entrance deck). Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.

3) Further minor variance may be required upon review of revised site plan.

The Nickel District Conservation Authority, August 31, 2022

Conservation Sudbury does not object to Minor Variance A0124/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Source Water Protection Plan, August 30, 2022

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 Engineering, August 30, 2022

No objection.

CGS: Site Plan Control, August 25, 2022

No objections.



The applicant, Dan Saumur, appeared before Committee and provided a summary of the application. Committee Member Dumont directed the applicant to Building Services' comments and cautioned the applicant around the possibility of further variances being required and the applicant advised that he understood and was going to be applying for building permits.

The following decision was reached:

**DECISION:**

THAT the application by:

DAN SAUMUR AND VICTORIA SAUMUR  
the owner(s) of PIN 73578 0185, Parcel 32907 SEC SES, Lot(s) 51, Subdivision M-201, Lot Part 12, Concession 3,  
Township of Neelon, 1997 Wiltshire Street, Sudbury

to approve the lands to be severed subject of a Consent Application B0075/2022, providing a required minimum lot frontage of 14.74m, where 15.0m 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
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring

SUBMISSION NO. A0125/2022

September 07, 2022

OWNER(S): MATTHEW GRAHAM DAVIS, 601-627 Moberly Road, Vancouver BC V5Z 4B1

AGENT(S): TULLOCH ENGINEERING, Attn: Aaron Ariganello, 1942 REGENT STREET UNIT L SUDBURY ON P3E 5V5

LOCATION: PIN 02129 0106, Parcels 5887 SEC SES & 3264 SEC SES, Lot(s) Part 103, Subdivision M109, Lot Part 6, Concession 4, Township of McKim, 323 Eva Avenue, 327 Eva Avenue, Sudbury

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### SUMMARY

**Zoning:** The property is zoned R2-3 (Low Density Residential Two) 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 B0066/2022, providing reduced parking, minimum lot frontage, minimum lot depth and minimum interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, September 01, 2022

Roads / Active Transportation

No concerns.

Transportation and Innovation

We do not support the reduction in parking spots. Based on the supporting documentation there appears to be sufficient room for a parking spot parallel with Eva Avenue.

Greater Sudbury Hydro Inc., August 31, 2022

No conflict.

CGS: Environmental Planning Initiatives, August 31, 2022

No concerns.

CGS: Development Approvals Section, August 31, 2022

The variances being sought are intended to facilitate the severance of the subject lands having frontage on Eva Avenue in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-3", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. This current application pertains to minor variances required on the retained lands while a related application (File # A0118/2022) was approved by the Committee of Adjustment on August 24, 2022. Staff was supportive of the related minor variance application noting that the development proposal largely seeks to reestablish a former lot fabric and to recognize two residential dwellings (i.e., 323 & 327 Eva Avenue) that have existed on the lands across time to present day. Staff again notes that no additional residential dwelling units are proposed and therefore the parking space variance associated with 323 Eva Avenue is viewed as being largely technical in nature as the lands have likely never provided a complying parking space. There also does not appear to be a viable alternative that would result in a parking space being added to the lands as the existing residential dwelling maintains a legal non-complying front yard setback and a rear yard parking area would further diminish the limited rear yard outdoor amenity space that exists due to the reduced lot depth.

Staff is also satisfied that the reduced interior side yards are sufficient given the older urban residential setting and character that exists along Eva Avenue. 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, August 31, 2022

No concerns.

The Nickel District Conservation Authority, August 31, 2022

Conservation Sudbury does not object to Minor Variance A0125/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CP Railway Proximity Ontario, August 30, 2022

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

CGS: Site Plan Control, August 25, 2022

No objections.

CGS: Development Engineering, August 24, 2022

No objection.

The applicant's agent, Aaron Ariganello of Tulloch Engineering, appeared before Committee and provided a summary of the application. Committee Member Dumont requested staff to explain CP Railway's comments and staff provided an explanation. Committee Member Dumont, referring to Infrastructure Capital Planning's comments, asked the agent if those comments impact the parking and the agent explained that he agreed with staff and that there was not a viable alternative to the parking situation. Committee Chair Chartrand explained that he was in support of the relief being sought. Committee had no further questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

MATTHEW GRAHAM DAVIS  
the owner(s) of PIN 02129 0106, Parcels 5887 SEC SES & 3264 SEC SES, Lot(s) Part 103, Subdivision M109, Lot Part 6, Concession 4, Township of McKim, 323 Eva Avenue, 327 Eva Avenue, Sudbury

to approve the lands to be retained containing a single detached dwelling, subject of Consent Application B0066/2022, providing firstly, no parking spaces, where a minimum of 1 parking space is required, secondly, a minimum lot frontage of 11.876m, where 12.0m is required, thirdly, a minimum lot depth of 25.496m, where 30.0 is required, and fourthly, a minimum required interior side yard of 1.643m, where 1.8m is required, be granted.

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

SUBMISSION NO. A0126/2022

September 07, 2022

OWNER(S): SONYA PIDUTTI, 218 SOUTHGATE CRESCENT, SUDBURY ON P3E 5J7

AGENT(S): ADRIAN BORTOLUSSI, 144 ELM STREET, SUDBURY ON P3C 1T7

LOCATION: PIN 73594 0389, Parcel 13842 SEC SES, Lot(s) 10, Subdivision M-203, Lot Part 5, Concession 1, Township of McKim, 193 Walford Road, Sudbury

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SUMMARY

Zoning: The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit an existing detached garage on the subject property providing an interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, September 01, 2022

Roads / Active Transportation

No concerns.

Transportation and Innovation

No concerns.

Greater Sudbury Hydro Inc., August 31, 2022

No conflict.

CGS: Environmental Planning Initiatives, August 31, 2022

No concerns.

CGS: Development Approvals Section, August 31, 2022

The variances being sought would recognize the location of an existing detached garage to the west of the existing residential dwelling on the lands that have frontage on Walford Road in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff are satisfied in this urban residential setting that the proposed interior side yard setback of 0.77 m (2.53 ft) is sufficient for maintenance purposes given that the variance if granted would pertain only to the existing detached garage as shown on the submitted sketch. Staff also note that the detached garage is accessed from a shared driveway which also provides access to a parking area for those lands known municipally as 187 Walford Road. Staff would also note there are no door or window openings along the wall that faces the abutting residential property at 187 Walford Road. Staff do not anticipate any negative land use impacts would be generated in this instance should the variances be approved. Staff also have no concerns with the eaves variance. 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, August 31, 2022

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

Owner to also be informed of the following information:

1) Based on a search of our records there appears to be a rear deck. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, may be required for the existing rear deck and stairs built without benefit of building permit.

The Nickel District Conservation Authority, August 31, 2022

Conservation Sudbury does not object to Minor Variance A0126/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, August 25, 2022

No objections.

CGS: Development Engineering, August 24, 2022

Eaves Encroachment Condition:

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be \*0 m (0 ft) from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

The applicant's agent, Adrian Bortolussi, appeared before Committee and provided a summary of the application. Committee Member Dumont directed the agent to Building Services' comments and the rear yard deck requiring a building permit and the agent confirmed that he was aware of the comments. Committee Member Sawchuk asked staff, referring to the rear deck and the lack of setback provided on the sketch, if a further variance would be required. Staff explained that at the time of the building permit application the applicant would be required to provide the setback for the rear yard deck and its compliance. Committee Member Sawchuk stated that it didn't appear to be considered and staff confirmed that as the setback had not been shown it had not and if further relief was required then a further variance would need to be sought. Committee Chair Chartrand asked the agent to confirm his understanding of the risk and the agent confirmed that he understood. Committee Member Dumont commented on the importance of the applicants and agents providing a complete submission. Committee had no further questions or comments.



The following decision was reached:

DECISION:

THAT the application by:

SONYA PIDUTTI

the owner(s) of PIN 73594 0389, Parcel 13842 SEC SES, Lot(s) 10, Subdivision M-203, Lot Part 5, Concession 1, Township of McKim, 193 Walford Road, Sudbury

to permit the existing detached garage providing an interior side yard setback of 0.77m with eaves encroaching 0.38m into the proposed 0.77m interior side yard, where an accessory building greater than 2.5m in height shall be no closer than 1.2m from the side lot line and where eaves may encroach 0.6m into the required interior 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 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
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring

SUBMISSION NO. A0128/2022

September 07, 2022

OWNER(S): MIGNONNE EDWARDS, 232 Kukagami Lake Road, Wahnapiatae ON P0M 3C0  
TYLER EDWARDS, 232 Kukagami Lake Road, Wahnapiatae ON P0M 3C0

AGENT(S): CENTRELINE ARCHITECTURE , Attn: Dan Guillemette, 158 Elgin Street Suite 101 Sudbury ON P3E 3N5

LOCATION: PIN 73519 0189, Parcel 37483 SEC SES, Survey Plan 53R-4335 Part(s) 2, Lot(s) 8, Subdivision M-497,  
Lot 2, Concession 1, Township of Rathburn, 232 Kukagami Lake Road, Wahnapiatae

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**SUMMARY**

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

Application: Approval to permit an addition on the existing seasonal dwelling on the subject property providing a high water mark setback and minimum rear yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, September 01, 2022

Roads / Active Transportation

No concerns.

Transportation and Innovation

No concerns.

Greater Sudbury Hydro Inc., August 31, 2022

No objections, outside our territory.

CGS: Environmental Planning Initiatives, August 31, 2022

The Strategic and Environmental Planning Section is not opposed to the proposed construction of the addition, a portion of which will be closer than the 30 metres from the normal high water mark required by the Zoning By-law, for the following reasons:

1. Most of the proposed addition will lie beyond 30 metres from the normal high water mark.
2. The proposed addition should not require removal of mature trees on the subject lands.
3. The proposed addition will not encroach into the shoreline buffer area.

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. Public Health Sudbury & Districts has not confirmed the presence of cyanobacterial blooms in Kukagami Lake.

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 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. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or river bank 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 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 to discuss permitting requirements before starting any work in water or on the shoreline of a lake or on a river/stream bank (retaining walls, etc).

CGS: Development Approvals Section, August 31, 2022

The variances being sought would facilitate construction of an addition to an existing seasonal dwelling on the subject lands that have frontage on Kukagami Lake Road in Wahnapiatae. The lands are designated Rural in the City's Official Plan and zoned "RS", Rural Shoreline under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that due to the curvature of the shoreline only a portion of the proposed addition would be closer than 30 m (98.43 ft) to the high water mark of Kukagami Lake with the balance of the addition demonstrating compliance with the required high water mark setback to the seasonal dwelling. It is also noted that the proposed addition would be situated behind and further back from the high water mark of the lake than the existing seasonal dwelling which maintains a legal non-complying high water mark setback and rear yard setback. Environmental Planning Initiatives have also noted in their comments that the proposed location of the addition will minimize tree removal and the addition is entirely outside of the 20 m (65.62 ft) shoreline buffer area required under Section 4.41.3 of the City's Zoning By-law. 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, August 31, 2022

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

Owner to also be informed of the following information:

1) Revised plot plan is required to be provided to Building Services.

The Nickel District Conservation Authority, August 31, 2022

The subject property is located outside of the jurisdiction of Conservation Sudbury, we have no comment on application A0128/2022.

CGS: Site Plan Control, August 25, 2022

No objections.

CGS: Development Engineering, August 24, 2022

No objection.

The Applicant's agent, Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the application. Committee Member Dumont asked staff to clarify Building Services' comments and the requirement for a revised plot plan. Staff explained that Building Services is requesting a revised plot plan to match what was provided as part of the minor variance. Committee Member Dumont asked the agent to explain the need for a new plot plan by Building Services and the agent explained that he was unsure what the comment was referring too. Committee Member Dumont requested staff, in general, to provide context to their comments. Committee had no further questions or comments.

The following decision was reached:

**DECISION:**

THAT the application by:

MIGNONNE EDWARDS AND TYLER EDWARDS  
the owner(s) of PIN 73519 0189, Parcel 37483 SEC SES, Survey Plan 53R-4335 Part(s) 2, Lot(s) 8, Subdivision M-497, Lot 2, Concession 1, Township of Rathburn, 232 Kukagami Lake Road, Wahnapiatae

to facilitate the construction of an addition on the existing seasonal dwelling which maintains a 17.3m high water mark setback, providing firstly, a high water mark setback of 26.4m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, and secondly, a minimum required rear yard setback of 6.4m, where 7.5m 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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring