

SUBMISSION NO. A0069/2022

June 15, 2022

OWNER(S): RENEE DESJARDINS, 87 Worthington Road Worthington ON P0M 3H0
JULES A. LALONDE, 87 Worthington Road Worthington ON P0M 3H0

AGENT(S): JULES LALONDE, 87 Worthington Road Worthington ON P0M 3H0

LOCATION: PIN 73395 0353, Parcel 31072 SEC SWS, Survey Plan 53R-13850 Part(s) 4, Lot Pt 5, Concession 5,
Township of Lorne, 87 Worthington Road, Worthington

SUMMARY

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

Application: Approval to facilitate the registration of the existing garden suite as a secondary unit providing a setback from the primary dwelling at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 09, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Environmental Planning Initiatives, June 09, 2022

This correspondence is 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. Public Health Sudbury & Districts have not confirmed the presence of cyanobacterial blooms in Little Beaver Lake.

Shoreline and stream bank 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 river bank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.

3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.
6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

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

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

CGS: Development Approvals Section, June 08, 2022

The variance being sought would facilitate the conversion of an existing garden suite to a secondary dwelling unit on the subject lands that have frontage on Worthington Road in Worthington. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The existing garden suite was permitted as a temporary use between May 29, 2012 when By-law 2012-111Z was enacted by Council and May 29, 2022 when the "T64" symbol allowing for the garden suite expired (File # 751-8/12-1). Staff notes that the variance would permit the proposed secondary dwelling unit to maintain a separation distance of 57.15 m (187.50 ft) whereas a maximum separation distance of 30 m (98.43 ft) is permitted under Section 4.2.10.3 c) ii) of the City's Zoning By-law. Staff have reviewed aerial photography and notes that the existing mobile home dwelling (ie. garden suite to be converted to a secondary dwelling unit) is visually screened by a line of mature trees from the abutting vacant lands to the north known municipally as 93 Worthington Road. Staff also note that the proposed secondary dwelling unit has existed on the lands for ten years as a garden suite and no adverse impacts on abutting lands have been observed during this timeframe. The existing private septic system would also continue to be used and would not need to be relocated and/or extended should the variance be approved. Staff are as a result satisfied that no negative impacts on abutting rural lands would be generated should the variance be approved. The proposed secondary dwelling unit would also otherwise appear to comply with those applicable development standards for a secondary dwelling unit situated within an accessory building in the "RU" Zone under Section 4.2.10.3 of the City's Zoning By-law. Staff further notes that the existing building regardless of whether it is considered to be a garden suite or a secondary dwelling unit would comply with applicable minimum side yard setbacks for an accessory building in the "RU" Zone. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, June 07, 2022

Conservation Sudbury does not object to Minor Variance A0069/2022 as the setback distance from the primary dwelling is not relevant to the responsibilities of Conservation Sudbury. The location of the garden suite is acceptable to Conservation Sudbury, as it is sufficiently far away enough from the shoreline of Beaver lake and the wetland.

Notes

The proponent is advised that development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

Please be advised that Conservation Sudbury regulates the hazards associated with natural features. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249.

Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, and valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

CGS: Building Services Section, June 07, 2022

Based on the information provided, Building Services has no concerns with this application, however, the owner is to be advised of the following comments:

1. A building permit and required building permit documents is required for the legalization of the existing secondary dwelling to the satisfaction of the Chief Building Official.
2. From our records, it appears there may be structures placed/constructed on the property without the benefit of a building permit (various accessory structures). A building permit application and building permit documents are to be submitted to the satisfaction of the Chief Building Official. Owner to be informed that any storage structure greater than 15 m² (160 ft²) and/or any other structure greater than 10 m² (108 ft²), a building permit is required.

CGS: Site Plan Control, June 06, 2022

No objection.

Ministry of Transportation, June 02, 2022

Located outside of MTO's permit control area

CGS: Development Engineering, June 02, 2022

No objection.

The applicants appeared before Committee and provided a summary of the application. Arlene Oman of 93 Worthington Road appeared before Committee in opposition of the application. Councilor Vagnini appeared before committee in support of the application. Emails and letters in opposition were received from Allan Oman of 117 Mont Adam Street, Sudbury; Leo Oman of 49 Aino Road, Worthington; Jo-Anne Oman of 1987 Valleyview Road, Val Caron; Chris Wardrop of Poulson Law on behalf of Arlene Oman, 125 Durham Street, Sudbury; and Robert and Leena Luopa of 673 Ella Road, Worthington. A letter of support was provided by Brenda and Ron Salo of 352 Salo Road, Worthington. Committee Member Sawchuk requested staff to provide comments on garden suites and their permanency and staff provided an explanation on the garden suite policies. Committee Member Sawchuk requested staff to explain the intent of the Official Plan policies after ten years and staff explained the intent around the temporary use of garden suites. Committee Chair Chartrand requested staff to explain the intent of the 30.0 metre separation distance and staff provided an explanation on the policy. Committee Chair Chartrand asked staff if the possibility of severance was considered in Development Approval's comments and staff confirmed that it was. Committee Member Dumont expressed support for the application and staff's recommendation. Committee Chair Chartrand expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

RENEE DESJARDINS AND JULES A. LALONDE

the owner(s) of PIN 73395 0353, Parcel 31072 SEC SWS, Survey Plan 53R-13850 Part(s) 4, Lot Pt 5, Concession 5, Township of Lorne, 87 Worthington Road, Worthington

for relief from Part 4, Section 4.2, subsection 4.2.10.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the registration of the existing garden suite as a secondary dwelling unit providing a 57.15m setback from the primary dwelling, where a secondary dwelling unit in an "RU", Rural zone shall be located no more than 30.0m from the primary dwelling, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained. Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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

SUBMISSION NO. A0070/2022

June 15, 2022

OWNER(S): HERNANI ALMEIDA, 653 Corsi Hill, Sudbury, ON P3E 0A4

AGENT(S): CDCD ENGINEERING LTD., 303 Cedar Street, Sudbury, Ontario P3B 1M8

LOCATION: PIN 73593 0452, Parcel 53760, Surveys Plan 53R-15756 Part(s) 7 & 8 & Plan 53R-18559 Part(s) except Parts 3 and 4, Lot Pt 1, Concession 1, Township of McKim, 1988 South Bay Road, Sudbury

SUMMARY

Zoning: The property is zoned R1-1(6) Low Density Residential One according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

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

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 09, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

Source Water Protection Plan, June 08, 2022

No activity or activities engaged in or proposed to be engaged in on the above noted property are significant drinking water threats. 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: Development Approvals Section, June 08, 2022

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on South Bay Road in Sudbury. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-1(6)", Low Density Residential One Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would be visually screened by the existing single-detached dwelling and mature vegetation in all directions. The lands immediately to the west along the entire frontage of the subject lands contain mature vegetation along with rocky topography. These abutting lands to the west are owned by an institution (ie. Laurentian University) and are zoned "OSC", Open Space – Conservation, which would prevent any form of development beyond a park and a refreshment pavilion that is accessory to a park. Staff also notes that the proposed detached garage would also be setback approximately 65 m (213.26 ft) from the street line of South Bay Road. The setback to the front lot line increases to approximately 104 m (141.21 ft) given the curvature that exists along this portion of South Bay Road. Staff is also satisfied that the additional building height of 2.92 m (9.58 ft) will not have any negative land use planning impacts on the non-urban residential character that exists along South Bay Road or on any abutting residential properties. Staff would also note that the proposed detached garage would appear to otherwise comply with all other applicable development standards for an accessory building in the "R1-1(6)" Zone. Staff would also caution the owner that the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, June 07, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing maximum height of 7.92m where the maximum height of any accessory building shall be 5m.

Conservation Sudbury does not object to Minor Variance A0070/2022. The subject property does not appear to be located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Building Services Section, June 07, 2022

Based on the information provided, Building Services has no concerns with this application, however, for the applicants' information, a building permit and required building permit documents is required for the detached garage to the satisfaction of the Chief Building Official.

Greater Sudbury Hydro Inc., June 07, 2022

No Conflict.

CGS: Site Plan Control, June 06, 2022

No objection.

Ministry of Transportation, June 02, 2022

Located outside of MTO's permit control area.

CGS: Development Engineering, June 02, 2022

No objection.

The applicant's agent, Mary Jane Olipane of CDCD Engineering Limited, appeared before Committee and provided a summary of the application. Colin Pollard of 1980 South Bay Road appeared before Committee expressing concern over the rear yard setback but no concern over the height. Committee Member Dumont requested staff to provide an explanation on the setbacks of the proposed garage and staff explained that the proposed setbacks complied with the City's Zoning By-law. Staff cautioned Committee and the agent that any change to the proposed location could trigger a need for another minor variance application.

The following decision was reached:

DECISION:

THAT the application by:

HERNANI ALMEIDA

the owner(s) of PIN 73593 0452, Parcel 53760, Surveys Plan 53R-15756 Part(s) 7 & 8 & Plan 53R-18559 Part(s) except Parts 3 and 4, Lot Pt 1, Concession 1, Township of McKim, 1988 South Bay Road, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing maximum height of 7.92m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained. Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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

SUBMISSION NO. A0072/2022

June 15, 2022

OWNER(S): BRENT NICHOLSON , 1086 South Lane Rd, Sudbury ON, P3G 1N6
CHRISTINE NICHOLSON, 1086 South Lane Rd, Sudbury ON, P3G 1N6

AGENT(S): BRENT NICHOLSON, 1086 South Lane Rd, Sudbury, ON, P3G 1N6

LOCATION: PINs 73477 0202 & 73477 0143, Parcel 11438 and 17603 SEC SES, Surveys Plan 53R-5363 Part(s) 2 & Plan 53R-21571 Part(s) except Pt 1, Lot Pt 2, Concession 4, Township of Broder, 1086 South Lane Road, Sudbury

SUMMARY

Zoning: The property is zoned R1-1(6) Low Density Residential One according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct an addition and attached garage to the existing single detached dwelling on the subject property, providing an increase in gross floor area within the shoreline setback, a setback from the high water mark and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 09, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Environmental Planning Initiatives, June 09, 2022

Approval of this application is recommended based on the following:

1. The maximum allowable cleared area in the Shoreline Buffer Area will not be exceeded.
2. The maximum allowable length of the cleared area in the Shoreline Buffer Area measured at the high water mark is 23 metres or 25%, whichever is less, as per Section 4.41.3 of the Zoning Bylaw. The length of the existing cleared area within the Shoreline Buffer Area currently exceeds this maximum (50% versus 25% allowable). The proposed development would increase the length exceedance to a total of 72%. The clearance that has occurred and that is proposed is at the upslope limit of the Shoreline Buffer Area, which reduces negative environmental effects to the lake ecosystem.
3. The Shoreline Buffer Area is currently covered mostly with multi-layered vegetation (trees, shrubs, and ground flora) of native plants, which represents excellent shoreline stewardship. Every effort should be made to minimize removal and damage to existing trees and shrubs during the construction of the proposed addition and deck.
4. The proposed addition and deck will not be constructed closer to the lake than the existing dwelling.

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

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

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have confirmed the presence of cyanobacterial blooms in McFarlane Lake in 2008, 2011, 2015 and 2017.

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

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

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

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

CGS: Development Approvals Section, June 08, 2022

The variances being sought would facilitate an addition to the existing single-detached dwelling situated on the subject lands that have frontage on South Lane Road in Sudbury. The lands also have water frontage on McFarlane Lake. The lands are designated Rural in the City's Official Plan and zoned "R1-1", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed addition would not further reduce the legal non-complying setback of 15 m (49.21 ft) to the high water mark of McFarlane Lake. The proposed addition would also primarily be situated outside of the shoreline buffer area depth of 20 m (65.62 ft) where lands are intended to remain in a natural vegetated state. Staff notes that the clearing of land within a shoreline buffer is permitted on a residential lot subject to Section 4.41.3 of the City's Zoning By-law. It is noted that the proposed development would appear to comply with the above noted shoreline buffer clearance provisions. Staff are satisfied that the addition is reasonable in terms of ground floor area and it is not excessive in nature. Staff do not anticipate that there would be any negative impacts generated on abutting lands given that the proposed addition would be visually screened by mature vegetation to abutting residential properties. Staff recommends that the application be approved as the development proposal is reasonable, not excessive in nature and there would be no negative land use planning impacts on abutting lands.

The Nickel District Conservation Authority, June 07, 2022

Conservation Sudbury is requesting the following condition of approval:

1. That the proponent successfully obtain a section 28 permit from Conservation Sudbury within one year of the conditional approval.

Notes

An elevation survey may be required as part of the Section 28 application process through Conservation Sudbury. If the septic system needs to be upgraded as part of the addition construction, then permission for this development will also be required.

The proponent is advised that development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca.

CGS: Building Services Section, June 07, 2022

Based on the information provided, Building Services has no concerns with this application, however, the owner be advised that as the existing septic system is within the shoreline buffer area, additional Minor Variances may be required if the septic system must be upgraded, as per the Health Unit requirements.

Greater Sudbury Hydro Inc., June 07, 2022

Contact GSHI Energy Supply department if disconnect/reconnect is required.

CGS: Site Plan Control, June 06, 2022

No objection.

Ministry of Transportation, June 02, 2022

Located outside of MTO's permit control area.

CGS: Development Engineering, June 02, 2022

No objection.

The applicants appeared before Committee and provided a summary of the application. Committee Member Dumont noted the comments from the Nickel District Conservation Authority and Environmental Planning Initiatives. Committee Chair Chartrand requested staff to provide clarification on Environmental Planning Initiatives' comments and staff provided an explanation.

The following decision was reached:

DECISION:

THAT the application by:

BRENT NICHOLSON AND CHRISTINE NICHOLSON

the owner(s) of PINs 73477 0202 & 73477 0143, Parcel 11438 and 17603 SEC SES, Surveys Plan 53R-5363 Part(s) 2 & Plan 53R-21571 Part(s) except Pt 1, Lot Pt 2, Concession 4, Township of Broder, 1086 South Lane Road, Sudbury

for relief from Part 4, Section 4.25, subsection 4.25.1 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 an addition and attached garage, firstly, providing a total gross floor area of 331.2m² within the required 30.0m shoreline setback and 20.0m shoreline buffer, maintaining the existing setback of 15.0m from the high water mark, where enlargement, reconstruction, repair and/or renovation is not permitted to increase the gross floor area of a legal non-complying building located within the required 30.0m setback from the high water mark and 20.0m shoreline buffer, secondly, providing a 15.00m 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 15.00m 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.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

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

SUBMISSION NO. A0074/2022

June 15, 2022

OWNER(S): RICHARD G. HANNINEN, 172 Lamothe Street, Wahnapiatae, ON P0H 3C0

AGENT(S):

LOCATION: PINs 73481 0775 & 73481 0735, Parcel 50645 SES, Surveys Plan 53R-14508 Part(s) 1 & 3 & Plan SR-2700 Part(s) 30 & Plan 53R-18033 Part(s) except Part 2 & Plan 53R-19100 Part(s) except Parts 1 & 2 & Plan 53R-17819 Part(s) except Part 3 & Plan 53R-17192 Part(s) except Parts 1 to 7 & Plan 53R-14508 Part(s) except Part 3, Lot Pt 10, Concession 3, Township of Dryden, 172 Lamothe Street, Wahnapiatae

SUMMARY

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

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

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, June 09, 2022

Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Approvals Section, June 08, 2022

The variance being sought would facilitate the construction of a detached garage to the south-west of the existing residential dwelling on the lands that have frontage on Lamothe Street in Wahnapiatae. The lands also have water frontage on the Wahnapiatae River. The lands are designated Rural 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. The lands are serviced with municipal water and sanitary sewer infrastructure despite being situated just outside of the Wahnapiatae Settlement Area as identified in the City's Official Plan. Staff notes that contextually the lands are comparable to a non-urban or rural lot where accessory buildings and structures are permitted a maximum building height of 6.5 m (21.33 ft). The lands are not accessed from the urban residential streets located to the immediate north but rather from a driveway entrance onto Lamothe Street. The proposed detached garage would immediately abut Crown Lands and City-owned lands containing mature vegetation and rocky topography. The detached garage would be partially screened from the urban residential land uses to the north by mature vegetation and the existing residential dwelling that present on the lands. The detached garage would also maintain a setback of approximately 153 m (501.97 ft) to the street line of Lamothe Street. Staff is therefore satisfied that the additional building height of 2.67 m (8.76 ft) will not have any negative land use planning impacts on the abutting residential properties to the north. Staff would also note that the proposed detached garage would appear to otherwise comply with all other applicable development standards for an accessory building in the "R1-5" Zone. Staff would also caution the owner that the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, June 07, 2022

Conservation Sudbury does not oppose Minor Variance Application A0074/2022 as the height of the garage is not relevant to the responsibilities of Conservation Sudbury. However, the proponent is advised that a permit pursuant to Section 28 of the Conservation Authorities Act will be required at the building permit stage.

Notes

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

Conservation Sudbury respectfully requests a copy of any decision. Should you have any questions, please contact the undersigned at Melanie.Venne@ConservationSudbury.ca

CGS: Building Services Section, June 07, 2022

Based on the information provided, Building Services has no concerns with this application, however, the owner is to be advised of the following comments:

1. That a search of our records indicates that there is an incomplete permit for:
 - i. Single Family Dwelling (B04-1873)

Please contact Building Services to close this project

CGS: Site Plan Control, June 06, 2022

No objection.

Ministry of Transportation, June 02, 2022

Located outside of MTO's permit control area.

CGS: Development Engineering, June 02, 2022

No objection.

The applicant appeared before Committee and provided a summary of the application.

The following decision was reached:

DECISION:

THAT the application by:

RICHARD G. HANNINEN
the owner(s) of PINs 73481 0775 & 73481 0735, Parcel 50645 SES, Surveys Plan 53R-14508 Part(s) 1 & 3 & Plan SR-2700 Part(s) 30 & Plan 53R-18033 Part(s) except Part 2 & Plan 53R-19100 Part(s) except Parts 1 & 2 & Plan 53R-17819 Part(s) except Part 3 & Plan 53R-17192 Part(s) except Parts 1 to 7 & Plan 53R-14508 Part(s) except Part 3, Lot Pt 10, Concession 3, Township of Dryden, 172 Lamothe Street, Wahnapiatae

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 7.67m, 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 variances is minor in nature and is desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

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

SUBMISSION NO. A0052/2022

June 15, 2022

OWNER(S): AMY DUCHARME, 279 Timberglade Court Hanmer ON P3P 0C4
YVAN DUCHARME, 279 Timberglade Court Hanmer ON P3P 0C4

AGENT(S): AMY DUCHARME, 279 Timberglade Court Hanmer ON P3P 0C4

LOCATION: PIN 73508 1412, Lot(s) 17, Subdivision 53M-1413, Lot Pt 11, Concession 3, Township of Capreol, 279 Timberglade Court, Hanmer

SUMMARY

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

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

Comments concerning this application were submitted as follows:

CGS: Development Engineering, June 10, 2022

REVISED
No objection.

CGS: Infrastructure Capital Planning Services, June 08, 2022

REVISED
Roads
No concerns.

Transportation and Innovation Support / Active Transportation
No concerns.

CGS: Development Approvals Section, June 08, 2022

REVISED

This application was previously deferred in order to afford the owners the opportunity to review and respond to those comments received from circulated agencies and departments. Staff understands that the owners have amended their application to request a variance permitting a maximum building height of 6.1 m (20.01 ft) whereas a maximum building height of 5 m (16.40 ft) is permitted under Section 4.2.4 of the City's Zoning By-law for an accessory building within the "R1-5" Zone. Staff advised that the existing single-detached dwelling on the lands will provide some visual screening from the street line of Timberglade Court toward the proposed detached garage. Staff notes that the proposed detached garage would maintain a setback of approximately 48 m (157.48 ft) to the front lot line and would be accessed from Timberglade Court via an existing driveway entrance. Staff would not that the submitted sketch is not clear with respect to the setback to the front lot line and therefore the above is an estimate. Staff are satisfied in any event that at this distance the additional 1.1 m (3.61 ft) in maximum building height for the detached garage would not have any negative impacts on the existing rural character that exists along Timberglade Court. Staff are also satisfied that no negative land use planning impacts would be generated on the lands or on abutting residential properties should the variance be approved. Staff would also note that the proposed detached garage would appear to otherwise comply with all other applicable development standards for an accessory building in the "R1-5" Zone.

Staff would also caution the owners that the proposed detached garage may not be used for the purposes of human habitation unless permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, June 07, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a height of 6.1m where the maximum height of any accessory building shall be 5m.

Conservation Sudbury does not object to Minor Variance A0052/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, June 06, 2022

No objections.

CGS: Building Services Section, June 06, 2022

REVISED

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

Ministry of Transportation, June 02, 2022

Located outside of MTO's permit control area

CGS: Infrastructure Capital Planning Services, May 13, 2022

Roads

No concerns.

Transportation and Innovation Support / Active Transportation

No concerns.

CGS: Development Approvals Section, May 12, 2022

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Timberglade Court in Hanmer. 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 reviewed the submitted elevation plans and has concerns with respect to the proposed maximum height of 6.94 m (22.77 ft) whereas 5 m (16.40 ft) is permitted. It is noted that the proposed detached garage would exceed maximum accessory building height permissions for lands situated in rural areas, which are permitted a maximum accessory building height of 6.5 m (21.33 ft). The lands at present contain a one-storey single-detached dwelling and staff notes that the majority of residential dwellings along Timberglade Court are of a similar built-form. Staff also previously did not initially support a minor variance application (File # A0087/2020) for a similar height and the owner revised their application to instead seek a maximum building height of 6.1 m (20.01 ft). Staff advised that the revised maximum building height was more suitable for this particular urban residential context and character that exists along Timberglade Court. Staff recommends that the application be deferred in order to afford the owner the opportunity to address those comments received from agencies and departments.

CGS: Building Services Section, May 11, 2022

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

The Nickel District Conservation Authority, May 10, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 6.94m where the maximum height shall be 5m.

Conservation Sudbury does not object to Minor Variance A0052/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, May 10, 2022

No objection.

Greater Sudbury Hydro Inc., May 09, 2022

Outside of our territory.

Source Water Protection Plan, May 06, 2022

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

CGS: Development Engineering, May 05, 2022

No objection.

May 18, 2022

The applicants appeared before Committee and provided a summary of the application. Committee Member Dumont asked the applicant if he reviewed the comments and the applicant advised that he did not. Committee Member Dumont asked the applicant if he received the comments and the applicant advised that he did not see them. Committee Member Dumont explained to the applicant that the comments were recommending deferral of the application and the applicant confirmed that he received the comments. Committee Member Dumont asked staff to clarify Development Approval's comments and staff provided that clarification. Committee Member Castanza expressed confusion around staff's recommendation. Committee Chair Chartrand explained the recommendation to the applicant. Committee Chair Chartrand asked staff to clarify the recommendation and staff's review of the application in general and staff provided that clarification. Committee Chair Chartrand asked the applicant if he reviewed the comments, the applicant explained that the drawings were the same drawings that his brother-in-law used to obtain a building permit to build a garage across the street. Committee Member Sawchuk asked staff to clarify Development Approval's comments and staff provided that clarification. Committee Member Dumont explained that he supported staff's recommendation. Committee Chair Chartrand asked the applicant if he could reduce the height and the applicant explained that he was unsure. Committee Chair Chartrand explained the intent of the deferral to the applicant.

June 15, 2022

The applicants appeared before Committee and provided a summary of the application. Committee Member Dumont referred the applicants to Development Approval's comments regarding the front yard setback. Staff provided an explanation on Development Approval's comments. The applicant explained that they wanted to build a garage like other properties in their neighbourhood. Staff provided an explanation on other variances obtained by neighbouring properties.

The following decision was reached:

DECISION:

THAT the application by:

AMY DUCHARME AND YVAN DUCHARME

the owner(s) of PIN 73508 1412, Lot(s) 17, Subdivision 53M-1413, Lot Pt 11, Concession 3, Township of Capreol, 279 Timberglade Court, Hanmer

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 6.1m, 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 variances is minor in nature and is desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

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