



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0036/2023

June 07, 2023

OWNER(S): VICTORIA BARCLAY, 3807 Sunvalley Avenue, Sudbury ON P3G 1K3
JAKE BARCLAY, 3807 Sunvalley Avenue, Sudbury ON P3G 1K3

AGENT(S): CENTRELINE ARCHITECTURE, 158 Elgin St- Suite 201, Sudbury ON P3E 3N5

LOCATION: PIN 73476 0519, Parcel 12678 SEC SES, Survey Plan SR-1290 Part(s) LT124466 and 1 together with LT71496, Lot Part 5, Concession 4 as in LT71496, Township of Broder, 3807 Sunvalley Avenue, Sudbury

SUMMARY

Zoning: The property is zoned R1-2 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a two storey dwelling and septic system on the subject property providing a high water mark setback, shoreline buffer area and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, June 01, 2023

REVISED

This application was previously deferred by the owner in order to address comments received from circulated agencies and departments. Staff understands that those concerns raised by Conservation Sudbury and the City's Strategic and Environmental Planning Section have now been resolved. Staff previously supported the variances being sought and have no further comment with respect to this application.

CGS: Infrastructure Capital Planning Services, May 31, 2023

REVISED

Roads

No concerns.

Transportation and Innovation Support

We have no concerns with this application, but we note that a new driveway will be created from this application. The owner understands that only one driveway is permitted for the property.

Active Transportation

No concerns.

CGS: Building Services Section, May 31, 2023

REVISED

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

However, for the Owner's information Building Services has the following comments,

- 1) Building permit application and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the proposed two storey dwelling.

CGS: Strategic and Environmental Planning, May 31, 2023

REVISED

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 3807 Sunvalley Avenue, Sudbury. As a technical commenting group, staff have reviewed this

application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

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

1. The existing lot does not have sufficient depth to allow the proponent to comply with the minimum 30 metre setback and the dwelling appears to be as far from the highwater mark as possible.

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 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).

The Nickel District Conservation Authority, May 30, 2023

REVISED

Conservation Sudbury does not oppose Minor Variance A0036/2023. A section 28 application will be required at the building permit stage. Please note that the field verified floodplain will need to be staked in the field during all stages of construction. A lot grading plan will also be required as part of a complete application.

Notes

The proponent is advised that future 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.

CGS: Site Plan Control, May 30, 2023

REVISED

No objection.

Ministry of Transportation, May 30, 2023

REVISED

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.

The Nickel District Conservation Authority, May 29, 2023

REVISED

Conservation Sudbury does not oppose Minor Variance A0036/2023. A section 28 application will be required at the building permit stage. Please note that the field verified floodplain will need to be staked in the field during all stages of construction. A lot grading plan will also be required as part of a complete application.

Notes

The proponent is advised that future 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.

Greater Sudbury Hydro Inc., May 29, 2023

REVISED

No conflict.

CGS: Development Approvals Section, April 20, 2023

The variances being sought would facilitate construction of a single-detached dwelling with a new private septic system on the subject lands that have frontage on Sunvalley Avenue in Sudbury. The lands also have water frontage on Long Lake. The lands are designated Living Area 2 in the City's Official Plan and zoned "R1-2", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands form an irregularly shaped lot and some degree of relief from the shoreline development standards in the City's Zoning By-law are warranted provided that said relief is reasonable and not excessive in nature and/or disruptive to

abutting residential properties from a good land use planning perspective. Staff notes that the new residential dwelling would maintain a shoreline setback of 8.85 m (29.04 ft) at its closest point with the curving shoreline resulting in setbacks that exceed this along the balance of the high-water mark on Long Lake. Staff also notes that an existing residential dwelling would be demolished in order to construct the proposed new single-detached dwelling. Staff would further note then that an existing cleared area would be utilized within the shoreline setback and buffer area which will minimize the amount of new clearing required on an existing undersized lot of record in terms of existing lot depth being less than 30 m (98.43 ft) in total. It should also be noted that the new private septic system location appears to maximize its setback to the high-water mark of Long Lake given that the new residential dwelling would be situated between it and the shoreline of Long Lake. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Infrastructure Capital Planning Services, April 19, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Strategic and Environmental Planning, April 19, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 3807 Sunvalley Avenue, Sudbury. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

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

1. The proposed reconstruction of the single dwelling encroaches into an already reduced setback when it appears that other locations are available for the proposed single dwelling.

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 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).

Greater Sudbury Hydro Inc., April 18, 2023

No conflict.

The Nickel District Conservation Authority, April 18, 2023

Site plan as distributed does not comply with the floodproofing requirements of the Conservation Authority. The dwelling requires fill to be placed 2m around the perimeter of the structure and additional fill cannot be placed in the floodplain. As a result, the dwelling must be at least 2m away from the floodplain.

Conservation Sudbury would like that a condition of the minor variance be the successful obtainment of a section 28 permit from our organization. Please note that the location of the single family dwelling will change as a result of the Conservation Authority review.

CGS: Building Services Section, April 18, 2023

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

However, Owner to be advised of the following comments:

1) Building Services has no records for a Sleep Cabin on the premises. Please contact building Services for additional information.

Ministry of Transportation, April 14, 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: Site Plan Control, April 13, 2023

No objection.

CGS: Development Engineering, April 13, 2023

No objection.

REVISED: No objection.

April 26, 2023

The Applicant's Agent, Dan Guillemette, appeared before the Committee and provided a summary of the Application. The Applicants, Victoria Barclay and Jake Barclay, were also in attendance. The agent explained that there was a limited footprint on this property due to floodplain restrictions. They have designed multiple footprints to be able to make the septic comply. They are unable to construct a basement due to the highwater mark and did not wish to construct a three-storey dwelling in order to keep with the neighbouring esthetics on the street, being all one or two storey dwellings. They felt keeping the septic system on the street side was better for the lake and for neighbouring properties, as well as to maintain mature cedar trees and shoreline buffer along the shoreline. He stated that if they placed the septic system closer to the road, there would be an encroachment and the need for a second driveway which they would not be permitted. He advised that they have been in contact with NDCA in order to meet the criteria they need for waterproofing.

Philip Zylberberg attended on behalf of the Long Lake Stewardship Committee expressing concerns with respect the relief being requested. He advised that the setbacks are designed to reduce the amount of detritus entering the lakes. The vegetative buffer zone is to collect unwanted nutrients, soils, salt, etc., from entering the lakes causing excess vegetation, such as algae. He is concerned that the highwater mark setback relief requested will affect the lake. The lake is everyone's drinking water and that the by-law is in place to protect our lakes. His main concerns are that the setback suggested would not even meet the previously required setback of 12m and the expansion encroaches further into the vegetative buffer on a lot that already has a hardening issue. As his concerns were not responded to by the Applicants, he asked the Committee to deny or defer the application in order to come up with an appropriate plan in order to minimize the burden on the lake.

The Secretary-Treasurer confirmed that one letter of concern was received from the Long Lake Stewardship Committee dated April 20, 2023.

The agent confirmed that the retaining wall was pre-existing and not being proposed. The agent also advised that the portion of the construction that is at the 8.85 m setback would be a sunroom on piers. Committee Member Goswell stated that he empathized with the applicant but questioned Staff when does an application such as this reach the threshold of being considered minor. Staff outlined the four-part test and that minor variances are all different and each are assessed on their own merit and circumstances and that it was the opinion of Development Approvals that the variances being requested were considered minor. Committee Member Castanza advised that she had issues with the footprint as the water was very high when she attended on site and stated that she could not support the application. Committee Member Sawchuk asked Staff if there was a reference to the high water mark and asked if it could be clarified as to how utilizing an already cleared portion of the buffer is a positive in this scenario and the intent behind the comment from Development Approvals. Staff highlighted the high water mark setback on the sketch provided by the applicants. Staff clarified that more area would be cleared than what exists today but that the existing home is being removed and that portion of the property has already been cleared. Committee Member Sawchuk then asked the applicants to confirm that they could not stay within the existing setbacks or whether they could not stay within the existing setbacks with the footprint they are hoping for. The agent explained that the existing home is not a large home, and they are hoping to construct a three-bedroom house to accommodate a growing family. The agent also addressed Committee Member Castanza's previous comment by stating that the floor of the home has to be raised to be level with the road according to the standards of the NDCA. He clarified that the floor would be approximately 30 inches higher than it exists now and that they have to provide the NDCA with a topographical survey in order to apply for the section 28 permit with the NDCA. Committee Member Sawchuk advised that he would be in favour of a deferral as elevation sketches may be in order as he is currently not in favour of the application as it currently stands. Committee Member Murray asked the agent why they could not move closer to the road. The agent advised that if they moved the house closer to the road, the septic system would have to be located on the lake side of the property. Strategic and Environmental Planning is not in favour of that proposal and NDCA requires the head of the septic to be 12 inches above flood plain. Committee Member Murray inquired what they are approving as comments from NDCA indicate that setbacks will change. Committee Member Murray advised that he is in favour of a deferral. Chair Dumont advised that he relies on the recommendation of Development Approvals and is in support of the application. Chair Dumont believes that due to being an undersized lot, he believes they are approving the site from a septic system perspective. Chair Dumont also confirmed that the further encroachment is only 12 feet from the current encroachment. Committee Member Goswell stated his wish that a representative of Conservation Authority present for questions, specifically whether the septic system is truly an improvement. Chair Dumont inquired as to the year the original house was built. The applicants

confirmed that it was built in the 1950s. Chair Dumont advises that if the old field bed was installed in the 1950s then it would not meet the standards today and installing a new one would be an improvement. Committee Member Murray wanted to state to the Committee that the comments from the NDCA advise that the location of the house will change and so the setbacks will likely change and expressed a deferral was in order. Chair Dumont stated if that were to happen, then they would require an additional variance at that time. Staff asked to clarify the actual high water mark for Committee and did so.

The resolution to grant the relief sought was defeated. A motion was brought by Committee Members Castanza and Goswell to defer the application. The motion was carried.

June 7, 2023

The agent appeared before the Committee and explained that agency and department concerns had now been addressed. Susan Darling from the Long Lake Stewardship Committee (LLSC) appeared before the Committee and expressed some concern around comments made at a previous meeting about LLSC and Chair Dumont asked that Ms. Darling remain on topic and speak only to the current application that is before Committee for consideration. Ms. Darling acknowledged that previous concerns from agencies and departments appear to have been addressed and while still concerned with the development proposal they are not in opposition.

The following decision was reached:

DECISION:

THAT the application by:

VICTORIA BARCLAY AND JAKE BARCLAY
the owner(s) of PIN 73476 0519, Parcel 12678 SEC SES, Survey Plan SR-1290 Part(s) LT124466 and 1 together with LT71496, Lot Part 5, Concession 4 as in LT71496, Township of Broder, 3807 Sunvalley Avenue, Sudbury

for relief from Part 4, 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 a two storey dwelling and septic system providing, firstly, a high water mark setback of 11.47m, 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 proposed two storey dwelling to be 11.47m 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 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.

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

SUBMISSION NO. A0039/2023

June 07, 2023

OWNER(S): KAREN HAYES, 118 Maplewood Crescent, Garson P3L 1G9
CHRIS HAYES, 118 Maplewood Crescent, Garson P3L 1G9

AGENT(S): CHRIS HAYES, 118 Maplewood Crescent, Garson P3L 1G9

LOCATION: PIN 73511 0180, Parcel 26861 SEC SES, Survey Plan 53R-9850 Part(s) 8, Lot(s) Summer Resort 6,
Subdivision M-561, Lot Part 10, Concession 7, Township of MacLennan, 1751 West Bay Road, Skead

SUMMARY

Zoning: The property is zoned R1-1 (12) (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit the construction of a single detached dwelling on the subject property providing a high water mark setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, June 01, 2023

REVISED

This application was previously deferred by the owner in order to address comments received from circulated agencies and departments. Staff understands that a new sketch has been submitted which correctly measures from the high watermark of Lake Wanapitei whereas the previous sketch measured to a low watermark. Staff notes that the proposed new residential dwelling would be attached to an existing cabin and it would not further reduce the existing shoreline setback to Lake Wanapitei. Staff is also of the opinion that the proposed residential dwelling is not excessive in nature in terms of gross floor area and therefore clearing within the shoreline buffer will be kept to a reasonable amount. Staff also notes the proposed residential dwelling would otherwise appear to comply with all other applicable development standards for a rural shoreline lot. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, May 31, 2023

REVISED

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

However, for the Owner's information Building Services has the following comments,

1) Building permit application and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the proposed construction (single detached dwelling).

CGS: Infrastructure Capital Planning Services, May 31, 2023

REVISED

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Strategic and Environmental Planning, May 31, 2023

REVISED

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 1751 West Bay Road, Skead. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

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

1. The proposed dwelling is further from the highwater mark than the existing dwelling; and,
2. The existing lot does not have sufficient depth to allow the proponent to comply with the minimum 30 metre setback.

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 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: Site Plan Control, May 30, 2023

REVISED
No objection.

Ministry of Transportation, May 30, 2023

REVISED
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.

Greater Sudbury Hydro Inc., May 29, 2023

REVISED
Outside of our territory, therefore we have no concerns.

The Nickel District Conservation Authority, May 29, 2023

REVISED
Conservation Sudbury does not oppose Minor Variance A0039/2023. Proponent has applied for a Section 28 permit from Conservation Sudbury and review is currently underway.

Notes

The proponent is advised that future 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.

CGS: Strategic and Environmental Planning, April 20, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 1751 West Bay Road, Skead. As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams). Policies of the Official Plan unrelated to natural heritage features or shoreline development have not been considered by SEP.

After reviewing the proposed development SEP staff are requesting a deferral of the application for the following reasons:

1. It does not appear that the applicant has accurately identified the highwater mark. From aerial photography the water's edge appears to be closer to 13 metres, making the highwater mark even closer.

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 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, April 20, 2023

Staff understands that the shoreline setback from the proposed single-detached dwelling to the high watermark of Lake Wanapitei that is depicted on the submitted sketch is incorrect. Staff understands from Conservation Sudbury that the owner has provided a measurement from the proposed residential dwelling to the low watermark of Lake Wanapitei. 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: Infrastructure Capital Planning Services, April 19, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, April 18, 2023

Conservation Sudbury would like to request that the successful obtainment of a section 28 permit from Conservation Sudbury pursuant to Ontario Regulation 156/06 be a condition of this minor variance.

Dwelling must be located outside of the hazards of the Lake Wanapitei. These hazards include the flood elevation of 267.95m, the wave uprush hazard of 269.15m and any slopes steeper than 3:1 (horizontal: vertical). Please contact NDCA@ConservationSudbury.ca for more information.

Greater Sudbury Hydro Inc., April 18, 2023

No conflict - outside of our territory.

CGS: Building Services Section, April 18, 2023

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

However, Owner to be advised of the following comments:

1) A building permit is required for proposed Single Family Dwelling. Additional minor variances may be required as no detailed drawing were reviewed for this application.

Ministry of Transportation, April 14, 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: Site Plan Control, April 13, 2023

No objection.

CGS: Development Engineering, April 13, 2023

No objection.

REVISED: No objection.

REVISED: No objection.

April 26, 2023

This matter was deferred prior to the meeting of April 26, 2023 at the request of the Applicants in order to have the opportunity to address comments received from Agencies and departments.

June 7, 2023

The owner appeared before Committee and explained that agency and department concerns had now been addressed. Committee had no questions and proceeded to consider the resolution prepared by the Acting Secretary-Treasurer.

The following decision was reached:

DECISION:

THAT the application by:

KAREN HAYES AND CHRIS HAYES

the owner(s) of PIN 73511 0180, Parcel 26861 SEC SES, Survey Plan 53R-9850 Part(s) 8, Lot(s) Summer Resort 6, Subdivision M-561, Lot Part 10, Concession 7, Township of MacLennan, 1751 West Bay Road, Skead

for relief from Part 4, Section 4.41, subsection 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 a single detached dwelling, firstly, providing a high-water mark setback of 15.0m, 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, for the proposed single detached dwelling to be 15.0m 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 variance is minor in nature and is desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

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

SUBMISSION NO. A0044/2023

June 07, 2023

OWNER(S): SYLVIO VACHON, 4521 Whitewater Lake Road/ Fire Route "S", Azilda P0M 1B0
COLETTE AUBIN, 4521 Whitewater Lake Road/ Fire Route "S", Azilda P0M 1B0

AGENT(S): D.S. DORLAND LIMITED, 298 Larch Street, Sudbury P3B 1M1

LOCATION: PIN 73347 1986, Parcel 26773, Surveys Plan 53R-21771 Part(s) 1 & Plan SR-428 Part(s) 16, Lot Part 7, Concession 1, Township of Rayside, 4521 Whitewater Lake Road, Azilda

SUMMARY

Zoning: The property is zoned SLS (Seasonal Limited Service) 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 with existing accessory structures providing lot coverage, height, eaves and side yard setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, June 01, 2023

REVISED

This application was previously deferred by the owner in order to address comments received from circulated agencies and departments. Staff remains unable to support the requested westerly interior side yard setback of 0.2 m (0.66 ft) for an existing shed on a westerly portion of the lands. Staff has previously noted that a reduced interior side yard setback at this magnitude would present access and maintenance land use planning concerns and potential negative impacts on abutting lands to the west. There also appears to be sufficient room on the lands to relocate the shed in compliance with zoning requirements. There is no demonstrated need or unusual site context and/or characteristics that would make compliance with the City's Zoning By-law difficult or unreasonable. Staff understands that the agent has provided a copy of By-law 2016-017 being the Right of Entry on Adjoining Lands By-law for the City of Greater Sudbury in response to comments received about the westerly shed. Staff notes however that this by-law was not passed with the intention of over-riding good land use planning principles established in the City's Zoning By-law. Staff further advises that the intent of this by-law is to provide right of access "to the extent necessary" and should not be construed as a preferred method of gaining access to buildings and structures for the purposes of access and maintenance. Staff would highlight that Section 2(1) of By-law 2016-017 includes a list of conditions for entry and collectively they do not remove the issue of trespass and potential land use disputes between abutting owners. Staff is of the opinion it would not represent good land use planning to reduce a westerly interior side yard setback to the point where reliance on the right of entry by-law is required as opposed to the City's Zoning By-law. If the Committee wished to proceed with approving the application without the variance for the westerly shed, it would be recommended by staff that a condition be explored requiring that the owner remove or relocate shed in compliance with the City's Zoning By-law. Staff would otherwise recommend that the application be denied as it is not minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are not maintained.

CGS: Infrastructure Capital Planning Services, May 31, 2023

REVISED

Roads

- No concerns.
- Transportation and Innovation Support
- No concerns.
- Active Transportation
- No concerns.

CGS: Building Services Section, May 31, 2023

REVISED

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

However, for the Owner's information Building Services has the following comments,

1) A search of our records indicates there are Building Permits which has not been completed. Owner shall contact Building Services to discuss outstanding items. Building Permit No. 15-0737 and Building Permit No. 18-1451.

CGS: Site Plan Control, May 30, 2023

REVISED

No objection.

Ministry of Transportation, May 30, 2023

REVISED

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.

Greater Sudbury Hydro Inc., May 29, 2023

REVISED

Outside of our territory, therefore we have no concerns.

The Nickel District Conservation Authority, May 29, 2023

REVISED

Conservation Sudbury does not oppose Minor Variance A0044/2023. Part of the subject property is located in area regulated by the Conservation Authority. However, the proposed garage is located sufficiently far from the shoreline.

Notes

The proponent is advised that future 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.

CGS: Development Approvals Section, May 03, 2023

The variances being sought would facilitate construction of a detached garage and recognize existing seasonal dwelling and accessory sheds on the subject lands that have frontage on Whitewater Lake Road in Azilda. The lands also have water frontage on Whitewater Lake. The lands are designated Rural in the City's Official Plan and zoned "SLS", Seasonal Limited Service under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has no concerns with respect to the proposed detached garage having a maximum height of 5.8 m (19.03 ft) whereas 5 m (16.40 ft) is permitted on a residential lot. Staff does not anticipate that the additional building height would have any negative land use planning impacts on abutting residential properties or on the existing rural residential character that exists along this portion of Whitewater Lake Road. Staff notes that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building on a residential lot. Staff is unable to support the requested westerly interior side yard setback of 0.2 m (0.66 ft) for an existing shed on a westerly portion of the

lands. Staff notes that a reduced interior side yard setback at this magnitude would present access and maintenance land use planning concerns and potential negative impacts on abutting lands to the west. There also appears to be sufficient room on the lands to relocate the shed in compliance with zoning requirements. Staff has no concerns with the other shed on the easterly side of the lands having a setback of 0.95 m (3.12 ft) as sufficient space would be provided in order to access and maintain the land behind the shed. Staff also has no concerns with respect to recognizing the existing seasonal dwelling having an easterly interior side yard setback of 2.1 m (6.89 ft) and the associated eaves variance. Staff recommends that the application be deferred in order to afford the owner the opportunity to address the above comments. If the Committee wished to proceed with approving the application without the variance for the westerly shed, it would be recommended by staff that a condition be explored requiring that the owner remove or relocate shed in compliance with the City's Zoning By-law.

CGS: Building Services Section, May 03, 2023

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

1) We recommend deferral of this application until such time that an updated plot plan or survey is provided that reflects the dimensions and setbacks of all existing and proposed buildings and structures. With respect to lot coverage, in accordance with Zoning By-law 2010-100Z Section 4.2.3. and 9.3, Table 9.3 (provision 8), the subject property is permitted a maximum accessory lot coverage of 10% and a total lot coverage of 25%. Based on our research, it appears a minor variance is required for accessory lot coverage. With respect to shed #1 identified on the plot plan, although relief of a 0.20m setback from the interior lot line has been requested, we note that relief is also required for the 0.30m eaves where eaves may encroach 0.6 m into the required interior yard but not closer than 0.6m to the interior lot line in accordance with Section 4.2.5., Table 4.1 of the Zoning By-law.

Owner to also be informed of the following:

2) With respect to the proposed garage, Building Services acknowledges an associated building permit application (23-0157).

3) Owner to be informed that a search of our records indicates incomplete building permits for the subject property as follows: B15-0737 (seasonal dwelling with attached garage and detached garage) & 18-1541 (enclose existing covered deck with addition and indoor in-ground pool). Please contact Building Services to proceed in closing these projects.

The Nickel District Conservation Authority, May 03, 2023

Conservation Sudbury does not oppose Minor Variance A0044/2023. Part of the subject property is located in area regulated by the Conservation Authority. However, the proposed garage is located sufficiently far from the shoreline.

Notes

The proponent is advised that future 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.

CGS: Infrastructure Capital Planning Services, May 03, 2023

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

Greater Sudbury Hydro Inc., May 03, 2023

Outside of our territory, therefore we have no concerns.

CGS: Site Plan Control, May 02, 2023

From the perspective of Site Plan Control we have no objection.

Ministry of Transportation, April 28, 2023

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

CGS: Development Engineering, April 27, 2023

No objection.
REVISED: No objection.
REVISED: No objection.

May 10, 2023

This application was deferred prior to the meeting of May 10, 2023, at the request of the agent to afford the owner the opportunity to address the comments received from agencies and departments.

June 7, 2023

The agent appeared before the Committee and explained that the main objective of the application is to obtain approval for the proposed detached garage. The agent noted that their clients would prefer to not remove the westerly shed and that it was their opinion that the shed provided increased privacy and screening to the abutting lands. It was also noted that abutting landowners to the west do not oppose the proposed westerly interior side yard setback. Committee discussed several options that would avoid having to deny the entirety of the application because of the westerly shed variance remaining as one component to the overall larger development proposal. Committee Member Murray asked if the westerly shed could be relocated and the agent and owners confirmed that there are propane tanks on a concrete slab to the immediate east of the shed that would prevent relocation. Staff provided advice to the Committee as it relates to possible alternate resolutions including the option of approving the balance of the variances on a condition that the westerly shed be removed or otherwise relocated in compliance with zoning requirements. Committee Member Murray also noted that while the current landowners to the west have no concerns with the shed it was possible that future land use planning conflict could arise should ownership either on the abutting lands or the subject lands themselves change. Committee defeated the tabled resolution to deny the application and discussed an alternate resolution to approve the application in part with a condition that the westerly shed be removed or relocated.

The following decision was reached:

DECISION:

THAT the application by:

SYLVIO VACHON AND COLETTE AUBIN

the owner(s) of PIN 73347 1986, Parcel 26773, Surveys Plan 53R-21771 Part(s) 1 & Plan SR-428 Part(s) 16, Lot Part 7, Concession 1, Township of Rayside, 4521 Whitewater Lake Road, Azilda

for relief from Part 4, Section 4.2, subsection 4.2.3, subsection 4.2.4 a), subsection 4.2.5, Table 4.1, and Part 9, section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage, firstly, providing a maximum accessory lot average of 12%, where the total lot coverage of all accessory buildings and structures shall not exceed 10%, secondly, providing a maximum height of 5.80m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, the existing easterly shed providing an interior side yard setback 0.95m, where accessory buildings greater than 2.5m in height shall be no closer than 1.2m from the side lot line, and where eaves may encroach 0.6m into the required interior yard but not closer than 0.6m to the lot line, and fourthly, the existing seasonal dwelling providing a minimum interior side yard setback of 2.1m with eaves encroaching 0.4m into the proposed 2.1m interior side yard setback, where 3.0m is required, and where eaves may encroach 0.6m into the required interior yard but not closer than 0.6m to the lot line, be granted, subject to the following conditions:

1) That the owner removes the westerly shed or otherwise relocated in compliance with the City's Zoning By-law to the satisfaction of the Chief Building Official and the Director of Planning Services within 120 days of the variance decision.

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

The proposed shed setback presents a land use planning concern despite abutting landowners expressing that they have no concerns with the setback proposed. Committee noted that landowners can change but the land use planning impact would be permanent if approved.

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

SUBMISSION NO. A0057/2023

June 07, 2023

OWNER(S): DOUGLAS TWILLEY, 477 Main Street, Greater Sudbury, P3A 1T7
LAURIE TWILLEY, 477 Main Street, Greater Sudbury, P3A 1T7

AGENT(S):

LOCATION: PIN 02122 0091, Parcel 30290 SEC SES, Survey Plan SR-172 Part(s) 1, Lot(s) Part Lot 22, Subdivision M-227, Lot Part 3, Concession 5, Township of McKim, 477 Main Street, Sudbury

SUMMARY

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

Application: Approval to construct an uncovered deck on the subject property providing a rear yard encroachment at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, June 01, 2023

The variance being sought would facilitate construction on an uncovered deck in the rear yard of the subject lands that have frontage of Main Street in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that some degree of relief from the accessory structure provisions of the City's Zoning By-law is warranted given that the lands have a legal non-complying lot depth of approximately 22.63 m (74.25 ft) and a rear yard setback of 5.33 m (17.49 ft) whereas 30 m (98.43 ft) and 7.5 m (24.61 ft) are required respectively. Staff has reviewed the submitted sketch and is satisfied that no negative land use planning impacts would be generated on abutting residential properties should the variance be approved. Staff notes that the proposed setback of 1.37 m (4.49 ft) to the rear lot line will not prevent the regular maintenance (eg. lawn mowing) of the landscaped open space between the proposed deck and the rear lot line. The proposed deck would also immediately abut a detached garage situated in the rear yard of those lands known municipally as 1050 Sunnybrae Avenue. 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.

CGS: Building Services Section, May 31, 2023

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

CGS: Infrastructure Capital Planning Services, May 31, 2023

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

CGS: Site Plan Control, May 30, 2023

No objection.

Ministry of Transportation, May 30, 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.

Greater Sudbury Hydro Inc., May 29, 2023

No Conflict.

The Nickel District Conservation Authority, May 29, 2023

Conservation Sudbury does not object to Minor Variance A0057/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, May 25, 2023

No objection.
REVISED: No objection.

The owners appeared before the Committee and briefly described the application. Committee had no questions and proceeded to consider the resolution prepared by the Acting Secretary-Treasurer.

The following decision was reached:

DECISION:

THAT the application by:

DOUGLAS TWILLEY AND LAURIE TWILLEY

the owner(s) of PIN 02122 0091, Parcel 30290 SEC SES, Survey Plan SR-172 Part(s) 1, Lot(s) Part Lot 22, Subdivision M-227, Lot Part 3, Concession 5, Township of McKim, 477 Main Street, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the construction of an uncovered deck providing a 6.13m encroachment into the required rear yard and maintaining a 2.53m rear yard setback, where uncovered decks greater than 1.2m in height are permitted to encroach 3.6m into the required rear yard but not closer than 3.0m to the rear 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 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>
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0058/2023

June 07, 2023

OWNER(S): JUSTIN LOCHSCHMIDT, 160 Dora Street, Naughton, P0M 2M0
MICHELLE LOCHSCHMIDT, 160 Dora Street, Naughton, P0M 2M0

AGENT(S): JUSTIN LOCHSCHMIDT, 160 Dora Street, Naughton, P0M 2M0

LOCATION: PIN 73381 0362, Parcel 17430 SEC SWS SRO, Lot(s) Lot 9, Subdivision M-428, Lot Part 2, Concession 3, Township of Graham, 160 Dora Street, Naughton

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 Approvals Section, June 01, 2023

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Dora Street in Naughton. 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 proposed detached garage would be setback approximately 69 m (226.38 ft) from the street-line of Dora Street. Staff is satisfied that at the setback proposed the increased accessory building height would not have any negative impacts on the existing residential character that exists along Dora Street. There is mature vegetation along the northerly rear lot line and the westerly interior side lot line that provides for buffering and screening to abutting properties. The rear lot line abuts a municipally owned property containing a soccer field and the Naughton Community Centre. Staff does not anticipate any negative land use planning impacts on abutting properties should the variance be approved. Staff in this particular context therefore has no concerns with the requested maximum accessory building height of 7.2 m (23.62 ft) whereas 5 m (16.40 ft) is permitted under Section 4.2.4 a) of the City's Zoning By-law. Staff advises that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building on a residential lot. Staff would caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (ie. non-residential land uses). 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.

CGS: Building Services Section, May 31, 2023

No concerns.

CGS: Infrastructure Capital Planning Services, May 31, 2023

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

CGS: Site Plan Control, May 30, 2023

No objection.

Ministry of Transportation, May 30, 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.

Greater Sudbury Hydro Inc., May 29, 2023

Outside of our territory, therefore we have no concerns.

The Nickel District Conservation Authority, May 29, 2023

Conservation Sudbury does not object to Minor Variance A0058/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, May 25, 2023

No objection.
REVISED: No objection.

The owner appeared before the Committee and explained that a detached garage in the approximate same location had recently been lost to a fire. The owner further explained that the proposed detached garage would be higher than what the City's Zoning By-law allows but it would be situated approximately in the same location as the former detached garage. Committee had no questions and proceeded to consider the resolution prepared by the Acting Secretary-Treasurer.

The following decision was reached:

DECISION:

THAT the application by:

JUSTIN LOCHSCHMIDT AND MICHELLE LOCHSCHMIDT
the owner(s) of PIN 73381 0362, Parcel 17430 SEC SWS SRO, Lot(s) Lot 9, Subdivision M-428, Lot Part 2, Concession 3, Township of Graham, 160 Dora Street, Naughton

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 7.2m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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

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

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

SUBMISSION NO. A0059/2023

June 07, 2023

OWNER(S): VIRGINIA SCHIRATTI, 1575 Southview Drive, Sudbury P3E 2L9

AGENT(S): JAMES RANGER, 1575 Southview Drive, Sudbury

LOCATION: PIN 73597 0412, Parcel 18716 SEC SES, Lot(s) 71, Subdivision M-329, Lot Part 8, Concession 1, Township of McKim, 1575 Southview Drive, Sudbury

SUMMARY

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

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

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, June 07, 2023

REVISED

Staff understands that the variance being sought would now allow for a maximum garage height of 5.64 m (18.50 ft) whereas 5 m (16.40 ft) is permitted on a residential lot. Staff are satisfied that the increased height will not have any negative land use planning impacts on abutting residential properties or on the urban residential character that exists along this portion of Southview Drive. It is noted that no further public notice is required as the variance now being sought is lesser than the variance request that was advertised to the public. 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.

CGS: Development Approvals Section, June 01, 2023

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage of Southview Drive in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage with studio and workshop on a second-storey would provide for a maximum height of 7.32 m (24.02 ft) whereas 5 m (16.40 ft) is permitted in urban areas (eg. "R1-5" Zone). Staff further notes that the proposed height exceeds the maximum height of 6.5 m (21.33 ft) for accessory buildings and structures in rural areas (eg. "RU" Zone). The additional building height of 2.32 m (7.61 ft) is excessive in nature and not appropriate in this urban residential setting. Staff advises in this respect that accessory buildings and structures are intended to be incidental and subordinate in nature to the principal use (ie. single-detached dwelling). Staff did attend the lands and surrounding area and noted that existing detached garages and sheds in the area generally appear ancillary and subordinate to a main residential dwelling. The majority of single-detached dwellings along this portion of Southview Drive are also one-storey buildings whereas the variance being sought would allow for a two-storey accessory building having a larger building footprint than the main residential dwelling on the lands. Staff would encourage the owner to defer the application at this time in order to consider reducing the maximum building height for the proposed detached garage. Staff is otherwise unable to support the requested maximum accessory building height. Staff also notes that the existing shed in combination with the proposed detached garage would result in an accessory buildings and structures lot coverage of 10.32% whereas a maximum of 10% is permitted under Section 4.2.3 of the City's Zoning By-law. Staff understands however that the owner intends on removing the shed in the event that the application is approved. Staff recommends that the application be denied as the variance is not minor, not appropriate development for the area and the intent of the Zoning By-law is not maintained.

CGS: Building Services Section, May 31, 2023

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

However, for the Owner's information Building Services has the following comments,

1) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the proposed accessory structure (detached garage).

CGS: Infrastructure Capital Planning Services, May 31, 2023

Roads

No concerns.

Transportation and Innovation Support

No concerns.

Active Transportation

No concerns.

CGS: Site Plan Control, May 30, 2023

No objection.

Ministry of Transportation, May 30, 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.

Greater Sudbury Hydro Inc., May 29, 2023

No Conflict.

The Nickel District Conservation Authority, May 29, 2023

Conservation Sudbury does not object to Minor Variance A0059/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, May 25, 2023

No objection.

REVISED: No objection.

The owner appeared before the Committee and explained that the height variance being sought for their proposed detached garage was required in order to accommodate space for a workshop and a pottery studio. Staff explained to Committee that the initial variance was for a maximum accessory building height of 7.23 m (24.02 ft) however the owner has reduced the request to 5.64 m (18.50 ft) after considering those comments received from circulated agencies and departments. The owner noted that a previous application on the agenda had requested a variance to permit and maximum accessory building height of more than 7 m (22.97 ft) and were approved. Staff noted in response that contextually the two sites were different with the former having a much larger lot depth and therefore larger setback from the front lot line. Staff further noted that the building footprint of the owner's proposed detached garage also exceeds the footprint of the main residential dwelling whereas the former application was the opposite and the relationship between main and accessory buildings on a lot are another factor to consider. Committee Member Murray asked about lot coverage and the owner confirmed that an existing shed would be removed if the variance related to the proposed detached garage was approved. Staff confirmed that the variance application did not include a maximum accessory buildings and structures lot coverage variance. Staff further explained that if Committee wished to approve the application that a condition could be utilized to ensure the existing shed is removed thereby removing the need for any further minor variances beyond the requested maximum height variance.

The following decision was reached:

DECISION:

THAT the application by:

VIRGINIA SCHIRATTI

the owner(s) of PIN 73597 0412, Parcel 18716 SEC SES, Lot(s) 71, Subdivision M-329, Lot Part 8, Concession 1, Township of McKim, 1575 Southview Drive, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 5.64m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be approved, subject to the following condition:

1) That the owner remove the existing shed on the lands to the satisfaction of the Chief Building Official and the Director of Planning Services within 180 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 variance is minor in nature and is desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

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

SUBMISSION NO. A0060/2023

June 07, 2023

OWNER(S): RELIABLE WINDOW CLEANERS SUDBURY LIMITED, 345 Regent Street, Sudbury P3C 4E1

AGENT(S): CENTRELINE ARCHITECTURE, 158 Elgin St- Suite 201, Sudbury P3E 3N5

LOCATION: PINs 73586 06389 & 73586 1358, Surveys Plan 53R-15092 Part(s) 1 and 2 & Plan 53R-15961 Part(s) Part 1, Lot Part 7, Concession 3, Township of McKim, 345 Regent Street, Sudbury

SUMMARY

Zoning: The property is zoned C2(76) (General Commercial) Special, C2 (General Commercial) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit the existing two storey warehouse on the subject property providing a loading space setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, June 01, 2023

The variance being sought would recognize the location of an existing loading space situated in the front yard of the subject lands that have frontage on Regent Street in Sudbury. The lands are designated Mixed Use Commercial in the City's Official Plan and zoned both "C2", General Commercial and "C2(78)", General Commercial Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands contain an existing building that was originally constructed prior to the 1960s with additions made between then and the 1990s according to available building permit records. Staff notes that that loading space already exists and there does not appear to be any opportunity to relocate the loading space in compliance with the City's Zoning By-law. Staff also notes that this portion of Regent Street contains several existing buildings containing legal non-conforming uses along with legal non-complying front yard setbacks. Staff is satisfied that the existing mixed-use character along this portion of Regent Street would not be negatively impacted should the variance be approved. Staff also does not anticipate any negative land use planning impacts on abutting properties. Staff has no concerns with the proposed loading space setback of 5.97 m (19.59 ft) whereas 10 m (32.81 ft) is required under Section 5.6.6 e) of the City's Zoning By-law. Staff also notes that the lands are subject to site plan control and there is an active site plan application (File # S.P.C.A. 2022-008) that has not yet been finalized with a site plan control agreement. Staff cautions the owner that they should only proceed at this time if they are confident that further minor variances will not be required as a result of the ongoing site planning process. 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.

CGS: Infrastructure Capital Planning Services, May 31, 2023

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

CGS: Building Services Section, May 30, 2023

No concerns.

CGS: Site Plan Control, May 30, 2023

Note there is an application for site plan control currently in process for A0060/2023 – 345 Regent Street.

Ministry of Transportation, May 30, 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.

Greater Sudbury Hydro Inc., May 29, 2023

No Conflict.

The Nickel District Conservation Authority, May 29, 2023

Conservation Sudbury does not object to Minor Variance A0060/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, May 25, 2023

No objection.
REVISED: No objection.

The agent appeared before the Committee and briefly described the application. The agent noted they had spoken with the owner of the lands and they were unaware of the issues raised by a nearby resident and were of the opinion that issues related to road blockages, noise, safety and so on were not being generated by trucks that utilize the existing loading spaces on the lands. Committee Member Sawchuk noted that no concerns had been raised by circulated agencies and departments as it relates to the areas of concern raised by the concerned resident.

The following decision was reached:

DECISION:

THAT the application by:

RELIABLE WINDOW CLEANERS SUDBURY LIMITED

the owner(s) of PINs 73586 06389 & 73586 1358, Surveys Plan 53R-15092 Part(s) 1 and 2 & Plan 53R-15961 Part(s) Part 1, Lot Part 7, Concession 3, Township of McKim, 345 Regent Street, Sudbury

for relief from Part 5, Section 5.6.5 e) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing two storey warehouse on the subject property providing a minimum loading space front yard setback of 5.97m, where a minimum 10.0m setback from any street line is required, be granted.

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

Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

Member	Status
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring

SUBMISSION NO. A0063/2023

June 07, 2023

OWNER(S): CHRIS LACHAPELLE, 54 Lakeshore Street, Capreol ON P0M 1H0
DENA PARRO, 54 Lakeshore Street, Capreol ON P0M 1H0

AGENT(S): DENA PARRO, 54 Lakeshore Street, Capreol ON P0M 1H0

LOCATION: PIN 73507 0590, Parcel 4451 SEC SES, Subdivision M-65, Lot Part 170, Township of Capreol, 54 Lakeshore Street, Capreol

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 uncovered deck on the subject property providing an encroachment into the required front yard at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, June 01, 2023

The variance being sought would facilitate construction of an uncovered deck within the front yard of the subject lands that have frontage on Lakeshore Street in Capreol. 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 several of the existing residential dwellings along this portion of Lakeshore Street maintain legal non-complying front yard setbacks with the result being that minor variance(s) are needed in most cases should an owner wish to construct accessory structures (eg. deck, porch, etc.). Staff further notes that there is a similar variance approval permitting an uncovered deck within a required front yard to maintain a setback of 1.6 m (5.25 ft) from the front lot line on those lands known municipally as 60 Lakeshore Street (File # A0047/2020). Staff notes that no negative land use planning impacts are anticipated on abutting residential properties should the variance to facilitate construction of a deck in the front yard be approved. Staff is also satisfied that the proposed deck is not excessive in nature and it would not negatively impact the existing urban residential character that exists along this portion of Lakeshore Street. 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.

CGS: Building Services Section, May 31, 2023

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

However, for the Owner's information Building Services has the following comments,

1) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the proposed accessory structure (front yard deck).

CGS: Infrastructure Capital Planning Services, May 30, 2023

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

CGS: Site Plan Control, May 30, 2023

No objection.

Ministry of Transportation, May 30, 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.

Greater Sudbury Hydro Inc., May 29, 2023

No Conflict.

The Nickel District Conservation Authority, May 29, 2023

Conservation Sudbury does not oppose Minor Variance A0063/2023. Part of the subject property is located in area regulated by the Conservation Authority and future development within the regulated development requires permission from Conservation Sudbury.

Notes

The proponent is advised that future 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.

CGS: Development Engineering, May 25, 2023

No objection.

REVISED: No objection.

The owner appeared before the Committee and briefly described the application. The owner noted in particular that deck is of an appropriate size and not unreasonable given the presence of other similar decks along Lakeshore Street. Committee had no questions and proceeded to consider the resolution prepared by the Acting Secretary-Treasurer.

The following decision was reached:

DECISION:

THAT the application by:

CHRIS LACHAPELLE AND DENA PARRO

the owner(s) of PIN 73507 0590, Parcel 4451 SEC SES, Subdivision M-65, Lot Part 170, Township of Capreol, 54 Lakeshore Street, Capreol

for relief from Part 4, Section 4.2, 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 uncovered deck providing a 5.117m encroachment into the required front yard and maintaining a 0.883m front yard setback, where uncovered decks greater than 1.2m in height are not permitted to encroach into the 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 variance is minor in nature and is desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained.

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

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

SUBMISSION NO. A0064/2023

June 07, 2023

OWNER(S): JEFF PERRY, 260 Maki Avenue, Sudbury ON P3E 2P2
ADRIENNE PERRY, 260 Maki Avenue, Sudbury ON P3E 2P2

AGENT(S): JEFF PERRY, 260 Maki Avenue, Sudbury ON P3E 2P2

LOCATION: PINs 73594 0409 & 73594 0435, Parcel 11526 SEC SES, Survey Plan 53R-21350 Part(s) 3, 4 and 6, Lot(s) Part 40, Subdivision M-143 as in LT64181, Lot Part 40, Concession 1, Township of McKim, 260 Maki Avenue, 260 Maki Avenue, Sudbury

SUMMARY

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

Application: Approval to permit an existing garage and a proposed in ground pool providing eaves, interior side yard setback, high water mark setback, shoreline buffer area and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, June 01, 2023

The variances being sought would recognize the location of an existing detached garage and permit the installation of an inground swimming pool on the lands that have frontage on Maki Avenue in Sudbury. The lands also have water frontage on Lake Nepahwin. 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 acknowledges that a previous minor variance approval (File # A0014/2020) allowed for the clearance of the entire shoreline buffer area. Staff notes that the previous approval did not include an inground swimming pool; however, the proposed swimming pool will be situated within a part of the shoreline buffer area that is already permitted to be 100% cleared of natural vegetation through previous planning approvals issued on the lands. Staff also previously acknowledged that a number of variances have been granted over time along Maki Avenue for similar development proposals on the basis that many lots in this location contain existing legal non-complying buildings and structures that are situated on narrow lots with sloping topography. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Infrastructure Capital Planning Services, May 31, 2023

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

CGS: Building Services Section, May 31, 2023

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

However, for the Owner's information Building Services has the following comments,

1) A search of our records indicates there is a Building Permit which has not been completed. Owner shall contact Building Services to discuss outstanding items. Building Permit No. 19-0427.

CGS: Strategic and Environmental Planning, May 31, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 260 Maki Road, Sudbury. 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.

SEP staff acknowledge that a previous application for Minor Variance (A0014/2020) permitted the removal of 100% of the required shoreline buffer, in addition to reduced setbacks for certain structures to the highwater mark. Given that 100% of the shoreline can be impervious area and that the dwelling itself is closer to the highwater mark than the proposed pool, the proposed location of the pool is less of a concern to staff. However, staff would advise the proponent that draining pool water into the lake is not permitted as it is harmful to fish and other aquatic organisms. For more information on how to best drain a pool, please see <https://www.greatersudbury.ca/live/my-property/outdoor-pools/draining-your-pool/>. Additionally, staff strongly encourage the proponent to allow as much of the property as possible, particularly areas close to the shoreline, to re-naturalize.

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 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: Site Plan Control, May 30, 2023

No objection.

Ministry of Transportation, May 30, 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.

Greater Sudbury Hydro Inc., May 29, 2023

No Conflict.

The Nickel District Conservation Authority, May 29, 2023

Conservation Sudbury does not object to Minor Variance A0064/2023. Subject property contains floodplain and regulated area. Any future proposed development in these areas requires permission of the Conservation Authority.

CGS: Development Engineering, May 25, 2023

Eaves Encroachment Condition:

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 0.6m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

REVISED:

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 0.6m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

The owner appeared before the Committee and briefly described the application. The owner noted that there is an active building permit application related to variances being sought. The owner also noted that there have been many variances granted of similar nature both on the lands as well as surrounding properties on Maki Avenue given the sloping topography and narrow lots that exist in the area. Committee had no questions and proceeded to consider the resolution prepared by the Acting Secretary-Treasurer.

The following decision was reached:

DECISION:

THAT the application by:

JEFF PERRY AND ADRIENNE PERRY

the owner(s) of PINs 73594 0409 & 73594 0435, Parcel 11526 SEC SES, Survey Plan 53R-21350 Part(s) 3, 4 and 6, Lot(s) Part 40, Subdivision M-143 as in LT64181, Lot Part 40, Concession 1, Township of McKim, 260 Maki Avenue, 260 Maki Avenue, Sudbury

for relief from Part 4, Section 4.2, Table 4.1, Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4, and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the existing detached garage and the installation of an in ground swimming pool providing, firstly, a minimum interior side yard setback of 0.90m with eaves encroaching 0.6m into the proposed 0.90m interior side yard setback, where a minimum interior side yard setback of 1.2m 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, secondly, a high water mark setback of 14.32m for the proposed in ground pool, 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 proposed pool to be 14.32m 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 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>
David Murray	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0066/2023

June 07, 2023

OWNER(S): JANA MCCOLEMAN, 1430 Christina Drive, Sudbury P3A 5P7
JOEY MCCOLEMAN, 1430 Christina Drive, Sudbury P3A 5P7

AGENT(S): 3RDLINE STUDIO INC., 289 Centre St. Suite 300, Sudbury, On P3B 1M8

LOCATION: PIN 73565 0145, Parcel 53M1164-7 SEC SES SRO, Lot(s) Lot 7, Subdivision 53M-1164, Lot 10, Concession 6, Township of Neelon, 1430 Christina Drive, Sudbury

SUMMARY

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

Application: Approval to construct a single detached dwelling on the subject property providing a rear yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, June 01, 2023

The variance being sought would facilitate construction of a second-storey addition to an existing single-detached dwelling having frontage on Christina Drive in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the existing interior side yard setback of 1.2 m (3.94 ft) will not be further reduced as the second-storey addition is not proposed to extend beyond the current extent of the existing attached garage. Staff also notes that the submitted sketches include an elevation plan which depicts no window openings along the wall of the second-storey addition that faces toward those lands known municipally as 1424 Christina Drive. Staff therefore does not anticipate any negative land use planning impacts on abutting residential properties including the existing one-and-a-half single-detached dwelling situated to the immediate south of the lands. 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.

CGS: Building Services Section, May 31, 2023

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

However, for the Owner's information Building Services has the following comments,

- 1) Building permit application and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the proposed construction (second storey addition).

CGS: Infrastructure Capital Planning Services, May 31, 2023

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

CGS: Site Plan Control, May 30, 2023

No objection.

Ministry of Transportation, May 30, 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.

Greater Sudbury Hydro Inc., May 29, 2023

No Conflict.

The Nickel District Conservation Authority, May 29, 2023

Conservation Sudbury does not object to Minor Variance A0066/2023. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Development Engineering, May 25, 2023

No objection.
REVISED: No objection.

The owner appeared before the Committee and briefly described the application. Committee had no questions and proceeded to consider the resolution prepared by the Acting Secretary-Treasurer.

The following decision was reached:

DECISION:

THAT the application by:

JANA MCCOLEMAN AND JOEY MCCOLEMAN
the owner(s) of PIN 73565 0145, Parcel 53M1164-7 SEC SES SRO, Lot(s) Lot 7, Subdivision 53M-1164, Lot 10, Concession 6, Township of Neelon, 1430 Christina Drive, Sudbury

for relief from Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, as amended, for approval to construct a second storey addition above an existing attached garage on the subject property providing a minimum interior side yard setback of 1.2m, where a minimum of 1.8m setback is required, be granted.

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

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

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