



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0115/2022

August 24, 2022

OWNER(S): LYNN LEFEBVRE, 90 Jeanine Street Sudbury ON P3B 0B5
DENIS LEFEBVRE, 90 Jeanine Street Sudbury ON P3B 0B5

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

LOCATION: PIN 73572 0578, Lot(s) 1, Subdivision 53M-1408, Lot Pt 11, Concession 4, Township of Neelon, 90 Jeanine Street, 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 construct a single detached dwelling providing a minimum required interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Site Plan Control, August 17, 2022

No objection.

CGS: Infrastructure Capital Planning Services, August 17, 2022

Roads
No concerns.

Transportation and Innovation Support/ Active Transportation
No concerns.

CGS: Building Services Section, August 17, 2022

No concerns.

CGS: Development Approvals Section, August 16, 2022

The variance being sought would facilitate construction of a one-storey, single-detached dwelling having frontage on Jeanine 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. Staff has no concern with respect to the functionality of the northerly interior side yard of 1.15 m (3.77 ft) whereas 1.2 m (3.94 ft) is required. Staff notes in particular that the southerly interior side yard would be 2.33 m (7.64 ft) which exceeds the minimum interior side yard setback requirement noted above. Staff also does 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 Jeanine Street should the interior side yard setback variance be approved. Staff also further notes that the proposed single-detached dwelling would otherwise appear to comply with all other applicable development standards under the "R1-5" Zone. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Greater Sudbury Hydro Inc., August 16, 2022

No conflict.

Source Water Protection Plan, August 16, 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.

The Nickel District Conservation Authority, August 15, 2022

Conservation Sudbury does not object to Minor Variance A0115/2022. 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: Development Engineering, August 11, 2022

No objection.

The applicant's agent, Kevin Jarus of Tulloch Engineering, appeared before Committee and provided a summary of the application. Committee had no comments or questions.

The following decision was reached:

DECISION:

THAT the application by:

LYNN LEFEBVRE AND DENIS LEFEBVRE
the owner(s) of PIN 73572 0578, Lot(s) 1, Subdivision 53M-1408, Lot Pt 11, Concession 4, Township of Neelon, 90 Jeanine Street, 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 a single detached dwelling providing a minimum required interior side yard setback of 1.15m, where 1.2m 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.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0117/2022

August 24, 2022

OWNER(S): MELISSA LORANGER, 1292 Carmelo Ave Sudbury ON P3A 4P7
CHAD GOULET, 1292 Carmelo Ave Sudbury ON P3A 4P7

AGENT(S): DTL CONSTRUCTION , Attn: Victor Banks 115 Mona Ave Chelmsford ON P0M 1L0

LOCATION: PIN 73564 0130, Parcel 17557 SEC SES, Lot(s) 115, Subdivision M-255, Lot Pt 9, Concession 6, Township of Neelon, 1292 Carmelo Avenue, 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 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: Site Plan Control, August 17, 2022

No objection.

CGS: Infrastructure Capital Planning Services, August 17, 2022

Roads
No concerns.

Transportation and Innovation Support/ Active Transportation
No concerns.

CGS: Building Services Section, August 17, 2022

No concerns.

Greater Sudbury Hydro Inc., August 16, 2022

No conflict.

CGS: Development Approvals Section, August 16, 2022

The variance being sought would facilitate the construction of a detached garage in the rear yard of the subject lands that have frontage on Carmelo Avenue in Sudbury. The lands are designated Living Area 1 in the City’s Official Plan and zoned “R1-5”, Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that an existing detached garage is intended to be removed in favour of a new detached garage that would be situated in the same general location on the lands. Staff notes that the proposed detached garage would be situated approximately 27.43 m (89.99 ft) from the street line of Carmelo Avenue. Staff further notes that there is a large tree in the front yard providing some degree of screening and buffering from the street line of Carmelo Avenue. Staff is satisfied that at this distance the additional 1.4 m (4.59 ft) in maximum accessory building height would not have any negative impacts on the urban residential character that exists along this portion of Carmelo Avenue. Staff also notes that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building situated within the “R1-5” Zone. Staff understands that three accessory structures (i.e., sheds) have recently been removed from the rear yard and therefore the lot would appear to comply with the 10% maximum lot coverage for accessory buildings and/or structures on a residential lot.

Staff would caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (i.e., non-residential land uses). Staff would also caution the owner that the proposed accessory building may only be used for the purposes of human habitation if legally 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.

The Nickel District Conservation Authority, August 15, 2022

Conservation Sudbury does not object to Minor Variance A0117/2022. 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: Development Engineering, August 11, 2022

No objection.

The applicant's agent, Victor Banks, appeared before Committee and provided a summary of the application. Committee had no comments or questions.

The following decision was reached:

DECISION:

THAT the application by:

MELISSA LORANGER AND CHAD GOULET
the owner(s) of PIN 73564 0130, Parcel 17557 SEC SES, Lot(s) 115, Subdivision M-255, Lot Pt 9, Concession 6, Township of Neelon, 1292 Carmelo Avenue, Sudbury

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 6.4m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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

SUBMISSION NO. A0118/2022

August 24, 2022

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

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

LOCATION: PIN 02129 0106, Parcel 5887 and 3264 SEC SES, Lot(s) Part 103, Subdivision M-109, Lot Pt 6, Concession 4, Township of McKim, 323 Eva Avenue, 327 Eva Avenue, Sudbury

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 severed, subject of a Consent Application, providing reduced parking, minimum lot frontage, minimum lot depth and minimum required interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Engineering, August 19, 2022

No objection.

CGS: Infrastructure Capital Planning Services, August 17, 2022

Roads
No concerns.

Transportation and Innovation Support/ Active Transportation
We do not support the reduction in parking spots. Based on the supporting documentation there appears to be enough room for a parking spot parallel with Eva Avenue.

CGS: Building Services Section, August 17, 2022

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

- 1) The following additional minor variances are required for 323 Eva:
 - a. Minimum lot frontage of 11.876m where 12m is required.
 - b. Minimum lot depth of 25.496m where 30m is required.
 - c. No parking space where a minimum of 1 is required.
 - d. If the upper level of this single family dwelling is not considered an attic as per Zoning By-Law 2010-100Z and is considered a full storey by definition, a minor variance for minimum interior side yard of 1.643m where 1.8m is required.

CGS: Site Plan Control, August 17, 2022

No objection.

CGS: Development Approvals Section, August 16, 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. Staff notes that the existing single-detached dwelling was originally constructed in 1920 according to available MPAC data. Staff further notes that the lands are situated within Plan M109, which is a certified copy of a subdivision plan dating back to 1908. Staff understands that the lands merged in or around the 1940s. Staff would therefore note that the development proposal largely seeks to reestablish a former lot fabric and to recognize two residential dwellings that have existed on the lands across time to present day. Staff notes that there is a related minor variance application (File # A0125/2022) which is intended to address similar zoning issues on the proposed retained lands. The second application was received after this current application for minor variance and therefore it is scheduled to proceed to Committee on September 7, 2022. Staff notes that no additional residential dwelling units are proposed and therefore the parking space variance 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.

Greater Sudbury Hydro Inc., August 16, 2022

No conflict.

The Nickel District Conservation Authority, August 15, 2022

Conservation Sudbury does not object to Minor Variance A0118/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

The applicant's agent, Aaron Ariganello of Tulloch Engineering, appeared before Committee and provided a summary of the application. Committee Chair Chartrand requested staff to clarify Building Services' comments to ensure the correct variances were being requested. Staff explained that the comments related to the abutting property, 323 Eva Avenue, and that staff is in receipt of a minor variance application to address Building Services' concerns which has been scheduled for a future Committee of Adjustment meeting. 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, Parcel 5887 and 3264 SEC SES, Lot(s) Part 103, Subdivision M-109, Lot Pt 6,
Concession 4, Township of McKim, 323 Eva Avenue, 327 Eva Avenue, Sudbury

for relief from Part 5, Section 5.5, Table 5.5 and Part 6, Section 6.3, Table 6.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the lands to be severed containing a single detached dwelling, subject of a Consent Application, providing firstly, no parking spaces, where a minimum of 1 parking space is required, secondly, a minimum lot frontage of 10.058m, where 12.0m is required, thirdly, a minimum lot depth of 20.737m, where 30.0 is required, and fourthly, a minimum required interior side yard of 1.076m, where 1.2m 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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring

SUBMISSION NO. A0119/2022

August 24, 2022

OWNER(S): DANIELLE MARIER, 2759 Red Deer Lake Road N Wahnapiatae ON P0M 3C0
MATHIEU ROY, 2759 Red Deer Lake Road N Wahnapiatae ON P0M 3C0

AGENT(S): MATHIEU ROY, 2759 Red Deer Lake Road N Wahnapiatae ON P0M 3C0

LOCATION: PIN 73480 0076, Parcel 43827 SEC SES, Survey Plan 53R-7033 Part(s) 5 and 7, Lot Pt 2, Concession 5, Township of Cleland, 2759 Red Deer Lake Road North, Wanup

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 construct a secondary dwelling unit on the subject property providing a separation distance from the primary residential dwelling on the lands, no frontage onto an assumed road and lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Engineering, August 19, 2022

No objection.

CGS: Infrastructure Capital Planning Services, August 17, 2022

Roads
No concerns.

Transportation and Innovation Support/ Active Transportation
No concerns.

CGS: Building Services Section, August 17, 2022

No concerns.

CGS: Site Plan Control, August 17, 2022

No objection.

CGS: Development Approvals Section, August 16, 2022

The variances being sought would facilitate construction of a secondary dwelling unit on the subject lands having water frontage on Red Deer Lake in Wahnapiatae. The lands have access to Red Deer Lake Road via a private road (i.e., Unnamed Private Road #206). The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff would advise that there is no demonstrated need from a good land use planning perspective for increasing the maximum distance separation between the primary residential dwelling and the proposed secondary dwelling unit from 30 m (98.43 ft) to 65 m (213.25 ft). Staff has reviewed aerial photography and would note that there is an existing driveway providing access to the single-detached dwelling and accessory buildings on the lands. There appears to be sufficient area in and around the existing buildings and driveway to locate a secondary dwelling unit without requiring a variance to increase the maximum distance separation development standard. Staff would also note that Section 2.3.6(5) of the City's Official Plan includes a policy direction that secondary dwelling units are to be connected to the service lines of the primary residential dwelling.

Staff notes at an increased maximum separation distance the likelihood or desire to sharing services between the primary residential dwelling and secondary dwelling unit diminishes. Staff has no concerns with the variances related to recognizing that the existing lot does not have access to an assumed road and therefore has zero frontage on Red Deer Lake Road North. The owner may opt to defer the application in order to consider the relocation of the proposed secondary dwelling unit in compliance with the maximum separation distance established under Section 4.2.10.3 c) ii) of the City's Zoning By-law. If the owner were to advise Committee at the public hearing that compliance will be provided as it relates to the maximum separation distance, then staff would advise that a decision could proceed however a condition of approval would be necessary that an updated sketch be provided. Staff recommends that the application be denied as it is not minor, not appropriate development for the area and the intent of the Official Plan and Zoning By-law is not maintained.

Greater Sudbury Hydro Inc., August 16, 2022

No objections, falls outside our territory.

The Nickel District Conservation Authority, August 15, 2022

The subject property is located outside of the jurisdiction of Conservation Sudbury. We have no comment on Minor Variance A0119/2022.

The applicants appeared before Committee and provided a summary of the application. Committee Member Dumont asked the applicants if they reviewed the comments and the applicants confirmed that they had. Committee Member Dumont asked that applicants if they were aware of the recommendation from staff and the applicants confirmed that they were and had replied to the comments. Committee Member Dumont asked the applicants if there were any changes being proposed based on the recommendation and the applicants advised that they still wished to seek the same variance. Committee Chair Chartrand asked Committee if anyone did not receive the applicant's response to the comments and Committee had no comment. Committee Chair Chartrand asked the applicants if the barn was remaining, and the applicants confirmed that all the outbuildings were remaining. Committee Chair Chartrand asked the applicants if they considered moving the secondary dwelling closer to the main dwelling and the applicants explained that due to the location of the septic and the garden there was no room to move it closer. Committee Chair Chartrand asked the applicants if they considered moving the secondary dwelling closer to the barn and the applicants explained that the property starts to drop in grade in that area then rises back up near the barn and that they were concerned that any fill would cause water to pool at the barn. Committee Chair Chartrand requested staff to explain the intent of the separation distance for a secondary dwelling unit and staff explained the intent of the policy. Committee Chair Chartrand explained to the applicants that the recommendation was to deny the application and asked the applicants if they were open to a deferral to work with staff to address concerns and the applicants advised Committee that they would like a decision. The applicants explained that the secondary dwelling would be sharing the same water as the primary residence, but the secondary dwelling would need a new service for power. Committee Chair Chartrand expressed support for staff's recommendation. Committee Member Dumont expressed support for staff's recommendation. Committee Chair Chartrand expressed understanding for what the applicants were proposing but explained Committee's scope and the tests of a minor variance, specifically that the variance respects the intent of the By-law, and that he does not believe the relief being sought met that test. Committee Member Castanza requested the applicants to clarify where the septic system was being proposed and the applicants clarified their comments. Committee Member Castanza asked the applicants if they would consider a deferral. The applicants explained their understanding of the 30.0m rule and that its intent is to share services and further explained that their hydro and septic are not big enough to share. Committee Member Castanza reiterated the applicant's comments to confirm her understanding that the hydro was going to be separate from the main dwelling, but the septic was going to be shared. The applicants explained that the septic would also be separate as their current septic system was not big enough to accommodate both dwellings, but the water would be shared. Committee Member Castanza asked the applicants again if they wanted a decision. The applicants explained that they want to share the road and have their own space but if they couldn't get the variance then there was no other location where the secondary dwelling could be located as they have several outbuildings and are not willing to relocate any of the gardens. The applicants asked if their only option was to sever the lot and put a driveway across their property and explained that their intent was not to do that as they have a well treed lot. Committee Member Castanza explained to the applicants that they may want to consider a deferral so they can reconsider their proposal. The applicants explained that if they couldn't have the separation distance that they were seeking then they would have to look at alternative housing for their parent or splitting the lot. Committee Chair Chartrand stated that based on the statements from the applicants, they did not seem interested in a deferral. Committee Chair Chartrand asked staff if there were other alternatives available to the applicants and if a severance was an option. Staff provided different scenarios to the development proposal that the applicants could explore, including compliance with the separation distance. Staff explained that a severance could be explored but that there is uncertainty that the lot would meet the rural lot creation policies and that it would most likely have to be a waterfront lot with easements to access.

Staff advised that if the application was deferred the onus was on the applicants to consider comments expressed by departments, agencies, and Committee during the hearing, but staff was willing to work with the applicants to explore other options. Committee Chair Chartrand asked the applicants if they were willing to reduce the separation distance and the applicants advised that they would only be able to reduce the distance by 7 or 8 metres which they feel wasn't a significant change. Committee Member Castanza expressed support for staff's recommendation. Committee Member Dumont explained to the applicants that there are options available and suggested that they seek a professional Planner in the private sector to help them. Committee Chair Chartrand again expressed understanding with what the applicants were attempting to do but the current proposal did not meet the intent of the By-law.

The following decision was reached:

DECISION:

THAT the application by:

DANIELLE MARIER AND MATHIEU ROY
the owner(s) of PIN 73480 0076, Parcel 43827 SEC SES, Survey Plan 53R-7033 Part(s) 5 and 7, Lot Pt 2, Concession 5, Township of Cleland, 2759 Red Deer Lake Road North, Wanup

for relief from Part 4, Section 4.2, subsection 4.2.10.3 c) ii), Section 4.3 and 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, in order to facilitate the construction of a secondary dwelling unit providing, firstly, a maximum separation distance of 65.0m from the primary residential dwelling, whereas a maximum separation distance of 30.0m from the primary residential dwelling is permitted, secondly, no frontage onto an assumed road, whereas no person shall erect any building on any lot that does not have frontage on an assumed road, and thirdly, a minimum lot frontage of 0.0m, where 90.0m 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 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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring

SUBMISSION NO. A0120/2022

August 24, 2022

OWNER(S): CENTRE ICE DEVELOPMENTS INC., sohailrouhani@gmail.com

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

LOCATION: PIN 02127 0456, Survey Plan 53R-13807 Part(s) 1, Lot(s) 2, 3, 4, and 5, Subdivision M-152, Lot Pt 5, Concession 5, Township of McKim, 189 Paul Street, Sudbury

SUMMARY

Zoning: The property is zoned C3 (Limited General Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a commercial complex with a restaurant, office and retail space on the subject property providing refuse storage area, landscaped open space and parking ratio at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Building Services Section, August 23, 2022

REVISED
No concerns.

CGS: Development Engineering, August 19, 2022

No objection.

CGS: Building Services Section, August 19, 2022

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

- 1) Provide updated calculations & site plan to demonstrate the intent of the requested parking relief.
- 2) The requested relief for 1.5m wide landscaped open space adjacent the full length of the lot line abutting Paul Street is not clearly shown. Provide updated site plan with requested relief.

CGS: Infrastructure Capital Planning Services, August 17, 2022

Roads
No concerns.

Transportation and Innovation Support/ Active Transportation
No concerns.

CGS: Site Plan Control, August 17, 2022

A site plan control application was received on June 8, 2022. The minor variances being sought are consistent with the City's comments provided as part of the site plan application.

CGS: Development Approvals Section, August 16, 2022

The variances being sought would facilitate construction of a commercial development containing a restaurant, office and retail stores having frontage on Notre Dame Avenue in Sudbury. The lands are designated Mixed Use Commercial in the City's Official Plan and zoned "C3", Limited General Commercial under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The lands are irregularly shaped and have frontage and therefore three exterior yards along Paul Street, Notre Dame Avenue and Cambrian Heights Drive. Staff further notes that the proposed drive-through facility for the restaurant would be situated at the rear of the building which is the only interior yard on the lands. Staff is of the opinion that there is a demonstrated need for some degree of relief from the refuse storage area provisions under Section 4.2.9 of the City's Zoning By-law. Staff therefore has no concerns with the refuse storage area variance. Staff notes that the landscaped open space width along Paul Street would be reduced to 1.5 m (4.92 ft) where land is proposed to be transferred to the municipality for the purposes of providing a turnaround for municipal vehicles (e.g., snowplow). It is noted however that the landscaped open space would appear to comply along the remaining portion of the street line along Paul Street where lands are not required by the municipality for a turnaround. Staff has no concerns with the parking space variance. Staff notes that there is an active site plan control application (File # S.P.C.A. 2022-010) that has not yet proceeded to a second submission based on agency and department comments that were provided to the applicant in response to their initial submission. Staff notes that further minor variances could be identified and/or re-applications triggered as the site plan control application proceeds toward a second submission and eventually a site plan control agreement. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Greater Sudbury Hydro Inc., August 16, 2022

No conflict.

The Nickel District Conservation Authority, August 15, 2022

Conservation Sudbury does not object to Minor Variance A0120/2022. The subject property contains regulated area; however Conservation Sudbury has no objections to the Minor Variance application.

The applicant's agent, Kevin Jarus of Tulloch Engineering, appeared before Committee and provided a summary of the application. Committee Chair Chartrand asked staff if they could clarify Building Services' first set of comments and staff clarified the comments. Committee Chair Chartrand asked staff to confirm that Committee wouldn't be making a decision prematurely since the development proposal was also subject to site plan control and staff suggested that the question be directed to the agent. The agent advised Committee that they were comfortable moving forward with a decision. Committee Chair Chartrand asked the agent to confirm where the menu board would be as the revised site plan did not show it and the agent clarified where it would be located. Committee Chair Chartrand asked staff to confirm where the queuing lane would begin, and staff clarified where it would begin and that the proposed queuing lane was in compliance with the By-law.

The following decision was reached:

DECISION:

THAT the application by:

CENTRE ICE DEVELOPMENTS INC.

the owner(s) of PIN 02127 0456, Survey Plan 53R-13807 Part(s) 1, Lot(s) 2, 3, 4, and 5, Subdivision M-152, Lot Pt 5, Concession 5, Township of McKim, 189 Paul Street, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.9 b) and Section 4.15, subsection 4.15.1 e) and Part 5, Section 5.3, Table 5.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a commercial complex with a restaurant, office and retail space, firstly, to permit the refuse storage area to be located in the rear yard, where refuse storage areas shall be located in the interior yard only, secondly, to permit a 1.5m wide landscaped open space adjacent to the full length of the lot line abutting Paul Street, where a 3.0m wide landscaped area adjacent to the full length of the lot line shall be required abutting all public roads having a width greater than 10.0m, and thirdly, providing a reduced minimum parking space ratio for business offices of 1/40.0m², where 1/30.0m² 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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0121/2022

August 24, 2022

OWNER(S): ASHLEY BEAUSOLEIL, 3470 Bancroft Drive Sudbury ON P3B 4J7
TREVOR BEAUSOLEIL, 3470 Bancroft Drive Sudbury ON P3B 4J7

AGENT(S):

LOCATION: PIN 73560 0853, Parcel 22326 SEC SES, Lot Pt 7, Concession 3, Township of Neelon, 3470 Bancroft Drive, Sudbury

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 construction of a detached garage on the subject property providing a minimum required front yard setback and second driveway at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Engineering, August 19, 2022

No objection.

CGS: Infrastructure Capital Planning Services, August 17, 2022

Roads
No concerns.

Transportation and Innovation Support/ Active Transportation
No concerns.

CGS: Building Services Section, August 17, 2022

No concerns.

CGS: Site Plan Control, August 17, 2022

No objection.

CGS: Development Approvals Section, August 16, 2022

The variances being sought would facilitate construction of a detached garage in the front yard of the subject lands that have frontage on Bancroft Drive in Sudbury. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has no concerns with the reduced front yard setback of 4 m (13.12 ft) whereas 10 m (32.81 ft) is required given the sloping topography that exists on the lands. Staff has also reviewed aerial photography and notes that the second driveway entrance onto Bancroft Drive has existed for more than four decades (i.e., 1980). Staff would therefore note that the second driveway entrance may be legal non-complying however it is unclear exactly when construction took place. Staff does not however have any concerns with respect to recognizing the driveway entrance as there have been no observed negative land use planning impacts on abutting lands between the time it was installed to present day. Staff would also note that utilizing the existing driveway to the west is not feasible as it would require vehicles to drive across the existing private septic system located in the front yard. There also appears to be a large tree that would need to be removed.

Staff also acknowledges that there would not appear to be a reasonable opportunity to expand the existing driveway around the rear of the residential dwelling as there is a both a sloping topography and an existing deck and patio area at the side of the residential dwelling where the driveway would need to be extended. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Greater Sudbury Hydro Inc., August 16, 2022

No conflict.

The Nickel District Conservation Authority, August 15, 2022

Conservation Sudbury does not object to Minor Variance A0121/2022. The subject property contains regulated area; however Conservation Sudbury has no objections to the location of the detached garage. Please see note on map regarding future development.

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

The following decision was reached:

DECISION:

THAT the application by:

ASHLEY BEAUSOLEIL AND TREVOR BEAUSOLEIL
the owner(s) of PIN 73560 0853, Parcel 22326 SEC SES, Lot Pt 7, Concession 3, Township of Neelon, 3470 Bancroft Drive, Sudbury

for relief from Part 5, Section 5.4, subsection 5.4.2 c) and 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, in order to facilitate the construction of an accessory building in the form of a detached garage, firstly, providing a minimum required front yard setback of 4.0m, where 10.0m is required, and secondly, to permit two driveways, where only one driveway is permitted per lot for residential dwelling units, 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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0091/2022

August 24, 2022

OWNER(S): MARNI KONTTURI-MORAN, 591 Bentinck Drive Corunna ON N0N 1G0
DAVE KONTTURI, 591 Bentinck Drive Corunna ON N0N 1G0

AGENT(S): CHRIS KETOLA, 18 Agnes St Lively ON P3Y 1E2

LOCATION: PIN 73374 0004, Parcel 8400 SEC SWS, Lot(s) 20, Subdivision M-585, Lot Pt 5, Concession 2, Township of Waters, 45 Makada Drive, Lively

SUMMARY

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

Application: Approval to construct a single detached dwelling and covered porch and convert an existing seasonal dwelling to a boathouse on the subject property providing eaves, front yard setback, high water mark setback, shoreline structures and shoreline buffer at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Site Plan Control, August 17, 2022

REVISED
No objection.

CGS: Infrastructure Capital Planning Services, August 17, 2022

REVISED
Roads
No concerns.

Transportation and Innovation Support/ Active Transportation
Based on the supporting documentation it is unclear where the proposed parking spaces are going to be located. It appears the proximity of the proposed house to the City right of way does not provide enough room for front yard parking.

CGS: Building Services Section, August 17, 2022

REVISED
No concerns.

CGS: Development Approvals Section, August 16, 2022

REVISED
This application was previously deferred in order to afford the owners the opportunity to address those comments received by agencies and departments. Staff understands that the owner has since amended their application and are now proposing that the existing seasonal dwelling be converted to a boathouse which is a permitted accessory building along the shoreline of a residential lot under Section 4.41.2 of the City's Zoning By-law. Staff has previously noted the sloping topography that exists on the lands and continue to be of the opinion that some degree of relief is appropriate in this particular shoreline context.

Staff notes that the conversion of the existing seasonal dwelling to a boathouse must be completed in order to prevent two residential dwellings being situated on the same residential shoreline lot. 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 subject to the following condition:

1. That the owner apply and receive approval for a building permit to convert the existing seasonal dwelling to a boathouse within one year of the variance decision and to the satisfaction of the Chief Building Official and Director of Planning Services.

Greater Sudbury Hydro Inc., August 16, 2022

REVISED

No objections. Falls outside our territory.

The Nickel District Conservation Authority, August 15, 2022

REVISED

Conservation Sudbury does not object to Minor Variance A0091/2022. Any future development within the regulated will require permission from Conservation Sudbury.

CGS: Infrastructure Capital Planning Services, July 12, 2022

Roads

No concerns.

Transportation and Innovation Support / Active Transportation

Based on the supporting documentation it is unclear where the required parking for the property will be located. It appears the proximity of the proposed house to the City's Road allowance does not provide enough room for front yard parking.

The Nickel District Conservation Authority, July 07, 2022

Conservation Sudbury does not object to Minor Variance A0091/2022. However, the proponent should be advised that questions regarding slope stability and the foundation design must be addressed before Conservation Sudbury will support the building permit.

The site plan provided with the minor variance is slightly different from the one received with the building permit. It is the understanding that consistency between the proposed minor variance and the proposed building permit is being reviewed by the Building Department and therefore will not be commenting on same.

Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist onsite that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, and steep slopes (3H:1V).

CGS: Building Services Section, July 07, 2022

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

1) With respect to relief requested for the existing camp, minor variances will not be required as the location of the camp is existing.

The Strategic and Environmental Planning Section is not opposed to this application based on the following reasons:

1. The maximum allowable cleared area in the Shoreline Buffer Area will not be exceeded.
2. The maximum allowable length of the cleared area in the Shoreline Buffer Area measured at the high water mark is 23 metres or 25%, whichever is less, as per Section 4.41.3 of the Zoning Bylaw. The length of the existing cleared area within the Shoreline Buffer Area does not currently appear to exceed this maximum (50% versus 25% allowable). Much of the clearance that has occurred and that is proposed is at the upslope limit of the Shoreline Buffer Area, which reduces negative environmental effects to the lake ecosystem.

Notwithstanding the above, the following measures are recommended to reduce negative environmental effects related to this application:

1. The Shoreline Buffer Area is currently covered mostly with multi-layered vegetation (trees, shrubs, and ground flora) of native plants, which represents excellent shoreline stewardship. Great care should be taken to minimize removal and damage to existing trees and shrubs during the construction of the proposed new building and covered porch.
2. The existing accessory structure should be removed and its footprint naturalized using native trees and shrubs. Doing so will increase the effectiveness of the Shoreline Buffer Area on this relatively narrow and steep lot.
3. A high performance and rigorously maintained septic system should be constructed for the property given the site's topographic challenges and the septic system's closer proximity to the lake than the 30-meter minimum.

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 confirmed the presence of cyanobacterial blooms in Makada Lake in 2012 and 2015.

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).

CGS: Development Approvals Section, July 04, 2022

The variances being sought would facilitate the construction of a single-detached dwelling and the conversion of an existing seasonal dwelling to an accessory building on the subject lands that have frontage on Makada Drive in Lively. The lands also have water frontage on Makada Lake. The lands are designated Rural in the City's Official Plan and zoned "R1-1", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands are bisected by Makada Drive which a public road maintained by the municipality. The lands are naturally severed and the westerly lot therefore maintains a legal non-complying lot area of approximately 2,290 m² (24,649.35 ft²) whereas a minimum lot area of 4,000 m² (43,055.64 ft²) is required in the "R1-1" Zone. There is also a significant change in topography between the traveled portion of Makada Drive and the shoreline of Makada Lake. Staff acknowledges that some degree of relief is appropriate in this particular context however staff is unable at this time to support the further and resulting overall disturbance that would result within the shoreline setback and buffer area should the variances be approved. The owner is also cautioned that under Section 4.41.2 of the City's Zoning By-law the construction of leaching bed closer may not be any closer than 30 m (98.43 ft) from the high water mark of a lake. The existing private septic system is not depicted on the submitted sketch and a further minor variance may therefore be required. Staff recommends that the application be deferred in order to afford the owner the opportunity to address those comments received from circulated agencies and departments.

CGS: Site Plan Control, June 30, 2022

No concerns.

CGS: Development Engineering, June 29, 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.

July 13, 2022:

The owner and his agent appeared before the Committee and briefly described the application. The agent noted that the single-detached dwelling is proposed to be situated on the only reasonable place where construction could take place. The owner noted that the lands have been owned within their family for more than nine decades. Chair Chartrand noted that comments from the City's Development Approvals Section stated that a further minor variance might be required for the location of the private septic system. The owner and agent noted that appropriate approvals had already been approved from the Sudbury and District Health Unit (SDHU). Staff noted to the Committee that the SDHU approval focuses on the suitability of the private septic system for the proposed buildings and would not have necessarily screened the location of the private septic system against municipal zoning by-law requirements. Staff added that the entirety of the private septic system would need to be contained within the rectangle indicated as being such on the submitted sketch in order to comply with the City's Zoning By-law requirements for setbacks from a lake for a private septic system. The agent advised Committee that they are confident that no setback issues would result and that the private septic system would maintain setbacks to the high water mark of Makada Lake that comply with the City's Zoning By-law. Committee Member Castanza asked if the Committee could proceed with a decision on the basis that the owner and agent have confirmed that the private septic system would comply with zoning by-law requirements. Chair Chartrand noted that there appeared to be other concerns from the Development Approvals Section and asked staff to further clarify the deferral recommendation. Staff noted that there are other concerns with respect to the development proposal from both Development Approvals and Environmental Planning Initiatives. The owner and agent expressed a willingness to work with staff in terms of addressing concerns.

August 24, 2022:

The applicant's agent, Chris Ketola of Finmark, appeared before Committee and provided a summary of the application. An email of concern was received from Neil Phipps of 54 Makada Drive expressing concerns with the front yard setback, the shoreline setback, and the parking for the construction vehicles during construction. Committee Chair Chartrand, referring to Transportation and Innovation's comments, asked the agent where the parking was proposed. The agent advised that there is room for parking on one side of the house as well as across the road which is also owned by the applicants. Committee Chair Chartrand requested staff to comment on the parking and staff advised that a parking spot was not depicted on the sketch and therefore it would be difficult to comment but Committee could take comfort with the agent's explanation and, that if parking did not comply then a further variance would be required. Committee Chair Chartrand asked the agent if they were aware of the condition being requested and the agent confirmed that they were.

The following decision was reached:

DECISION:

THAT the application by:

MARNI KONTTURI-MORAN AND DAVE KONTTURI
the owner(s) of PIN 73374 0004, Parcel 8400 SEC SWS, Lot(s) 20, Subdivision M-585, Lot Pt 5, Concession 2,
Township of Waters, 45 Makada Drive, Lively

for relief Part 4, Section 4.2, Table 4.1, Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4 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 single detached dwelling with covered porch and conversion of the existing seasonal dwelling into a boathouse, firstly, providing a minimum front yard setback of 1.25m with eaves encroaching 0.6m into the proposed 1.25m front yard setback, where a minimum front yard setback of 6.0m is required and where eaves may encroach 1.2m into the required front yard but not closer than 0.6m to the lot line, secondly, providing a high water mark setback of 17.54m for the single family dwelling, 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 thirdly, for the proposed single detached dwelling to be 17.54m setback from the high water mark of a lake or a river, where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3, be granted, subject to the following condition:

1. That the owners apply and receive approval for a building permit to convert the existing seasonal dwelling to a boathouse within one year of the variance decision and to the satisfaction of the Chief Building Official and Director of Planning Services.

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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0097/2022

August 24, 2022

OWNER(S): JESSICA TANN, 5057 Croatia Road Sudbury ON P3G 1L5
BRADLEY TANN, 5057 Croatia Road Sudbury ON P3G 1L5

AGENT(S): BRADLEY TANN, 5057 Croatia Road Sudbury ON P3G 1L5

LOCATION: PIN 73472 0087, Parcel 34846 SEC SES, Lot(s) 4, Subdivision M-375, Lot Pt 10, Concession 2, Township of Broder, 5057 Croatia Road, Sudbury

SUMMARY

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

Application: Approval 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: Site Plan Control, August 17, 2022

REVISED
No objection.

CGS: Infrastructure Capital Planning Services, August 17, 2022

REVISED
Roads
No concerns.

Transportation and Innovation Support/ Active Transportation
No concerns.

CGS: Building Services Section, August 17, 2022

REVISED
No concerns.

CGS: Development Approvals Section, August 16, 2022

REVISED
This application was previously deferred in order to afford the owners the opportunity to address those comments received by agencies and departments. Staff understands that location of the proposed detached garage has been revised in order to comply with shoreline setback requirements under Section 4.41 of the City's Zoning By-law. Staff has no concerns with the height variance that is being sought in this particular residential context. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Greater Sudbury Hydro Inc., August 16, 2022

REVISED
No conflict.

The Nickel District Conservation Authority, August 15, 2022

REVISED

Conservation Sudbury does not object to Minor Variance A0097/2022. The subject property contains regulated area along the shoreline of Lohi Lake, however Conservation Sudbury has no objections to the location of the detached garage.

CGS: Environmental Planning Initiatives, July 21, 2022

The Strategic and Environmental Planning Section is not opposed to the application for a variance for the garage height but recommends that the proposed garage be moved slightly upslope to ensure that it is farther than 30 metres from the high water mark of the lake. This will remove the need for this variance.

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 Lohi Lake.

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).

CGS: Infrastructure Capital Planning Services, July 21, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Approvals Section, July 21, 2022

The variances being sought would facilitate construction of a detached garage on the subject lands that have frontage on Croatia Road in Sudbury. The lands also have water frontage on Lohi Lake. The lands are designated Rural in the City's Official Plan and zoned "R1-1", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that there appears to be no demonstrated need or land use planning rationale for not complying with the required 30 m (98.43 ft) shoreline setback to the high water mark of Lohi Lake. Staff notes there is an existing driveway access from Croatia Road leading to the proposed detached garage. The area to the south of the proposed detached garage is already cleared and there appears to be sufficient room to shift the detached garage forward 0.74 m (2.43 ft) which would allow for a 30 m (98.43 ft) setback to be provided to the high water mark of Lohi Lake. Staff is therefore unable to support the shoreline setback variance that is being requested. Staff has also reviewed the requested maximum accessory building height variance and in this particular context it is noted that the height variance being requested is not anticipated to generate negative land use planning impacts on abutting residential properties. Staff would caution the owner that the proposed detached garage portion may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also caution the owner that the proposed accessory building may only be used for the purposes of human habitation if legally permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends however that the application be deferred in order to afford the owner the opportunity to address those comments received from agencies and departments.

CGS: Building Services Section, July 20, 2022

No concerns.

Greater Sudbury Hydro Inc., July 20, 2022

If breaking soil surface, locates would be required contact: Ontario One Call 1-800-400-2255.

The Nickel District Conservation Authority, July 20, 2022

Conservation Sudbury does not object to Minor Variance A0097/2022. The subject property has regulated area along the shoreline of Lohi Lake. Detached garage is located sufficiently far away enough from the shoreline. Any future development along the shoreline requires permission from Conservation Sudbury.

CGS: Development Engineering, July 13, 2022

No objection.

CGS: Site Plan Control, July 13, 2022

No concerns.

July 27, 2022:

The applicants appeared before Committee and provided a summary of the application. An email of concern was received and circulated to Committee from Cathy and Randy Wallingford of 5041 Croatia Road expressing concern about the dimensions depicted on the sketch and the location of the proposed detached garage. Committee Member Sawchuk asked the applicants if they reviewed the comments from staff and explained that the comments were not supportive of the location. The applicants explained that they were proposing the location because if they moved it forward, they would have to remove some mature trees to maintain the current driveway width and were reluctant to do that. Committee Chair Chartrand requested staff to show a satellite image of the property and requested the applicants to explain where the trees were. The applicants explained where the trees were located, being on the curve of the driveway in front of the house on the east side. Committee Chair Chartrand asked staff if the explanation alleviated staff's concerns and staff explained that it did not, and further information would be required as there was no demonstrated need for the relief. Committee Chair Chartrand asked the applicants if they wanted a decision on the application or if they would prefer a deferral to address staff's comments. The applicants asked Committee why other properties on their road did not have to meet the same requirements and Committee Chair Chartrand explained Committee's role in relation to minor variance applications as well as the most recent high water mark setback changes. Committee Chair Chartrand requested staff to provide their opinion and staff provided an explanation. The applicants requested a site visit. Committee Chair Chartrand asked the applicants to clarify who they wanted to perform a site visit and the applicants explained that they would like any objectors to do a site visit. Committee Chair Chartrand asked staff to confirm if a site visit was conducted and if there would be any changes to the comments. Staff explained that if the application was deferred then the applicants could provide a plan depicting the location of trees but that would not guarantee support from staff. Staff also advised that it was not staff's role to do site visits to determine hindrances to the development proposal, the applicants would have to provide evidence to staff and staff would review the evidence and supporting documentation. Staff suggested that there may be other ways to ensure compliance with shoreline setbacks and buffer requirements. Committee Chair Chartrand asked the applicants if they understood, and the applicants asked if they moved the location of the garage would they have to reapply. The applicants suggested that they could move the location of the garage to the north interior side lot line. Staff clarified the comments referring to the submitted sketch. The applicants explained that they understood and were suggesting that they move it forward and to the interior side lot line. Committee Chair Chartrand asked staff what the required setback for the interior side lot line and staff advised that it was 1.2m for a detached garage. Committee Chair Chartrand made suggestions to the applicants on what they could do to comply with the 30.0m setback. Committee Chair Chartrand asked staff if the application would require a new circulation and the Secretary-Treasurer advised that the changes being suggested would require a new circulation. Committee Chair Chartrand explained the different options to the applicants. The applicants confirmed that they would like a deferral. Staff expanded on the requirement to recirculate the application. Committee had no further comments or questions.

August 24, 2022:

The applicant, Bradley Tann, appeared before Committee and provided a summary of the application. A letter expressing no concerns was received from Catherin Wallingford of 5041 Croatia Road. Committee had no comments or questions.

The following decision was reached:

DECISION:

THAT the application by:

JESSICA TANN AND BRADLEY TANN

the owner(s) of PIN 73472 0087, Parcel 34846 SEC SES, Lot(s) 4, Subdivision M-375, Lot Pt 10, Concession 2, Township of Broder, 5057 Croatia Road, Sudbury

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 6.4008m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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

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>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring