

SUBMISSION NO. A0006/2024

February 15, 2024

OWNER(S): CAROLE FRAPPIER, 2403 Navanod Road Sudbury ON P3B 1A4  
MICHAEL MCDOWELL, 2403 Navanod Road, Sudbury ON P3B 1A4

AGENT(S): ADRIAN BORTOLUSSI, 144 Elm Street, Sudbury ON P3C 1T7

LOCATION: PIN 73576 0041, Parcel 46521 SEC SES, Survey Plan 53R-9959 Part(s) 1, 2, and 3, Lot Part 10, Concession 3, Township of Neelon, 2403 Navanod Road, Sudbury

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### SUMMARY

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

Application: Approval to enclose a portion of the existing deck on the subject property providing a high water mark setback and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, February 08, 2024

The purpose and effect of the application is to permit the enclosure of a 6 m<sup>2</sup> portion of an existing covered deck with the following variances:

1. a setback of 11.9 m from the high water mark, whereas a 30 m setback is required for residential buildings; and
2. a residential dwelling within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area (20 m from high water mark) up to a maximum of 25% lot coverage not exceeding 276 m<sup>2</sup>.

The subject lands contain a single detached dwelling and a covered deck. The subject lands are designated 'Living Area 1' within the City of Greater Sudbury Official Plan, are zoned 'Low Density Residential One (R1-5)' within the City of Greater Sudbury Zoning By-law, are located within the 'Ramsey Lake Intake Protection (IPZ 3) Zone 3' within the Source Water Protection Plan, and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are residential in nature. It is noted that no outward expansion of the existing deck is proposed. The portion of the existing deck that is being enclosed will not be located any closer to the high water mark than the existing covered deck. Staff is of the opinion that the variances are minor in nature, are an appropriate use of the land, and meets the intent of the Zoning By-law and Official Plan. It is recommended that the application be granted.

Source Water Protection Plan, February 07, 2024

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

CGS: Building Services Section, February 07, 2024

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

- 1) We acknowledge an associated building permit (BP-NEW-2023-00534) for the proposed addition to enclose a portion of the 2nd storey deck. A review of the plot plan provided with the building permit compared to the plot plan provided with this minor variance application, indicates a discrepancy of

information. We note the plot plan submitted with the associated building permit reflects a setback from the highwater mark of 15.46m whereas the plot plan provided for the minor variance application reflects a setback from the highwater mark of 11.90m. Based on our research and calculations, it appears the relief requested of 11.90 m is accurate. We note however, to ensure accuracy of information for the related building permit, Applicant/Owner to provide an updated plot plan to Building Services for the related building permit.

Owner/Applicant to also be advised of the following comments:

1) A search of our records indicates incomplete permits for the subject property (B18-1320 – retaining wall within highwater mark). Owner to contact Building Services to discuss the outstanding permits.

Greater Sudbury Hydro Inc., February 06, 2024

No conflict.

Ministry of Transportation, February 06, 2024

We have determined the subject lands are not within MTO's permit control area, therefore, MTO has no comments to provide.

The Nickel District Conservation Authority, February 06, 2024

Conservation Sudbury does not oppose Minor Variance A0006/2024. Subject property contains a flood and erosion hazard regulated by Conservation Sudbury. Any future development between the house and shoreline will require a permit from Conservation Sudbury.

#### Notes

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

CGS: Strategic and Environmental Planning, February 02, 2024

Staff of the City's Strategic and Environmental Planning Section are not opposed to the approval of this Minor Variance as the proposed enclosure of the portion of the existing deck 1) is relatively small, 2) is no closer to the lake than the existing structures, and 3) is not an addition to the existing dwelling.

The following advice is provided for informational purposes only:

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

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

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff nutrients and holding soil in place. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the lot. Imported soil can introduce considerable quantities of phosphorus.

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

1. A natural vegetated buffer of at least 20 metres (the wider the better) from the high-water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. Cleared areas are allowed up to 276 square meters.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake or river 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 or river. 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 or river as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

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

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

CGS: Site Plan Control, February 01, 2024

No objection.

CGS: Infrastructure Capital Planning Services, February 01, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Engineering, January 31, 2024

No objection.

The applicant's agent, Adrian Bortolussi, appeared before Committee and provided a summary of the application. A letter of concern was received from the Ramsey Lake Stewardship Committee expressing concerns with respect to the relief being sought. Committee confirmed receipt of the letter. Committee Chair Dumont asked staff if a condition should be imposed to require a new plot plan submission to Building Services and staff advised that they would have no concerns. Committee Member Goswell put forward a motion to add a condition for the submission of a revised plot plan to Chief Building Official within 30 days of the decision and Committee Member Sawchuk seconded the motion. The motion was supported and carried.

The following decision was reached:

**DECISION:**

THAT the application by:

CAROLE FRAPPIER AND MICHAEL MCDOWELL

the owner(s) of PIN 73576 0041, Parcel 46521 SEC SES, Survey Plan 53R-9959 Part(s) 1, 2, and 3, Lot Part 10, Concession 3, Township of Neelon, 2403 Navanod Road, Sudbury

for relief from Part 4, Section 4.41, subsections 4.41.2 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 enclosure of a portion of the existing deck providing, firstly, a high water mark setback of 11.9m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, and secondly, to permit the portion of enclosed deck to be 11.9m setback from the high water mark of a lake, 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 approved, subject to the following condition:

1. That the owners submit an updated plot plan to the satisfaction of the Chief Building Official within 30 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 Buildings. 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.

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

SUBMISSION NO. A0007/2024

February 15, 2024

OWNER(S): KIMBERLY DEAN, 6179 Lohi Lake Road Sudbury ON P3G 1L3  
DONALD DEAN, 6179 Lohi Lake Road Sudbury ON P3G 1L3

AGENT(S): KIMBERLY DEAN, 6179 Lohi Lake Road Sudbury ON P3G 1L3

LOCATION: PIN 73472 0119, Parcel 27859 SEC SES, Survey Plan 53R-21437 Part(s) 2, Lot Part 9, Concession 2,  
Township of Broder, 6179 Tilton Lake Road, Sudbury

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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 permit a detached garage on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, February 08, 2024

The purpose and effect of the application is to recognize an existing detached garage with a height of 7.5 m, whereas the maximum height permitted for accessory buildings is 5 m. The subject lands contain a single detached dwelling and five accessory buildings. The subject lands appear to have access through a driveway located across 6159 Lohi Lake Road connecting to Lohi Lake Road. Staff would recommend that a legal access easement be established if not already existing. The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan, are zoned 'Low Density Residential One (R1-1)' within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are residential in nature. It is noted that due to the proposed location of the structure and the natural vegetative character of the area the building will not be visible from Lohi Lake Road, and there will be a visual buffer between the building and neighbouring properties. Staff does not anticipate negative impacts to surrounding land uses as a result of the variance. Staff is of the opinion that the requested variance is minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the variance be granted.

CGS: Building Services Section, February 07, 2024

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

However, Owner/Applicant is to be advised of the following comments:

1) We acknowledge an associated building permit (07-1422) for alterations to the existing single family dwelling and detached garage associated to this minor variance application. A review of our records indicates the building permit to be incomplete. Owner to contact Building Services to discuss the outstanding permit.

Greater Sudbury Hydro Inc., February 06, 2024

If breaking soil surface, locates would be required contact: Ontario One Call at 1-800-400-2255.  
Contact GSHI energy supply department if disconnect/reconnect is required.

Ministry of Transportation, February 06, 2024

We have determined the subject lands are not within MTO's permit control area, therefore, MTO has no comments to provide.

The Nickel District Conservation Authority, February 06, 2024

Conservation Sudbury does not oppose Minor Variance A0007/2024 for the height of detached garage. Subject property abuts Lohi Lake which has an associated flood and erosion hazard. Future development requires in regulated areas requires permission of Conservation Sudbury.

Notes

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

CGS: Strategic and Environmental Planning, February 02, 2024

The following advice is provided for informational purposes only:

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

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

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff nutrients and holding soil in place. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the lot. Imported soil can introduce considerable quantities of phosphorus.

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

1. A natural vegetated buffer of at least 20 metres (the wider the better) from the high-water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. Cleared areas are allowed up to 276 square meters.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake or river 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 or river. 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 or river as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

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

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

CGS: Site Plan Control, February 01, 2024

No objection.

CGS: Infrastructure Capital Planning Services, February 01, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Engineering, January 31, 2024

No objection.

The applicants appeared before Committee and provided a summary of the application. Committee Chair Dumont asked staff if Committee needed to be concerned with the comment regarding legal access to the subject property and staff advised that they only wanted to flag the concern to the applicants. The applicants advised that they do have legal right of way access to the subject property.

The following decision was reached:

**DECISION:**

THAT the application by:

KIMBERLY DEAN AND DONALD DEAN

the owner(s) of PIN 73472 0119, Parcel 27859 SEC SES, Survey Plan 53R-21437 Part(s) 2, Lot Part 9, Concession 2, Township of Broder, 6179 Tilton Lake 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 permit a detached garage providing a maximum height of 7.5m, 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 Buildings. 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>
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0102/2023

February 15, 2024

OWNER(S): ADAM FIELD, PO Box 326, 83 Simon Lake Road, Naughton ON P0M 2M0  
ANDRIA FIELD, PO Box 326, 83 Simon Lake Road, Naughton ON P0M 2M0

AGENT(S): ADAM FIELD, PO Box 326, 83 Simon Lake Road, Naughton ON P0M 2M0

LOCATION: PIN 73381 0546, Parcel 28481 SEC SWS, Surveys Plan 53R-10947 Part(s) 3 & Plan 53R-12572 Part(s) 2, Lot Part 1, Concession 3, Township of Graham, 83 Simon Lake Drive, Naughton

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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 an addition to the existing single detached dwelling on the subject property, providing an interior side yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, February 08, 2024

REVISED

The purpose and effect of the application is to permit the construction of a 52 m<sup>2</sup> addition onto an existing single detached dwelling with the following variances:

1. An internal side yard setback of 1.2 m, whereas a 1.8 m setback is required and;
2. an eave encroachment of 0.6 m into the proposed 1.2 m setback, whereas a 0.6 m encroachment into a 1.8 m setback is required no closer than 0.6 m from lot line.

The subject lands contain a single detached dwelling and two accessory buildings. As Committee will recall, the application was previously deferred in order to allow the applicant an opportunity to more accurately identify the high water mark and address concerns in regard to the location of a shed and pool. The applicant has revised the application, confirming the location of the high water mark, has relocated the shed outside of the 30 m high water mark setback, and has removed the pool from the list of variances being sought.

The subject lands are designated 'Living Area 1' within the City of Greater Sudbury Official Plan, are zoned 'Low Density Residential One (R1-5) Zone' within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are residential in nature. Staff is of the opinion that the requested setback reduction will maintain adequate separation distance between the proposed addition and the property line for maintenance and rear yard access purposes.

Staff is of the opinion that the requested variance is minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the variance be granted.

CGS: Building Services Section, February 07, 2024

REVISED

Based on the information provided, Building Services has no concerns with this application. However, Owner/Applicant is to be advised of the following comments:

- 1) With respect to the proposed addition and front porch identified on the plot plan provided, building permit application and supplementary documents to be submitted to the satisfaction of the Chief Building Official.
- 2) A search of our records indicates incomplete permits for the subject property for a gazebo (B22-1754) and a rear deck (B23-0437). Please contact Building Services to proceed in closing these projects.

Greater Sudbury Hydro Inc., February 06, 2024

REVISED

No concerns - falls outside of our territory.

Ministry of Transportation, February 06, 2024

REVISED

We have determined the subject lands are not within MTO's permit control area, therefore, MTO has no comments to provide.

The Nickel District Conservation Authority, February 06, 2024

REVISED

Revised drawing does not appear to affect any setbacks as such previous comments remain the same. Conservation Sudbury does not oppose Minor Variance A0102/2023. Subject property includes areas regulated by Conservation Sudbury, including floodplain. Proposed development has received a permit from Conservation Sudbury (permit #2023-57, dated July 14, 2023).

#### Notes

Future development in a regulated area of the Conservation Authority requires permission of Conservation Sudbury. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at [ndca@conservationsudbury.ca](mailto:ndca@conservationsudbury.ca) to determine the need for a permit.

CGS: Strategic and Environmental Planning, February 02, 2024

REVISED

The following advice is provided for informational purposes only:

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

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

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff nutrients and holding soil in place. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the lot. Imported soil can introduce considerable quantities of phosphorus.

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

1. A natural vegetated buffer of at least 20 metres (the wider the better) from the high-water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. Cleared areas are allowed up to 276 square meters.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake or river 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 or river. 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 or river as possible.

7. Private sewage systems should be inspected and pumped at least every three years.

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

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

CGS: Site Plan Control, February 01, 2024

REVISED  
No objection.

CGS: Roads, February 01, 2024

REVISED  
Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Ministry of Transportation, September 21, 2023

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

CGS: Infrastructure Capital Planning Services, September 21, 2023

REVISED  
Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Development Approvals Section, September 21, 2023

REVISED

This application was previously deferred in order to afford the owner the opportunity to address those concerns raised by circulated agencies and departments. Staff understands that the sketch has been corrected to properly reflect the high-water mark of Simon Lake. Staff is unable to support the development proposal at this time on the basis that those tests outlined under Section 8.4.1(3) of the City's Official Plan would not be satisfied. In particular, staff notes that there appears to be sufficient lot depth to locate a shed and a swimming pool outside of the shoreline setback and buffer area. It is also unclear as to whether or not there are terrain and/or soil conditions that exist on the lands that make other locations unsuitable. It is also noted that these structures are new and the variances involved do not seek to facilitate additions to existing legal non-complying structures. There also does not appear to be a net improvement on the lands should the variances be approved. Staff does acknowledge however that there appears to be an opportunity to relocate the structures either in compliance or in closer compliance to shoreline setback and buffer area requirements. Staff therefore recommends that the application be deferred.

The Nickel District Conservation Authority, September 20, 2023

REVISED

Revised drawing does not appear to affect any setbacks as such previous comments remain the same. Conservation Sudbury does not oppose Minor Variance A0102/2023. Subject property includes areas regulated by Conservation Sudbury, including floodplain. Proposed development has received a permit from Conservation Sudbury (permit #2023-57, dated July 14, 2023).

Notes

Future development in a regulated area of the Conservation Authority requires permission of Conservation Sudbury. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at [ndca@conservationsudbury.ca](mailto:ndca@conservationsudbury.ca) to determine the need for a permit.

CGS: Strategic and Environmental Planning, September 20, 2023

REVISED

The Strategic and Environmental Planning (SEP) Section has reviewed the revised proposed development at 83 Simon Lake Road, Naughton. 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.

Therefore, after reviewing the revised proposed development SEP staff do not support the application for the following reasons:

1. The proposed development does not comply with policy 8.4.1.3 of the City's Official Plan; and,
2. It appears that there is sufficient area elsewhere onsite to accommodate the proposed above ground pool, deck, and shed in compliance with Zoning By-law 2010-100Z.

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

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

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

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

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 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, September 19, 2023

REVISED

Building Services has reviewed your revised application and sketch for the requested minor variances and can advise that we have no concerns.

Greater Sudbury Hydro Inc., September 14, 2023

REVISED

We have no concerns as the application A0102/2023 is outside of our territory.

CGS: Site Plan Control, September 14, 2023

REVISED

No objection.

CGS: Building Services Section, August 24, 2023

We have reviewed the documentation provided as well as our permit records and based on this information Building Services has the following comments:

Original survey information for the existing house indicates that the existing building is in conformance and requirements under 4.25 for legal non-complying is not applicable. The proposed new addition requires the minor variance for interior side yard setback of 1.2m where 1.8m is required as well as the eaves encroachment of 0.61m and setback of 0.59m where 0.6m is required. We have no concerns with this requested relief.

The indicated location of the high-water mark is likely incorrect and should be accurately confirmed by an Ontario Land Surveyor. We would advise that the application be deferred to allow this information to be provided. A minor variance will be required to permit the construction of the pool and shed within the anticipated setback and buffer area, but the verified distance to these structures may impact our comments. The proposed rear deck and addition may not require relief based on survey records on file.

CGS: Strategic and Environmental Planning, August 24, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the revised proposed development at 83 Simon Lake Road, Naughton. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

Staff have reviewed the application and note that the location of the highwater mark is very high, even when compared to the spring freshet and flooding of 2023. As a result, staff suspect that the highwater mark as shown on the provided drawings is more conservative and are concerned that the requested variances would allow for the structures to be placed closer to the shoreline than intended by the submitted drawing. Staff are requesting a deferral to allow the proponent the opportunity to clarify the location of the highwater mark.

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

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

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

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

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m<sup>2</sup>.
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CGS: Infrastructure Capital Planning Services, August 24, 2023

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

Ministry of Transportation, August 23, 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 Approvals Section, August 23, 2023

The variances being sought would facilitate construction of an addition to an existing single-detached dwelling along with a proposed swimming pool and deck and to recognize an existing shed on the subject lands that have frontage on Simon Lake Road in Sudbury. The lands also have water frontage on Simon Lake. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the submitted sketch appears to depict a regulatory flood-plain elevation as opposed to the high-water mark of Simon Lake. The sketch will need to be amended in order to determine if variances are required and to what extent relief is required from the City's Zoning By-law. For the benefit of the owner, the "high watermark" is defined as, "The mark made by the action of water under natural conditions on the shore or bank of any waterbody, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark." The high watermark of a lake is not typically the same as a regulatory floodplain contour. The owner should ideally have a consulting Ontario Land Surveyor (OLS) attend the lands to establish where the high watermark of Simon Lake is situated in relation to the proposed work being done on the lands. If this application were to proceed, staff advises that there is a higher risk of a reapplication being required as a result. Staff recommends that the application be deferred in order to afford the owner the opportunity to consider the above noted comments and amend their application accordingly.

The Nickel District Conservation Authority, August 22, 2023

Conservation Sudbury does not oppose Minor Variance A0102/2023. Subject property includes areas regulated by Conservation Sudbury, including floodplain. Proposed development has received a permit from Conservation Sudbury (permit #2023-57, dated July 14, 2023).

Notes

Future development in a regulated area of the Conservation Authority requires permission of Conservation Sudbury. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at [ndca@conservationsudbury.ca](mailto:ndca@conservationsudbury.ca) to determine the need for a permit.

CGS: Site Plan Control, August 17, 2023

No objection.

CGS: Development Engineering, August 16, 2023

No objection.

REVISED: No objection.

August 30, 2023

One of the Applicants, Adam Field, appeared before Committee and provided a summary of the application.

Committee Member Goswell asked whether a new survey has rectified the new high water mark versus the flood plain elevation issue as expressed in the comments from City Departments. The Applicant advised that the flood plain mark was changed to the high water mark for the Application as required.

Chair Dumont asked who had been retained to determine the flood plain elevation. The Applicant depended on information from Conservation Authority and had surveyors measure for the flood plain mark.

Staff outlined the differences between the Applicant's sketch and the survey that Building Services located in their files from 1986. Development Approvals and Strategic and Environmental Planning recommended deferral as approval of the variances as requested at the meeting based on the conflicting drawings would end up resulting in the Applicant having to reapply for the correct distances from the high water mark.

The Applicant advised that the Secretary-Treasurer advised in an email that the Building Services Permit Clerk had confirmed that the high water mark provided by the Applicant was the same as what was contained in their files.

Chair Dumont explained that the issue was the conflicting information of where the high water mark was located and that like the flood plain elevation was confirmed through Conservation Authority, the high water mark needs to be confirmed by using the old survey provided by Building Services in order to accurately request the relief needed.

September 27, 2023

The Secretary-Treasurer confirmed that it has been the practice of Committee that members absent from the original hearing of an application abstain from participating in the hearing of an application when it returns to an agenda. As Committee Member Murray was absent during the original hearing of this application on August 30, 2023, he was asked to turn off his camera and mute his microphone during the continuation of the public hearing. It was determined that this did not constitute a loss of quorum as the provisions of Section 44(6) of the Planning Act state that the inability of a member to act does not impair the powers of the committee or of the remaining members. As Committee Member Murray was in attendance virtually only, he turned off his camera and muted his microphone in order to remove himself from the hearing of this application.

One of the Applicants, Adam Field, appeared before Committee and provided a summary of the application which had been previously deferred from the August 30, 2023, meeting. The Applicant confirmed discussions having taken place with Development Approvals and Conservation Authority to resolve some of the issues brought to light at the original hearing of the application. The Applicant advised that the topography hindered the placement of the pool. The Conservation Authority advised him that the pool could only be placed where indicated on his sketch as he was not permitted to remove large amounts fill within the floodplain.

Chair Dumont outlined Staff comments which state there is opportunity to locate the pool and shed elsewhere on the property. The Applicant outlined the distance from the shoreline to the proposed location of the pool. He advised that there was a seven foot variation in height over the area of the proposed pool. If the pool is moved further back, the height differential was an additional four feet necessitating additional fill to level the pool which Conservation Authority would not approve. If the pool is placed behind the garage, the garage is a raised slab on grade and the same amount of levelling would be required and would not be approved by the Conservation Authority.

Committee Member Goswell asked whether there was any confirmation that the Conservation Authority advised the Applicant to place the pool in that location. Staff was unable to speak for other departments or agencies, but that the comments provided by the Conservation Authority indicate they do not oppose the relief being sought. Staff confirmed that the Conservation Authority is a permitting authority that looks at specific regulations under their authority but do not take into account shoreline buffer areas or setback requirements in the City's zoning by-law. It is Strategic and

Environmental Planning who comments on those areas under the Official Plan policies and City's Zoning By-law. Committee Member Goswell asked the Applicant to provide clarification on the shed issue. The Applicant advised that the shed was already built. It had been his understanding that a permit had not been required and apologized for the misunderstanding. The requirement for a variance for the shed had been discovered through this application process. Committee Member Goswell expressed the desire to find a resolution to this matter to favour all parties. The Applicant asked how the application can be further improved to clarify for the Committee as to why the soil or terrain prevents the pool from located anywhere else on the property. Staff advised that perhaps a professional opinion would assist the Applicant in this regard outlining the reasons why the proposed location is the only option. Committee Member Goswell advised that he would be agreeable to a discussion at a later date with respect to a possible refund of the deferral fee due to the complications involved in this particular application. The Applicant expressed concern with regard to new concerns being raised at the next hearing that would prohibit an approval for a third time. Chair Dumont advised that if the appropriate information was provided in the first application, all comment concerns would have been raised with the original circulation of the application. Staff advised that it had been seen in the past, when shoreline variances are applied for by applicants who do not have the assistance of professional planners, it is found that not enough information is provided within the application package to satisfy the tests of a minor variance.

February 15, 2024

The applicant, Adam Field, appeared before Committee and provided a summary of the application. Committee had no questions or concerns. Prior to Committee voting on the matter, the Secretary-Treasurer explained to Committee that members absent from the original hearing of an application must abstain from participating in a hearing of an application when it returns to an agenda. As Committee Member Murray was absent during the original hearing of this application on August 30, 2023, he was asked to turn off his cameras and mute his microphone. The Secretary-Treasurer advised Committee Member Sawchuk that as he attended the original hearing, he is permitted to vote on the matter. The Secretary-Treasurer advised Committee that quorum is not lost despite one member abstaining from the vote.

The following decision was reached:

**DECISION:**

THAT the application by:

ADAM FIELD AND ANDRIA FIELD

the owner(s) of PIN 73381 0546, Parcel 28481 SEC SWS, Surveys Plan 53R-10947 Part(s) 3 & Plan 53R-12572 Part(s) 2, Lot Part 1, Concession 3, Township of Graham, 83 Simon Lake Drive, Naughton

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended to permit, the addition to the existing single detached dwelling providing a minimum interior side yard setback of 1.2m with eaves encroaching 0.6m into the proposed 1.2m interior side yard setback, where a minimum interior side yard setback of 1.8m is required and where eaves may encroach 0.6m into the required interior side yard but not closer than 0.6m to the lot line, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land and Buildings. 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>
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring