



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0083/2023

August 02, 2023

OWNER(S): BROOKE GOUGEON, 470 Lake Point Court, Sudbury ON P3E 6J3

AGENT(S): KARIM OMRI, 166 Douglas St - Unit 2 Sudbury ON P3E 1G1

LOCATION: PIN 73581 0108, Parcel 802 SEC SES, Lot(s) 10, Subdivision M-14, Lot Part 2, Concession 3, Township of McKim, 470 Lake Point Court, Sudbury

SUMMARY

Zoning: The property is zoned R1-3 Low Density Residential One according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a detached garage on the subject property providing a height and front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, July 27, 2023

The variances being sought would facilitate construction of a detached garage on the subject lands having frontage on Lake Point Court in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-3", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would maintain a maximum building height of 8.5 m (27.89 ft) whereas 5 m (16.40 ft) is permitted on an urban residential lot. The proposed detached garage would exceed the maximum building height for an accessory building on an urban residential lot by 3.5 m (11.48 ft) which represents an increase of 70% beyond what the City's Zoning By-law permits. Staff attended the lands and note that existing mature vegetation in the front yard would need to be removed in order to accommodate the proposed detached garage and the remaining trees are not sufficient for the purposes of screening and buffering the proposed detached garage having an increased maximum building height from abutting residential properties. The proposed detached garage would also be situated atop a higher point along Lake Point Court which would result in the garage appearing even higher from the street line of Lake Point Court. Staff is also concerned that the proposed front yard setback variance would further contribute to the above noted concerns. Staff did review previous variances on Lake Point Court and there have been no previous approvals granting a height increase such as that being sought by the owner. The owner may choose to defer their application at this time in order to consider amending their application in response to these comments. If the owner proceeds to a public hearing at the City's Committee of Adjustment, staff advises that at this time the variances being sought cannot be supported by the Development Approvals Section. Staff recommends that the variance be denied as it is not minor, not appropriate development for the area and the intent of the City's Zoning By-law is not maintained.

Ministry of Transportation, July 26, 2023

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

Greater Sudbury Hydro Inc., July 26, 2023

No conflict.

SUBMISSION NO. A0083/2023 Continued.

Source Water Protection Plan, July 26, 2023

No activity or activities engaged in or proposed to be engaged in on the above noted property are considered to be significant drinking water threats at this time. You may undertake the activity or activities described in your application and proceed to apply for a Building Permit or Planning Approval as they are neither prohibited nor restricted for the purpose of Part IV of the Clean Water Act, 2006.

CGS: Building Services Section, July 26, 2023

Based on the information provided, Building Services has no concerns with the request for variance to the accessory building height and front yard setback.

Owner to be advised of the following:

1. Building Services acknowledges receipt of Building Permit Application BP-ACC-2023-00056 for the proposed garage.
2. The proposed garage is not to include any areas for habitation purposes.
3. Based on anticipated quantities of rock removal through blasting, the following conditions will be imposed:
 - a. The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure.
 - b. The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:
 - Pre-blast survey of surface structures and infrastructure within affected area
 - Trial blast activities
 - Procedures during blasting Procedures for addressing blasting damage complaints
 - Blast notification mechanism to adjoining residences
 - Structural stability of exposed rock faces
 - c. The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.
4. A search of our records indicates there is no permit for the existing deck(s). A building permit and building permit documents, to the satisfaction of the Chief Building Official, are required for the existing deck, built without the benefit of a building permit.

CGS: Infrastructure Capital Planning Services, July 26, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Strategic and Environmental Planning, July 26, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the revised proposed development at 470 Lake Point Court, Sudbury. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

Staff recognize that the development is not related to the shoreline and does not require relief from

shoreline setback or buffer area provisions. Therefore, after reviewing the proposed development SEP staff do not oppose the minor variance.

The proponent is advised that it is their sole responsibility to ensure compliance with the Endangered Species Act.

Additional points are offered below for the benefit of the property owners and the Committee of Adjustment.

Shoreline property owners are encouraged to continue adopting lake-friendly practices.

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

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.
6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

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

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

The Nickel District Conservation Authority, July 24, 2023

Conservation Sudbury does not oppose Minor Variance A0083/2023. Subject property includes areas regulated by Conservation Sudbury, including floodplain. Detached garage is sufficiently far away from the floodplain. The proponent is advised that future development within an area regulated by Ontario

SUBMISSION NO. A0083/2023 Continued.

Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act.
Notes

'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 to determine the need for a permit.

CGS: Site Plan Control, July 23, 2023

No concerns.

CGS: Development Engineering, July 19, 2023

No objection.

The Agent, Ryan Bell of Komri Engineering, and representative of the applicant, Michael Gougeon, appeared before the Committee and provided a summary of the Application. The agent advised that the rock cut would be blasted in order to build the proposed garage. He confirmed that no real mature vegetation would be eliminated in order to facilitate the construction. The representative and agent addressed the public comments received with respect to sight lines.

An email of concern was received on July 31, 2023, from Shehnaz Pebani, a local resident of the area, with concerns with respect to the proposed structure restricting drainage flow, resulting in icy conditions on the street, as well as the parking of transport trucks on the property. An email of concern was also received on August 2, 2023, from Daryl and Brian McNamara of 485 Lake Point Court, with concerns regarding drainage issues, snow and ice build-up, water quality due to large structures inhibiting the ability for soils to absorb roadway runoff, and the impact on the view of the lake from their property.

Committee Member Goswell asked for clarification with respect to the peak of the house being the same as the garage height. The representative confirmed that the garage would be higher than the peak of the house.

Committee Member Sawchuk pointed out Staff comments with respect to the height differential from the zoning by-law is 70%. He asked Staff if the blasting of the rock would alter the recommendations from Staff. Staff was aware of the blasting the day prior to the meeting but that the height relief is still substantial, and this was communicated to the agent prior to the meeting.

Chair Dumont outlined the relief requested, being height and front yard setback. He reiterated the recommendations of Staff. Chair Dumont asked Staff how they view two storey accessory structures. Staff advised that the zoning by-law sets the height at 5.0m regardless of storeys when dealing with accessory structures. Chair Dumont offered the alternative of a deferral to allow the Applicant to redesign the garage proposal to be able to meet the four tests for a minor variance.

The Applicant referenced the front yard setback having been approved in a previous variance application where the garage was attached to the primary dwelling. The Applicant advised the Committee that he could just proceed with the relief provided in the previous variance application. Staff provided details from the previous variance application and reminded Committee and the Applicant that the previous approval was based on the sketch and information provided in that previous decision. The previous decision did not include relief for height.

The following decision was reached:

DECISION:

THAT the application by:

BROOKE GOUGEON

the owner(s) of PIN 73581 0108, Parcel 802 SEC SES, Lot(s) 10, Subdivision M-14, Lot Part 2, Concession 3, Township of McKim, 470 Lake Point Court, Sudbury

SUBMISSION NO. A0083/2023 Continued.

for relief from Part 4, Section 4.2, subsection 4.2.4 a) 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 detached garage providing firstly, a maximum height of 8.5m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, and secondly, a minimum front yard setback of 2.96m, where a minimum front yard setback of 6.0m is required, be denied.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are NOT minor in nature and are NOT desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are NOT maintained.

Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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

SUBMISSION NO. A0084/2023

August 02, 2023

OWNER(S): MATTHEW COMISSO, 4882 Long Lake Road, Sudbury ON P3G 1K9
CHARLENE COMISSO, 4882 Long Lake Road, Sudbury ON P3G 1K9

AGENT(S): MATTHEW COMISSO, 4882 Long Lake Road, Sudbury ON P3G 1K9

LOCATION: PIN 73476 0472, Parcel 20253 SEC SES, Lot(s) 12, Subdivision M-365, Lot 6, Concession 3, Township of Broder, 4882 Long Lake Road, Sudbury

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 to construct an addition on a single detached dwelling on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, July 27, 2023

The variance being sought would facilitate construction of an addition to the existing single-detached dwelling on the subject lands that have frontage on Long Lake Road in Sudbury. The lands are designated Living Area 2 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 the proposed maximum building height will allow for the roof pitch on the addition that facilitates construction of a third-storey on the proposed building addition. The proposed addition will align with the existing residential dwelling maintaining a front yard setback of approximately 15.8 m (51.84 ft) and there are a number of mature trees within the front yard providing good buffering and screening toward Long Lake Road. Staff also does not anticipate any negative land use planning impacts on abutting residential properties should the variance be approved. Staff therefore has no concerns with respect to the building addition having a maximum building height of 12.09 m (39.67 ft) whereas a maximum building height of 11 m (36.09 ft) is permitted for a residential dwelling in the "R1-2" Zone. It is also not anticipated that the additional 1.09 m (3.58 ft) of building height would have any negative land use planning impacts on the existing urban residential character that exists along this portion of Long Lake Road. 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.

Ministry of Transportation, July 26, 2023

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

Greater Sudbury Hydro Inc., July 26, 2023

No conflict.

CGS: Building Services Section, July 26, 2023

Based on the information provided, Building Services has no concerns with the request for variance to the building height.

CGS: Infrastructure Capital Planning Services, July 26, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, July 24, 2023

Conservation Sudbury does not object to Minor Variance A0084/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, July 23, 2023

No concerns.

CGS: Development Engineering, July 19, 2023

No objection.

One of the Applicants, Matthew Comisso, appeared before the Committee and provided a summary of the Application. Committee had no comments or questions in relation to this application.

The following decision was reached:

DECISION:

THAT the application by:

MATTHEW COMISSO AND CHARLENE COMISSO
the owner(s) of PIN 73476 0472, Parcel 20253 SEC SES, Lot(s) 12, Subdivision M-365, Lot 6, Concession 3, Township of Broder, 4882 Long Lake Road, Sudbury

for relief from Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an addition on the single detached dwelling providing a maximum height of 12.09m, where the maximum height of 11.0m is permitted, 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.

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

SUBMISSION NO. A0085/2023

August 02, 2023

OWNER(S): JAMES MCCORMICK, 32 Gill Ave, Onaping ON P0M 2R0
CINDY NADEAU , 32 Gill Ave, Onaping ON P0M 2R0

AGENT(S): JAMES MCCORMICK, 32 Gill Ave, Onaping ON P0M 2R0

LOCATION: PIN 73354 0503, Parcel 25120 SEC SWS SRO, Lot(s) 65, Subdivision M-1030, Lot 11, Concession 6, Township of Dowling, 32 Gill Avenue, Onaping

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 construct a detached garage on the subject property providing an encroachment into the required corner side yard and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, July 27, 2023

The variances being sought would facilitate construction of a detached garage on the subject lands at the corner of Gill Avenue and Gill Crescent in Onaping. 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. It is unclear from the submitted sketch if the owner intends on utilizing their existing gravel surfaced driveway entrance from Gill Crescent in order to access the detached garage. There also appears to be an additional curb cut aligning with an existing detached garage that would presumably be removed in favour of the new proposed detached garage. Staff would caution the owner that a maximum of one driveway per lot is permitted under Section 5.4.2 c) of the City's Zoning By-law. Staff further notes that there also does not appear to be any demonstrated need for reducing the corner side yard setback for an accessory building in this location from 4.5 m (14.76 ft) to 1.2 m (3.94 ft) and that there appears to be opportunity to shift the proposed detached garage to the east in compliance with the City's Zoning By-law. It is noted that there appears to be a shed located within the road allowance of Gill Crescent to the north of the residential dwelling on the lands. There is also an existing detached garage that has been or would be removed in favour of the proposed new detached garage. Staff notes that the existing detached garage is likely maintaining a legal non-complying corner side yard setback however the shorter wall faces toward Gill Crescent whereas the proposed new detached garage would have the longer wall facing toward Gill Crescent resulting in more of the building being situated within the corner side yard. Staff would recommend to the owner that they withdraw the variance application and relocate the proposed detached garage in compliance with the City's Zoning By-law. In the alternative, the owner could also opt to defer the application prior to a public hearing taking place on the matter at the Committee of Adjustment in order to address the above noted comments. Staff recommends that the variance be denied as it is not minor, not appropriate development for the area and the intent of the City's Zoning By-law is not maintained.

Ministry of Transportation, July 26, 2023

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

Greater Sudbury Hydro Inc., July 26, 2023

Please note that A0085/2023 is outside of our territory, therefore we have no comment.

CGS: Building Services Section, July 26, 2023

Based on the information provided, Building Services has no concerns with the request for variance to the required corner side yard setbacks.

CGS: Infrastructure Capital Planning Services, July 26, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, July 24, 2023

Conservation Sudbury does not object to Minor Variance A0085/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, July 23, 2023

No concerns.

CGS: Development Engineering, July 19, 2023

No objection.

One of the Applicants, James McCormick, appeared before Committee and provided a summary of the application. Committee Member Sawchuk asked the Applicant which driveway the Applicant would use to access the proposed garage. The Applicant advised of how the second driveway came into existence and that he would use the original driveway to access the garage.

Committee Member Goswell referenced the Staff comment regarding relocating the garage. The Applicant advised that he would have to remove a mature maple tree with roots and it would reduce the sightlines to his backyard.

Chair Dumont asked if the existing garage is being removed. The Applicant advised that the garage had caved in due to snow load while he was away from his residence. Chair Dumont asked the Applicant where the original garage had been situated. The Applicant advised that it had been located behind where the proposed garage is depicted on the sketch.

Chair Dumont outlined the opportunities mentioned in Staff comments as withdrawing the application and building a garage within the requirements of the zoning by-law or the possibility of the garage being legal non-complying that could be rebuilt in the same location and expanded upon if a deferral was contemplated. Chair Dumont recommended that the Applicant consider deferral to be able to talk to City departments to discuss possibilities for a new garage that would lead to a positive outcome with supportive comments. The Applicant expressed concerns regarding the additional cost of a deferral.

Staff confirmed that if the option of deferral was taken, the deferral fee would not be payable until an application was brought back before Committee but that discussions with City Departments could take place prior to the application being brought back to work out a favourable recommendation, whether it be a smaller setback relief request or a different location for the garage.

The Applicant asked what the process would be for legal non-complying status. Staff advised that it would be a process the Applicant would have to go through with Building Services with the Chief Building Official making a final determination.

Committee Member Goswell gave the Applicant another opportunity to request a deferral as the Committee could not make a determination based on revised plans at this meeting.

Committee Member Sawchuk asked the Secretary-Treasurer whether there would be any financial incentive to a withdrawal. The Secretary-Treasurer confirmed that there is no refund of fees when withdrawing an application after it has been circulated for comment and brought before the Committee. Committee Member Goswell asked if an application is deferred, whether there are reduced fees. The Secretary-Treasurer confirmed that a deferral fee is half the fee of a new application with an ad fee for a total of \$730 but is not payable until the application is scheduled to be brought back before Committee. Staff confirmed that even with a deferral, depending on whatever new proposal is decided upon, it may not have to return to Committee resulting in no deferral fee being paid. If the new proposal still required any type of variance, they would not have to bring a new application with full fee but could amend their original application and pay the reduced deferral fee. Staff reiterated that the maximum deferment is a year.

The following decision was reached:

DECISION:

THAT the application by:

JAMES MCCORMICK AND CINDY NADEAU

the owner(s) of PIN 73354 0503, Parcel 25120 SEC SWS SRO, Lot(s) 65, Subdivision M-1030, Lot 11, Concession 6, Township of Dowling, 32 Gill Avenue, Onaping

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a 3.3m encroachment into the required corner side yard and maintaining a 1.2m corner side yard setback with eaves encroaching 0.41m into the proposed 1.2m corner side yard setback, where accessory structures greater than 2.5m in height are not permitted to encroach into the corner side yard, where a corner side yard of 4.5m is required and where eaves may encroach 1.2m into the required corner side yard, but not closer than 0.6m to the lot line, be denied.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are NOT minor in nature and are NOT desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are NOT maintained.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0086/2023

August 02, 2023

OWNER(S): NORMAN BYRNES, 137 Laurier St East, Azilda ON P0M 1B0
ELAINE BYRNES, 137 Laurier St East, Azilda ON P0M 1B0

AGENT(S): MCBANE GROUP INC - RYAN MCBANE, Atte: Ryan McBane, PO BOX 1101, 250 Notre Dame St East, Azilda ON P0M 1B0

LOCATION: PIN 73349 1334, Parcel 14664 SEC SWS SRO, Lot(s) 79, Subdivision M-436, Lot 3, Concession 3, Township of Balfour, 180 Brookside Road, Chelmsford

SUMMARY

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

Application: Approval to construct a detached garage on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, July 27, 2023

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Brookside Road in Chelmsford. 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 has no concerns with the proposed detached garage having a maximum height of 5.67 m (18.60 ft) whereas a maximum height of 5 m (16.40 ft) for an accessory building on this urban residential lot is permitted. Staff does not anticipate any negative land use planning impacts on abutting residential properties or on the existing urban residential character that exists along this portion of Brookside Road should the additional building height of 0.67 m (2.20 ft) be approved. Staff advises that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building on a residential lot. Staff would caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also caution the owner that the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. 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.

Ministry of Transportation, July 26, 2023

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

Greater Sudbury Hydro Inc., July 26, 2023

Please note that A0086/2023 is outside of our territory, therefore we have no comment.

CGS: Building Services Section, July 26, 2023

Based on the information provided, Building Services has no concerns with the request for variance to the required accessory building height.

SUBMISSION NO. A0086/2023 Continued.

Owner to be advised of the following:

A demolition permit to the satisfaction of the Chief Building Official is required to remove the existing garage and shed.

A building permit is required to the satisfaction of the Chief Building Official for the construction of the proposed garage. Please note that the construction of the new building must not affect the adjacent properties including drainage.

Our research has noted a pool and deck may have been constructed on your property without benefit of permit. A building permit to the satisfaction of the Chief Building Official is required for the pool, pool enclosure and any associated deck(s).

CGS: Infrastructure Capital Planning Services, July 26, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, July 24, 2023

Conservation Sudbury does not object to Minor Variance A0086/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, July 23, 2023

No concerns.

CGS: Development Engineering, July 19, 2023

No objection.

The Agent of the Applicants, Ryan McBane of McBane Group, appeared before Committee and provided a summary of the application.

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

The following decision was reached:

DECISION:

THAT the application by:

NORMAN BYRNES AND ELAINE BYRNES
the owner(s) of PIN 73349 1334, Parcel 14664 SEC SWS SRO, Lot(s) 79, Subdivision M-436, Lot 3, Concession 3, Township of Balfour, 180 Brookside Road, Chelmsford

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 5.67m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

SUBMISSION NO. A0086/2023 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 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.

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

SUBMISSION NO. A0087/2023

August 02, 2023

OWNER(S): 1973696 ONTARIO LTD., 1001 Lasalle Blvd #2, Sudbury ON P3A 1Y1

AGENT(S): PATRICK DANIELSON, 217 Maki Ave, Sudbury ON P3E 2P3

LOCATION: PIN 73478 1080, Survey Plan 53R-19197 Part(s) 3 and 4, Lot(s) 23 and Part 24, Subdivision M-403, Lot 4, Concession 6, Township of Broder, 2167 Armstrong Street, Sudbury

SUMMARY

Zoning: The property is zoned M1-1 (Business Industrial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to install a loading bay on the subject property providing front yard setback and location of loading spaces at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, July 27, 2023

The variances being sought would facilitate the addition of a loading bay building addition and a loading space to an existing industrial building having frontage on Armstrong Street in Sudbury. The lands are designated Mixed Use Commercial in the City's Official Plan and zoned "M1-1", Business Industrial. Staff notes that the lands form an irregularly shaped lot with a long and curving front lot line along Armstrong Street. The existing building on the lands is also situated askew to the front lot line. Staff acknowledges that the addition of a loading bay area would benefit the lands given that it is zoned for business industrial purposes. It is unclear however if the westerly extent of the new work on the lands will result in a landscaped area width of 3 m (9.84 ft) which is required under Section 4.15.1 of the City's Zoning By-law. If this area does not meet zoning requirements for landscaping along the street line of Armstrong Street, it is recommended that the owner defer the application to add an additional minor variance to their application. Staff otherwise recognizes the above noted constraints that make adding a loading bay area to lands zoned for business industrial purposes difficult and are supportive of the development proposal in principle. 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.

Ministry of Transportation, July 26, 2023

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

Greater Sudbury Hydro Inc., July 26, 2023

No conflict.

CGS: Building Services Section, July 26, 2023

Based on the information provided, Building Services has no concerns with the Minor Variance requests for the location of the proposed loading area.

Owner to be advised of the following:

A building permit is required to the satisfaction of the Chief Building Official for the construction of the proposed new loading bay addition.

CGS: Infrastructure Capital Planning Services, July 26, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, July 24, 2023

Conservation Sudbury does not object to Minor Variance A0087/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, July 23, 2023

No concerns.

CGS: Development Engineering, July 19, 2023

No objection.

The Agent of the Applicant, Patrick Danielson, appeared before Committee and provided a summary of the application.

The City received a letter in opposition to this application from John Hamalainen, owner of 2166 Armstrong Street, Sudbury, dated July 28, 2023. John Hamalainen also appeared in person to provide his concerns with respect to lack of appropriate parking, turning radius for vehicles attempting to enter and exit the loading space, proposed use of the property, access to the building from parking in the rear of the building.

The Agent advised that the relief requested was due to the need to accommodate the turning radius of vehicles using the proposed loading space and also provided that they are confident that the landscaping requirements will still be met. The Agent advised that the Real Estate listing has not been fully updated to the property's uses.

Committee Member Sawchuk asked whether the Agent's comments with respect to landscaping would change Staff's recommendation for deferral. Staff advised that it was a cautionary note to the Applicant with respect to landscaping as Staff is unable to determine at this time whether it would be in full compliance. The Agent advised that they were confident that they could extend the landscaping to the front corner.

The following decision was reached:

DECISION:

THAT the application by:

1973696 ONTARIO LTD.

the owner(s) of PIN 73478 1080, Survey Plan 53R-19197 Part(s) 3 and 4, Lot(s) 23 and Part 24, Subdivision M-403, Lot 4, Concession 6, Township of Broder, 2167 Armstrong Street, Sudbury

for relief from Part 5, Section 5.6.5 clause c) and e), and Part 8, Section 8.3, Table 8.2 of By-law 2010-100Z, as amended, in order to construct a loading bay addition to an existing two-storey industrial building on the subject property providing firstly, a front yard setback of 4.5m where a minimum front yard setback of 9.0m is required, secondly, to permit a loading space to be located in the front yard where loading spaces are not permitted in the front yard, and thirdly, to permit the loading space to be setback 6.5m from the street line, where a minimum 10.0m setback from any street line 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.

Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0088/2023

August 02, 2023

OWNER(S): 1650939 ONTARIO LTD., Atte: Kevin Vis 2300 Dominion Drive, Val Caron ON P3P 0A5

AGENT(S): RYAN VIS, 770 Dominion Drive, Hanmer, ON P3P 0A7

LOCATION: PIN 73503 1660, Survey Plan 53R-20676 Part(s) 1, Lot Part 1, Concession 1, Township of Hanmer, 0 Bodson Drive West, Hanmer

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 to a future consent application, providing a minimum lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, July 27, 2023

Staff notes that the lands were recently the subject of an application to amend the City's Official Plan in order to permit the creation of a new lot within the Urban Expansion Reserve (UER) by allowing for a site-specific policy exception to those UER lot creation policies set out under Section 20.3.1(3) of the City's Official Plan (File # 701-7/22-5). The City's Planning Committee approved the application and Council subsequently enacted Official Plan Amendment #123 on May 29, 2023. Staff is supportive of the variance to permit a reduced minimum lot frontage on the southerly rural lot having frontage on Bodson Drive West on the basis that they are implementing the policy exception provided under OPA #123.

Ministry of Transportation, July 26, 2023

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

Greater Sudbury Hydro Inc., July 26, 2023

Please note that A0088/2023 is outside of our territory, therefore we have no comment.

CGS: Building Services Section, July 26, 2023

Based on the information provided, Building Services has no concerns with the Minor Variance request for reduced frontage.

CGS: Infrastructure Capital Planning Services, July 26, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

SUBMISSION NO. A0088/2023 Continued.

Active Transportation
No concerns.

The Nickel District Conservation Authority, July 24, 2023

Conservation Sudbury does not oppose Minor Variance A0088/2023 as the lot frontage is not a concern of the Conservation Authority. However, as mentioned during the SPART and Official Plan Amendment, prior to approving the consent application, the proponent will need to demonstrate that the northern portion of the property has sufficient space outside of the wetland features for a building envelope. The wetlands must be mapped by a qualified professional (OWES-certified with experience in wetland mapping). The plans must show the wetland boundary, a 12-metre setback and a 30-metre setback. Any development within 30m of the wetland requires a permit from Conservation Sudbury. Proponent is advised to share this wetland delineation with Conservation Sudbury prior to the consent application.

Notes

Please note that Conservation Sudbury is currently completing a new floodplain study for the Whitson River watershed and results are expected within the next year. The regulated areas at this location may change. The landowner is encouraged to consult with our office prior to the planning of future development for guidance on requirements for development within and adjacent to the flood hazard and other hazards related to the watercourse.

CGS: Site Plan Control, July 23, 2023

No concerns.

CGS: Development Engineering, July 19, 2023

No objection.

The Agent of the Applicant, Ryan Vis, appeared before Committee and provided a summary of the application. Committee had no comments or questions in relation to this application.

The following decision was reached:

DECISION:

THAT the application by:

1650939 ONTARIO LTD.

the owner(s) of PIN 73503 1660, Survey Plan 53R-20676 Part(s) 1, Lot Part 1, Concession 1, Township of Hanmer, 0 Bodson Drive West, Hanmer

for relief from Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve a lot to be severed subject to a future consent application, providing a minimum lot frontage of 73.0m, 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.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0089/2023

August 02, 2023

OWNER(S): MICHELLE VIOLETTE, 329 Brenda Dr, Sudbury ON P3E 5G8
DAN LANDRY, 329 Brenda Dr, Sudbury ON P3E 5G8

AGENT(S): DAN LANDRY, 329 Brenda Dr, Sudbury ON P3E 5G8

LOCATION: PIN 73475 1725, Surveys Plan 53R-8872 Part(s) 7 & Plan 53R-9049 Part(s) except 1, Lot Part 6, Concession 6, Township of Broder, 447 St Charles Lake Road, Sudbury

SUMMARY

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

Application: Approval to permit a retaining wall and sauna on the subject property providing interior side yard setbacks and front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, July 27, 2023

The variances being sought would recognize the location of a retaining wall and a sauna on the subject lands that have frontage on St. Charles Lake Road in Sudbury. The lands also have water frontage on St. Charles Lake. 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 has no concerns with respect to the retaining wall variances given that the majority of lots along this portion of St. Charles Lake Road slope downward from the road to St. Charles Lake. The use of retaining walls along this portion of St. Charles Lake is therefore common and staff does not anticipate any negative land use planning impacts on abutting residential properties should the variances related to the retaining wall be approved. Staff also has no concerns with respect to the sauna variance that would allow for a reduced westerly interior side yard setback. 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.

Ministry of Transportation, July 26, 2023

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

Greater Sudbury Hydro Inc., July 26, 2023

No conflict.

CGS: Building Services Section, July 26, 2023

Based on the information provided, Building Services has no concerns with the Minor Variance requests for reduced front and interior side yard setbacks for the retaining wall and reduced interior side yard setback for the sauna.

Further consideration should be given to the sauna to address shoreline buffer requirements per Section 4.41.3. of the Zoning By-law.

CGS: Infrastructure Capital Planning Services, July 26, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Strategic and Environmental Planning, July 26, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the revised proposed development at 447 St Charles Lake Road, Sudbury. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

Staff recognize that the development is not related to the shoreline and does not require relief from shoreline setback or buffer area provisions. Therefore, after reviewing the proposed development SEP staff do not oppose the minor variance.

The proponent is advised that it is their sole responsibility to ensure compliance with the Endangered Species Act.

Additional points are offered below for the benefit of the property owners and the Committee of Adjustment.

Shoreline property owners are encouraged to continue adopting lake-friendly practices.

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

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.
6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

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

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

The Nickel District Conservation Authority, July 24, 2023

Conservation Sudbury does not oppose Minor Variance A0089/2023.
Conservation Sudbury notes that we do not have records for an approval under the Conservation Authorities Act for the sauna. We cannot confirm that this structure is in conformance with the regulation, and therefore may be susceptible to damages from erosion or floodwaters.

Notes

The proponent is advised that future development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. 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 to determine the need for a permit.

CGS: Site Plan Control, July 23, 2023

No concerns.

CGS: Development Engineering, July 19, 2023

No objection.

One of the Applicants, Dan Landry, appeared before Committee and provided a summary of the application.

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

The following decision was reached:

DECISION:

THAT the application by:

MICHELLE VIOLETTE AND DAN LANDRY
the owner(s) of PIN 73475 1725, Surveys Plan 53R-8872 Part(s) 7 & Plan 53R-9049 Part(s) except 1, Lot Part 6, Concession 6, Township of Broder, 447 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 permit firstly, the retaining wall to provide a minimum eastern interior side yard setback of 0.3m, and the sauna to provide a minimum western interior side yard setback of 0.85m where an accessory structure greater than 2.5m in height shall be no closer than 1.2m from the side lot line, and secondly, the retaining wall to provide a minimum front yard setback of 3.66m, where 6.0m 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 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.

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