

SUBMISSION NO. A0001/2023

February 01, 2023

OWNER(S): TRACY GAGNON, 3025 Leo Ave Val Caron ON P3N 1C2

AGENT(S): RENE GAGNON, 1380 Lasalle Blvd Val Caron ON P3N 1C2

LOCATION: PIN 73501 1313, Parcel 40243 SEC SES SRO, Survey Plan 53R-5909 Part(s) 1, Lot(s) Part 1, Subdivision M-389, Lot Part 7, Concession 6, Township of Blezard, 3025 Leo Avenue, Val Caron

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SUMMARY

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

Application: Approval to permit the existing two sheds on the subject property providing front yard setbacks and also, to permit the existing opaque fence height and front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 27, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Strategic and Environmental Planning, January 26, 2023

No conflict.

CGS: Building Services Section, January 25, 2023

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

CGS: Development Approvals Section, January 25, 2023

The variances being sought would recognize the height and location of an existing opaque fence along with the location of two accessory buildings (ie. sheds) on the subject lands at the corner of Leo Avenue and Marie Avenue in Val Caron. 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 attended the lands and is satisfied that the fence is of sufficient distance from the intersection that no sightlines through the intersection would be negatively impacted should the additional fence height be approved. Staff notes there is also a large mature tree at the corner of Leo Avenue and Marie Avenue that is closer to the intersection than the proposed fence having a height of 2.13 (6.99 ft) whereas a maximum height of 1 m (3.28 ft) is permitted within a required front yard. Staff also notes that no portion of the fence is situated within the required sight triangle under Section 4.35 of the City's Zoning By-law. With respect to the sheds, staff notes that the shed which immediately abuts the residential dwelling is partially within the required front yard with the

balance of the shed being situated in compliance with accessory building setbacks on an urban residential lot. The sheds are also each contained within the fenced yard and there appears to be sufficient space to maintain the sheds without generating any negative land use planning impacts on abutting residential properties. 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., January 23, 2023

No conflict - outside of our territory.

The Nickel District Conservation Authority, January 23, 2023

Conservation Sudbury does not object to Minor Variance A0001/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Ministry of Transportation, January 19, 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.

CGS: Development Engineering, January 18, 2023

No objection.

CGS: Site Plan Control, January 18, 2023

No objection.

The Applicant's Agent, Rene Gagnon, appeared before the Committee and provided a summary of the Application. The Applicant explained that due to the property being a corner lot and the proximity to the arena, they have a lot of traffic passing their property and waiting for the lights at the intersection which limits any privacy for their yard. Committee Member Dumont expressed support for Staff's recommendation and advised he had no concerns with respect to this application. Chair Chartrand expressed support for Staff's recommendation and had no concerns with respect to this application.

The following decision was reached:

**DECISION:**

THAT the application by:  
TRACY GAGNON

the owner(s) of PIN 73501 1313, Parcel 40243 SEC SES SRO, Survey Plan 53R-5909 Part(s) 1, Lot(s) Part 1, Subdivision M-389, Lot Part 7, Concession 6, Township of Blezard, 3025 Leo Avenue, Val Caron

for relief from Part 4, Section 4.2, Subsection 4.2.5, 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, firstly, to permit an existing opaque fence 2.13m in height providing a front yard setback of 0.3m, where fences more than 1.0m in height are not permitted in the required front yard and where any portion of a fence above 2.0m in height shall not be opaque; and secondly, to permit two existing sheds providing a front yard setback of 5.68m and 1.96m, where accessory buildings and structures are not permitted within the minimum front yard setback of 6.0m, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0002/2023

February 01, 2023

OWNER(S): SARAH DICKIESON, 275 Birch Street Lively ON P3Y 1M8  
JAMES DICKIESON, 275 Birch Street Lively ON P3Y 1M8

AGENT(S):

LOCATION: PIN 73377 0670, Parcel 23253 SEC SWS SRO, Lot(s) 633, Subdivision M-924, Lot Part 6, Concession 6, Township of Waters, 275 Birch Street, Lively

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### SUMMARY

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

Application: Approval to construct a two-storey addition at the rear of the existing single detached dwelling providing a corner side yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 27, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Strategic and Environmental Planning, January 26, 2023

No conflict.

CGS: Building Services Section, January 25, 2023

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

CGS: Development Approvals Section, January 25, 2023

The variances being sought would facilitate the construct of a two-storey addition to the existing residential dwelling situated on the subject lands that have frontage on Birch Street in Lively. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the existing residential dwelling was constructed in 1952 according to available MPAC data and therefore maintains a legal non-complying front yard and corner side yard setback. Staff further notes that the proposed two-storey addition would not project further into the existing legal non-complying corner side yard setback that exists along Maple Street. The lands also immediately abut a golf course and are situated at the end of Maple Street where any potential negative impacts on the existing urban residential area as well as immediately abutting residential properties is appropriately mitigated. Staff has no concerns with the eaves variance. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Greater Sudbury Hydro Inc., January 23, 2023

No conflict - outside of our territory.

The Nickel District Conservation Authority, January 23, 2023

Conservation Sudbury does not object to Minor Variance A0002/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

Ministry of Transportation, January 19, 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.

CGS: Development Engineering, January 18, 2023

No objection.

CGS: Site Plan Control, January 18, 2023

No objection.

One of the two Applicants, James Dickieson, appeared before the Committee and provided a summary of the Application. Committee Member Castanza stated that it would be advisable to save the existing cedars on the property to preserve the privacy barrier. Committee Member Dumont expressed support for Staff's recommendation and advised he had no concerns with respect to this application. Chair Chartrand expressed support for Staff's recommendation and had no concerns with respect to this application.

The following decision was reached:

**DECISION:**

THAT the application by:

SARAH DICKIESON AND JAMES DICKIESON

the owner(s) of PIN 73377 0670, Parcel 23253 SEC SWS SRO, Lot(s) 633, Subdivision M-924, Lot Part 6, Concession 6, Township of Waters, 275 Birch Street, Lively

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a two-storey addition at the rear of the existing single detached dwelling providing a minimum corner side yard setback of 3.48m with eaves encroaching 0.45m into the proposed 3.48m corner side yard setback, where 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 granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

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

SUBMISSION NO. A0003/2023

February 01, 2023

OWNER(S): DANIELLE GIGNAC, 62 Silverbirch Crescent Sudbury ON P0M 2Y0  
RICHARD LABRANCHE, 62 Silverbirch Crescent Sudbury ON P0M 2Y0

AGENT(S):

LOCATION: PIN 73513 0086, Parcel 12172 SEC SES, Survey Plan 53R-9630 Part(s) 2, Lot(s) Part 35, Subdivision M-137, Lot Part 6, Concession 5, Township of MacLennan, 62 Silverbirch Crescent, Skead

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### SUMMARY

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

**Application:** Approval to construct multiple additions on the front and rear of the existing single detached dwelling on the subject property including covered decks, a mud room and attached garage providing no frontage onto an assumed road, setbacks from the high water mark and shoreline buffer, and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, January 27, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Strategic and Environmental Planning, January 26, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 62 Silverbirch Crescent in Skead. 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.

After reviewing the proposed development SEP staff do not oppose the application for the following reasons:

1. The proposed extension of the deck does not represent a further reduction of the setback; and,
2. The proposed eave is for the existing deck and does not represent a further disturbance to the shoreline.

The proponent is advised that SEP would not support the enclosure of the eaves to create habitable space.

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 276m<sup>2</sup>.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant 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: Building Services Section, January 25, 2023

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

- 1) There are several sheds on the property that appear to be over 15m<sup>2</sup>. A building permit is required for any shed greater than 15m<sup>2</sup>. Sheds are not permitted within the 30m shoreline buffer regardless of size unless they have legal non-complying status; additional minor variances may be required if building permits are required. Please contact Building Services if a building permit is required.

However, Owner to be advised of the following comments:

- 2) The current deck appears to have been built without the benefit of a building permit. Decks 0.6m or higher in height from finished grade to top of floorboards at any point requires a building permit. Decks attached to a dwelling require a building permit regardless of height.

3) A Building Permit is required for the proposed construction to the satisfaction of the Chief Building Official.

CGS: Development Approvals Section, January 25, 2023

The variances being sought would facilitate construction of multiple additions to an existing residential dwelling on the subject lands that have water frontage on Lake Wahnapiatae in Skead. The lands are designated Living Area 2 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 existing residential dwelling was constructed in 1955 according to available MPAC data. Staff is supportive of the variances being requested on the basis that the development proposal largely amounts to the demolition and reconstruction of existing buildings and structures with minimal "rounding out" of said existing buildings and structures. Staff has also reviewed aerial photography dating back to the late-1970s to 1990s and notes that the existing shoreline buffer area appears to have been cleared in or around this period of time. Staff notes however that the variances being sought do not prevent the future re-naturalization of the shoreline buffer area. Staff also has no concerns with the proposed mudroom and attached garage additions as both appear to be situated entirely outside of the shoreline setback and shoreline buffer area. Staff notes that Building Services has noted in their comments that several sheds appear to exist within the 30 m (98.43 ft) shoreline setback whereas sheds are not permitted within a required shoreline setback. These sheds may be legal non-complying, however if they are not legal non-complying than additional minor variances would appear to be required. Staff would caution the owner that a deferral might be preferable in order to avoid a future minor variance application at additional cost should the sheds also require relief from applicable shoreline setback zoning provisions. Staff also notes that a building permit application appears to be required for the deck. 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 for a building permit if required for the existing deck to the satisfaction of the Chief Building Official within 120 days of the variance decision.

Greater Sudbury Hydro Inc., January 23, 2023

No conflict - outside of our territory.

The Nickel District Conservation Authority, January 23, 2023

Conservation Sudbury does not oppose Minor Variance A0003/2023.

#### Notes

Please be advised that Conservation Sudbury regulates development along Lake Wanapitei in the following locations:

- To the geodetic elevation of 269.15m above sea level, plus an additional 15m inland.
- Any slopes steeper than 3:1 (horizontal:vertical), and setbacks from these (a horizontal distance equal to 3 times the height of the slope, plus an additional 15m).

The proposed development appears to be outside of these hazards, but any future development along the shoreline or within these hazards requires permission from Conservation Sudbury. Development includes the construction of new structures, the addition to existing structures, placement or removal of fill, site grading or alteration to a watercourse. Any permit issued may include conditions of development and permits are not guaranteed.

Conservation Sudbury notes that we do not have records for an approval under the Conservation Authorities Act for the shed or sauna. We cannot confirm that these structures are in conformance with the regulation, and therefore may be susceptible to damages from erosion or floodwaters.

Ministry of Transportation, January 19, 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.

CGS: Development Engineering, January 18, 2023

No objection.

CGS: Site Plan Control, January 18, 2023

No objection.

One of the two Applicants, Richard Labranche, appeared before the Committee and provided a summary of the Application. The Applicant explained that they had multiple reasons, financial and health, for not being able to commence the construction of the additions earlier. Committee Member Dumont expressed support for the relief requested but did want to bring the owner's attention to the condition that is being recommended to be imposed and the timeline to clear the condition to apply for a building permit for the existing deck. Chair Chartrand asked if the Applicant understood the condition. The Applicant advised that the deck was there when they purchased the property and asked for clarification. Committee Member Dumont clarified the meaning of the condition and requested building permit. Committee Member Dumont expressed support for a deferral of this application. Chair Chartrand sought clarification from the Applicant with respect to the structures in the 30m high water mark setback and that Building Services' comments indicated minor variances may be required. The Applicant sought clarification as to when the shoreline buffer area was increased to 20m. Staff explained when the 20m came into effect and possibility of legal non-complying status. Discussions between Staff, Committee and the Applicant ensued with respect to the possibility of deferral and the process surrounding a deferral, as well as proceeding to a decision with the possibility of having to apply for further variances which would require additional fees. The timeline for deferral to the March 3, 2023 agenda was discussed as possibly not being enough time to obtain an opinion as to legal non-complying status of the sheds. Staff recommended posing the question to the Applicant as to whether the sheds were existing prior to 2010 as the requirements would have been different. Staff and Committee discussed the possibility of proceeding to decision with further variances being determined at a later date. Chair Chartrand advised the Applicant that he did not believe the Committee had any concerns to the relief being sought in this application but as discussed there would be the deferral fee or new application fee and requested the Applicant's thoughts on how he wished to proceed. Staff advised that deferring and needing to recirculate if the sheds are deemed to not be legal non-complying which could potentially change how the application is viewed as a whole with the shoreline structures as opposed to just addressing the house that the owner is seeking an addition to. Committee Member Dumont expressed a change in opinion and stated that he would support making a decision with the condition in place so that the owner could continue down the path to meet the construction timelines desired and have the owner deal with the requirements for the sheds separately. The Applicant had concerns regarding deferral and additional fees. The definition of boathouse was discussed. It was recommended that the structures at the water should be discussed with Staff outside of the meeting in order to sort it out. The Applicant confirmed that he was agreeable to proceed with a decision. Committee Member Dumont expressed advice to the owner to read over the comments and to contact Staff and the Chief Building Official with respect to the condition within the decision in order to comply with the timeline contained therein. Committee Member Castanza sought clarification with respect to the proposed resolution. Staff expressed support for the path the Applicant has decided upon.

The following decision was reached:

DECISION:

THAT the application by:

DANIELLE GIGNAC AND RICHARD LABRANCHE

the owner(s) of PIN 73513 0086, Parcel 12172 SEC SES, Survey Plan 53R-9630 Part(s) 2, Lot(s) Part 35, Subdivision M-137, Lot Part 6, Concession 5, Township of MacLennan, 62 Silverbirch Crescent, Skead

for relief from Part 4, Section 4.3 and Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of multiple additions on the front and rear of the existing single detached dwelling including covered decks, a mud room and attached garage providing, firstly, 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, secondly, a 17.738m setback from the high water mark of a lake or river, where no person shall erect any residential building closer than 30.0m to the high water mark of a lake or a river, and thirdly, to be 17.738m 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 owner apply for a building permit if required for the existing deck to the satisfaction of the Chief Building Official within 120 days of the variance decision.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

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