

SUBMISSION NO. A0011/2024

February 29, 2024

OWNER(S): TIMESTONE CORPORATION, Attn: Paul Zulich 1730 Regent St Suite 5, Sudbury ON P3E 3Z8

AGENT(S): BELANGER SALACH ARCHITECTURE, 255 Larch Street, Sudbury ON P3E 4T1

LOCATION: PINs 02123 0415 & 02123 0431, Surveys Plan 53R-11472 Part(s) 3, 4, 5, and 6 & Plan 53R-16114 Part(s) 1, 2, 3, and 4 & Plan 53R-20608 Part(s) 1, 2, 3, and 4, Lot Part 4, Concession 5, Township of McKim, 319 Lasalle Boulevard, Sudbury

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**SUMMARY**

**Zoning:** The property is zoned C3(13) Limited General Commercial according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval to construct an opaque fence on the subject property providing a front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, February 23, 2024

The purpose and effect of the application is to permit a 2 m tall opaque fence located 1.76 m from the front lot line, whereas fences taller than 1 m in height are not permitted in the front yard. The lands are subject to a site plan control application in order to convert and expand the existing building to a rehabilitation care facility. Through the site plan process, the need for a fence variance was identified by staff. The applicant has advised in their application that the proposed fence height is a safety requirement of the Canadian Health Care Facilities standards. The Roads Department did not identify any concerns with the proposal. The subject lands are designated 'Secondary Community Node' within the City of Greater Sudbury Official Plan, are zoned 'Limited General Commercial (C3)' and 'Limited General Commercial Special (C3-13)' within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA). Surrounding uses are residential, commercial, and park in nature. Staff is of the opinion that the variance is minor in nature, is 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 subject to the following condition:

1. That the fence be set back 1.76 m from the front lot line.

Greater Sudbury Hydro Inc., February 22, 2024

No conflict.

CGS: Site Plan Control, February 22, 2024

No objection.

A first circulation of the site plan application was completed on December 12, 2023, and the minor variances requested are consistent with the city's comments.

CGS: Development Engineering, February 21, 2024

No objection.

CGS: Infrastructure Capital Planning Services, February 21, 2024

Roads: No concerns. Transportation and Innovation Support: No concerns. Active Transportation: No concerns.

CGS: Building Services Section, February 20, 2024

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

The Nickel District Conservation Authority, February 20, 2024

Conservation Sudbury does not object to Minor Variance A0011/2024. The subject parcel is located above an enclosed portion of Frood Creek. The creek exits the box culvert at the south east corner of the property and a small portion of the parking lot in this area may be subject to floodwaters in the event of a regional flood.

CGS: Strategic and Environmental Planning, February 16, 2024

No concerns.

Ministry of Transportation, February 14, 2024

The subject lands are not located within the MTO's permit control area, therefore, we have no comments to provide at this time.

The applicant's agent, Matthew Lerch of Belanger Salach Architecture, appeared before committee and provided a summary of the application.

Committee Member Sawchuk, referring to Development Approval's comments, asked staff why the condition was necessary, and staff provided an explanation and the intent behind the requested condition.

Committee Chair Dumont asked staff if the development was going through site plan and staff confirmed that the development was subject to site plan control.

Committee Chair Dumont asked staff if it would be more appropriate to seek the condition through the site plan process rather than the variance and staff provided an explanation as to why the condition was being sought through the variance.

Committee Chair Dumont asked staff to clarify the intent of the condition and staff provided an explanation.

The following decision was reached:

**DECISION:**

THAT the application by:

**TIMESTONE CORPORATION**

the owner(s) of PINs 02123 0415 & 02123 0431, Surveys Plan 53R-11472 Part(s) 3, 4, 5, and 6 & Plan 53R-16114 Part(s) 1, 2, 3, and 4 & Plan 53R-20608 Part(s) 1, 2, 3, and 4, Lot Part 4, Concession 5, Township of McKim, 319 Lasalle Boulevard, Sudbury

for relief from Part 4, Section 4.2, Subsection 4.2.5, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an opaque fence 2.0m in height providing a front yard setback of 1.76m, where fences more than 1.0m in height are not permitted in the required front yard, 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 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>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0136/2023

February 29, 2024

OWNER(S): TRACY HAYES, 2153 Sunnyside Road, Sudbury ON P2G 1H8

AGENT(S):

LOCATION: PIN 73473 0184, Parcel 15614 SEC SES, Lot(s) 6, Subdivision M-221, Lot Part 10, Concession 3, Township of Broder, 2153 Sunnyside 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 shed and an addition on the existing single detached dwelling on the subject property providing a shoreline structure and high water mark setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, February 23, 2024

**REVISED**

The purpose and effect of the application is to permit the construction of a 7.5 m<sup>2</sup> addition onto an existing dwelling located 20.89 m from the high water mark of Long Lake, whereas Section 4.41.2 a) of the Zoning By-law requires a setback of 30 m. Additionally, the applicant has applied to recognize an existing shed located within the shoreline buffer area with a 2.74 m setback from the highwater mark. Strategic and Environmental Planning advised that the proposed addition is located essentially no closer to the lake than the existing dwelling and that the existing shed is located within the portion of the shoreline buffer area that is permitted to be cleared. The subject lands are designated 'Rural' within the Greater City of Sudbury Official Plan, are zoned 'Low Density Residential One (R1-1)' within the Greater City of Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA). The subject lands contain a single detached dwelling and accessory buildings. Surrounding land uses are residential in nature. 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.

Greater Sudbury Hydro Inc., February 22, 2024

**REVISED**

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.

CGS: Site Plan Control, February 22, 2024

**REVISED**

No objection.

CGS: Infrastructure Capital Planning Services, February 21, 2024

**REVISED**

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, February 20, 2024

**REVISED**

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

1) With respect to Building Services original comment related to lot coverage, we acknowledge updated information and calculations provided by the Applicant. Given the updated information provided, it appears lot coverage falls within the permitted maximum of 25%. For this reason, Building Services has no further concerns related to lot coverage.

2) We acknowledge an associated building permit for the proposed 2nd storey rear addition (BP-NEW-2023-00379). We note the existing sheds, sauna, lower deck and stairs indicated on the plot plan provided with this application are not shown on the plot plan provided with the associated building permit. Applicant/Owner to provide an updated plot plan for the associated building permit (BP-NEW-2023-00379) so that zoning requirements can be updated accordingly.

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

3) With respect to the lower deck referenced on the site plan provided, Applicant/Owner to be aware that all decks greater than 24" above grade will require a building permit. Should the lower deck be greater than 24", building permit application and supplementary documents shall be submitted to the satisfaction of the Chief Building Official. Applicant/Owner to be aware that the height of the deck is measured from the top of the walking surface to finished grade.

4) A search of our records indicates incomplete permits for the subject property: (BP-NEW-2023-00399 - detached decks), (B12-0596 – addition to SFD) and (87-1077 - single family dwelling). Owner to contact Building Services to discuss the outstanding permits.

The Nickel District Conservation Authority, February 20, 2024

**REVISED**

Subject property contains a flood hazard and erosion hazard regulated by Conservation Sudbury. The addition is located outside of hazards, and the shoreline structures are exempt from Conservation Sudbury's regulations since they are non-habitable and less than 15 square metres in size. As a result, Conservation Sudbury does not oppose Minor Variance A0136/2023 for the 3.05m x 2.44m addition and shed.

Floodplain elevation of Long Lake is 227.1 m above sea level. If shoreline structure contain power, all electrical panels and heating appliances are to be placed 30 cm above the flood elevation, at an elevation of 227.4 m.

**Notes**

Please note that any additional development or lot grading within areas regulated by the Conservation Authority, requires permission prior to development. '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 16, 2024

**REVISED**

Staff of the City's Strategic and Environmental Planning Section are not opposed to this application as the proposed addition is relatively small and is essentially no closer to the lake than the existing dwelling. Furthermore, the shed is an existing feature located within the portion of the shoreline buffer area that is permitted to be cleared.



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 to a site.

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).

Ministry of Transportation, February 14, 2024

**REVISED**

The subject lands are not located within the MTO's permit control area, therefore, we have no comments to provide at this time.

CGS: Development Approvals Section, January 12, 2024

The purpose and effect of the application is to permit the construction of a 7.5 m<sup>2</sup> addition onto an existing dwelling located 20.89 m from the high water mark of Long Lake, whereas Section 4.41.2 a) of the Zoning By-law requires a setback of 30 m. Strategic and Environmental Planning advised that the proposed addition is located essentially no closer to the lake than the existing dwelling. The subject

lands are designated 'Rural' within the Greater City of Sudbury Official Plan', are zoned 'Low Density Residential One (R1-1)' within the Greater City of Sudbury Zoning By-law, and are regulated by the Nickle District Conservation Authority (NDCA). The subject lands contain a single detached dwelling and accessory buildings. Surrounding land uses are residential in nature. Building Services has identified that the existing lakefront storage shed is not in compliance with the high water mark setback. Additionally, based on the information provided, the proposed addition will result in a lot coverage that exceeds the maximum permitted of 25%. Staff recommend that the application be deferred to afford the applicant an opportunity to address staff comments.

Greater Sudbury Hydro Inc., January 11, 2024

No conflict.

CGS: Strategic and Environmental Planning, January 11, 2024

Staff of the City's Strategic and Environmental Planning Section are not opposed to this application as the proposed addition is relatively small and is essentially no closer to the lake than 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 to a site.

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).

Ministry of Transportation, January 11, 2024

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

CGS: Infrastructure Capital Planning Services, January 10, 2024

Roads  
No concerns.

Transportation and Innovation Support  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, January 10, 2024

Based on the information provided, Building Services recommends deferral of this application until such time that the following comments can be addressed by the Applicant:

1) Based on the information provided, given the size of the existing shed (3.05 m x 1.82m), although a building permit is not required for this accessory structure, Owner/Applicant to be aware that accessory buildings (including sheds) are not permitted closer than 30m to the highwater mark of a lake or river in accordance with Part 4, Section 4.41, subsection 4.41.2(a) of By-law 2010-100Z. Applicant/Owner to relocate/remove existing shed in order to met the aforementioned by-law provision or seek additional relief for the existing location.

Also, Applicant/Owner to be aware that an un-serviced lot in an R1-1 zone is permitted a maximum lot coverage of 25% in accordance with Part 6, Section 6.3, Table 6.2, Special Provision (5). Owner/Applicant to provide lot coverage calculations for review and verification. Additional relief for lot coverage may be required.

2) We acknowledge an associated building permit for the proposed 2nd storey rear addition (BP-NEW-2023-00379). We note the existing sheds, sauna, lower deck and stairs indicated on the plot plan provided with this application are not shown on the plot plan provided with the associated building permit. Applicant/Owner to provide an updated plot plan for the associated building permit (BP-NEW-2023-00379) so that zoning requirements can be updated accordingly.

3) With respect to the lower deck referenced on the site plan provided, Applicant/Owner to be aware that all decks greater than 24" above grade will require a building permit. Should the lower deck be greater than 24", building permit application and supplementary documents shall be submitted to the satisfaction of the Chief Building Official.

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

4) A search of our records indicates incomplete permits for the subject property: (BP-NEW-2023-00399 - detached decks), (B12-0596 – addition to SFD) and (87-1077 - single family dwelling). Owner to contact Building Services to discuss the outstanding permits.

The Nickel District Conservation Authority, January 09, 2024

Conservation Sudbury does not oppose Minor Variance A0136/2023 for the 3.05m x 2.44m addition. Part of the subject property is within a regulated area of the Conservation Authority, including floodplain and an erosion hazard. Any additional development or lot grading within these 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: Development Engineering, January 05, 2024

No objection.

REVISED: No objection.

CGS: Site Plan Control, January 03, 2024

No objection.

January 17, 2024

The Applicant, Tracy Hayes, and her representative, John Macdonald, appeared before the Committee and provided a summary of the Application. The Applicant advised that the addition does not extend past the extent of the house. They were trying to accommodate the walls that were ordered from Germany and were constructed incorrectly as opposed to returning the walls and having them reconstructed. Mr. Macdonald clarified that the variance requested does not include the 20m shoreline buffer and believed that those concerns from departments should not be an issue. He advised that when preparing the site plan for the first time, he marked the lakeside structure as a storage shed but that it actually encompasses his water pump. He advised that he did not believe that his lot coverage extended past the required 25% shoreline buffer. He advised that he measured the deck and at its highest point it was 23.5 inches.

Philip Zylberberg attended on behalf of the Long Lake Stewardship Committee expressing concerns with respect to the relief being requested. He did express his belief that the sunroom addition is the definition of minor. He echoed the concerns of Staff regarding the lakeside shed but that if it was actually a pump house, he had no concerns. He also advised that if City staff had no concerns that no more than 25% of the shoreline buffer was being taken with respect to the deck, then he also had no further concerns with respect to the same. If more than 25% was being cleared, then he agreed that the matter should be deferred to address those concerns.

The Secretary-Treasurer confirmed that one letter of concern was received from the Long Lake Stewardship Committee dated January 10, 2024.

Mr. Macdonald stated that both the pump house and sauna are permitted structures within the 20m shoreline buffer. Committee Member Goswell asked Staff to provide the definition differences between a shed and a pump house. Staff advised that pump house is not a defined term in the City's Zoning By-law but that a shed is defined as an accessory structure. Committee Member Goswell asked Staff's opinion whether the structure would be classified as a shed or a pump house based on the photographs provided by Mr. Macdonald earlier that day. Staff advised that Building Services was consulted to try to determine what the structure would be considered and that they did not have a specific answer at this time. It was an item that came up late in the day and unfortunately Staff were unable to have an exact definition for it.

Staff advised that there may be some misunderstanding with respect to some standards in the Zoning By-law and how it affects this application specifically. The most important was that the section of By-law that Building Services was referring to in their comments was Section 6 in the Zoning By-law and as the parcel of land is zoned R1-1 and is unserviced, the maximum permitted lot coverage for all structures on the entire parcel of land is 25%. Staff advised that based on their calculations, they come very close if not exceed the maximum with the addition, so Staff wanted to ensure that additional variances are not required. The second item was the provision in 4.41 which speaks to the shoreline buffer. That provision speaks to the loss of natural vegetated buffer and not lot coverage. The issue at hand was the potential exceeding of lot coverage and the recommendation of deferral allows the Applicant to go back to confirm all of the information and stats which may prevent them from incurring fees from additional applications.

Committee Member Murray concurred with the recommendation of Staff to defer as the lot coverage issue is separate from the shoreline buffer. He explained to the Applicant that if they were to go ahead with this application without the deferral and it is determined that they exceed the 25% lot coverage, they would have to reapply and go through the Committee again. Mr. Macdonald said that he could calculate the lot coverage now within a few seconds. Chair Dumont



advised that decisions are based on the information provided within the application submission, agenda and comments received.

Chair Dumont stated that the application was for relief from the 30m high water mark setback, and that the information was provided to the public and to City departments. Through that process, many items were highlighted being, the existing shed location, lot coverage which may trigger an additional variance, existing deck sauna and stairs not being noted in their building permit plot plan and request an updated plot plan, and lower deck possibly needing a building permit. Chair Dumont advised the Applicant to provide an accurate plot plan that shows all the structures and dimensions to be able to accurately determine the lot coverage.

Chair Dumont advised that he was in support of Staff's recommendation to defer the application to ensure the plot plan was perfect and has the percentages identified.

Chair Dumont advised the Applicant that they will have one year to return the application to the Committee of Adjustment. He advised the Applicant to clean up the plan, ensure they are not exceeding the 25% lot coverage and if they are, to include the request for that relief in their resubmission.

February 29, 2024

The applicant, Tracy Hayes, along with John McDonald appeared before Committee and provided a summary of the application.

Philip Zylberberg appeared before Committee on behalf of the Long Lake Stewardship Committee and summarized the Stewardship Committee's position on the application.

Committee Member Murray provided comments regarding the shed and expressed support for the application.

The following decision was reached:

**DECISION:**

THAT the application by:

TRACY HAYES

the owner(s) of PIN 73473 0184, Parcel 15614 SEC SES, Lot(s) 6, Subdivision M-221, Lot Part 10, Concession 3, Township of Broder, 2153 Sunnyside 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 construction of an addition on the existing single detached dwelling as well as permit an existing shed providing, firstly, a high water mark setback of 20.8m for the addition, and 2.74m for the shed, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, and secondly, a high water mark setback of 2.74m for the existing shed, 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.

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>
Cathy Castanza	Concurring
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring