



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0014/2023

March 03, 2023

OWNER(S): OUIMET BROS LTD, 378 Whittaker Street, Sudbury, ON P3C 3X9

AGENT(S): CORRIE- JO DELWO, 63 Kevin Dr, Skead, ON P0M 2Y0

LOCATION: PIN 73586 0666, Lot(s) 281 and Part 280, as in S108819, Subdivision 4-SC, Township of McKim, 378 Whittaker Street, Sudbury

SUMMARY

Zoning: The property is zoned R2-3 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit an addition to a legally existing building on the subject property providing a rear yard setback, eaves and lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., February 27, 2023

No Conflict.

CGS: Building Services Section, February 23, 2023

No concerns.

CGS: Infrastructure Capital Planning Services, February 23, 2023

Roads
No concerns.

Transportation and Innovation Support

While we have no concerns with this application we note that vehicles parked along the Arnley Street frontage of the property will encroach onto the City's road allowance.

Active Transportation
No concerns.

CGS: Development Approvals Section, February 23, 2023

The variances being sought would facilitate the construction of an addition to a legal existing building at the corner of Whittaker Street and Arnley Street in Sudbury. Staff previously supported an application (File # A0141/2021) that was approved by the Committee to change the legal non-conforming use of the lands from that of a telecommunications and electrical contracting business to a ranged of uses including an insurance adjuster, a cleaning contractor, a safety supplies company and an off-season tire storage facility. It was noted by Building Services that an illegal addition had been made to the east side of the existing building and that the obtaining of minor variances would have been necessary at the time it was constructed. The issuance of building permit (File # B23-0086) to legalize the building addition is contingent upon minor variances to permit said addition being authorized by the Committee. Staff has reviewed the application and it aligns with the previous approval to change the legal non-conforming uses on the lands. Staff has attended the lands previously and has no concerns with respect to the

SUBMISSION NO. A0014/2023 Continued.

building addition that is subject to this application. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the City's Official Plan and Zoning By-law are maintained.

CGS: Site Plan Control, February 22, 2023

No objections.

The Nickel District Conservation Authority, February 22, 2023

Conservation Sudbury does not object to Minor Variance A0014/2023. 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: Strategic and Environmental Planning, February 22, 2023

No concerns.

Ministry of Transportation, February 17, 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, February 15, 2023

No objection.

The agent of the applicant, Corrie-Jo Delwo, appeared before Committee and provided a summary of the application. Committee Member Sawchuk sought clarification from Staff with respect to comments from Infrastructure and Capital Planning regarding parking along Arnley Street and whether any further action was required on the part of the Applicant. Staff clarified that it was merely a note of observation from Transportation and Innovation staff and that there was no impact on the Application in that respect.

The following decision was reached:

DECISION:

THAT the application by:

OUIMET BROS LTD

the owner(s) of PIN 73586 0666, Lot(s) 281 and Part 280, as in S108819, Subdivision 4-SC, Township of McKim, 378 Whittaker Street, Sudbury

for relief from Part 4, Section 4.2, Table 4.1, Section 4.25.1 and Part 6, Section 6.3, Table 6.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, in order to permit an addition to a legally existing building providing firstly, a minimum rear yard setback of 2.19m with eaves encroaching 0.31m into the proposed 2.19m rear yard setback, where a minimum rear yard setback of 7.5m is required and where eaves may encroach 1.2m into the required rear yard, but not closer than 0.6m to the lot line, and secondly, lot coverage of 67%, where the maximum lot coverage on a residential lot shall not exceed 50%, and thirdly, an increase in gross floor area of a legally existing building of 13.27 sq.m., where enlargement, reconstruction, repair and/or renovation shall not increase the gross floor area of the building located within the minimum required rear yard setback, 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.

SUBMISSION NO. A0014/2023 Continued.

| <i>Member</i> | <i>Status</i> |
|----------------------|----------------------|
| Cathy Castanza | Concurring |
| David Murray | Concurring |
| Justin Sawchuk | Concurring |
| Ron Goswell | Concurring |



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0015/2023

March 03, 2023

OWNER(S): CITY OF GREATER SUDBURY, 200 Brady Street, Sudbury, ON P3A 5P3

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

LOCATION: PINs 73476 0498 & 73476 0482, Parcel 18423 and 19743A SEC SES, Survey Plan 53R-5024 Part(s) 1, Lot Part 5, Concession 3 as in LT105347, LT114800, Township of Broder, 4472 Long Lake Road, Sudbury

SUMMARY

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

Application: Approval to permit the existing accessory structures on the subject property providing an interior side yard setback, eaves and use of accessory structures in the form of storage containers at variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., February 27, 2023

No Conflict.

CGS: Infrastructure Capital Planning Services, February 23, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Building Services Section, February 23, 2023

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

1-A building permit will be required for the converted sea cans.

CGS: Development Approvals Section, February 23, 2023

The variances being sought would permit accessory structures in the form of storage containers that are associated with a park to be located on the subject lands which have frontage on Long Lake Road in Sudbury. The lands are designated Parks and Open Space in the City's Official Plan and zoned "P", Park and "I", Institutional under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the storage containers appear to be well buffered by mature vegetation and are situated beneath a roofed-accessory structure approximately 111 m (364.17 ft) from the street line of Long Lake Road. Staff would further note that the lands to the immediate east form part of Kivi Park and are zoned "OSP(8)", Open Space – Private Special, which includes a special provision which permits the use of storage containers accessory elsewhere on the lands (ie. PINs 73476-0513, 73471-

SUBMISSION NO. A0015/2023 Continued.

0015 & 73471-0016). It is on this basis that staff is satisfied that no negative land use planning impacts would be generated on abutting lands should the variances be approved. Staff is also satisfied that the number of storage containers being proposed is appropriate and reasonable within the context of providing storage options for the primary land use being that of Kivi Park. Staff has no concerns with the eaves variance. Staff would also note that the variances pertain to three storage containers as depicted on the submitted sketch and therefore the owner is cautioned that the addition of any further storage containers would require additional planning approvals. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the City's Official Plan and Zoning By-law are maintained.

CGS: Site Plan Control, February 22, 2023

The applicant should be advised that the next site plan submission must reflect the updated proposal and any relief granted by the Committee.

The Nickel District Conservation Authority, February 22, 2023

Conservation Sudbury does not object to Minor Variance A0015/2023. The subject property contains some areas regulated by the Conservation Authority, due to the presence of wetlands and streams. However, is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Strategic and Environmental Planning, February 22, 2023

No concerns.

Ministry of Transportation, February 17, 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, February 15, 2023

No objection.

The agent of the applicant, Mike Ladyk, appeared before Committee and provided a summary of the application. Kerry Lamarche, Executive Director of Kivi Park, confirmed the summary of the application as accurate and described the application permitting additional storage for equipment allowing further and continued use of the park by schools and the public. Committee Member Castanza asked the agent about the comment provided by Building Services and whether a building permit has been applied for. The agent confirmed that a building permit was applied for and then put on hold to obtain the variance and once obtained a revised permit would be submitted. Staff confirmed that there currently is an ongoing permit process in this regard.

The following decision was reached:

DECISION:

THAT the application by:

CITY OF GREATER SUDBURY

the owner(s) of PINs 73476 0498 & 73476 0482, Parcel 18423 and 19743A SEC SES, Survey Plan 53R-5024 Part(s) 1, Lot Part 5, Concession 3 as in LT105347, LT114800, Township of Broder, 4472 Long Lake Road, Sudbury

for relief from Part 4, Section 4.2, Table 4.1, Section 4.34 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 permit the existing accessory structures providing, firstly, eaves to encroach 7.0m into the required interior side yard, where eaves may encroach 0.6m into the required interior side yard but not closer than 0.6m to the lot line, secondly, to permit three accessory structures in the form of storage containers used in conjunction with a park use, whereas accessory structures in the form of storage containers may only be used in conjunction with a permitted agricultural, extractive, transport terminal or warehouse use, and thirdly, a minimum interior side yard setback of 1.5m, where 10.0m 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 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.

| <i>Member</i> | <i>Status</i> |
|----------------------|----------------------|
| Cathy Castanza | Concurring |
| David Murray | Concurring |
| Justin Sawchuk | Concurring |
| Ron Goswell | Concurring |



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0016/2023

March 03, 2023

OWNER(S): PATRICK LEMIEUX, 5997 Tilton Lake Road, Sudbury ON P3G 1L3
LORIE LEMIEUX, 5997 Tilton Lake Road, Sudbury ON P3G 1L3

AGENT(S): PATRICK LEMIEUX, 5997 Tilton Lake Road, Sudbury ON P3G 1L3

LOCATION: PIN 73472 0193, Parcel 12805 SEC SES, Survey Plan 53R-4785 Part(s) 6, Lot Part 9, Concession 2, as in LT72245, Township of Broder, 5997 Tilton Lake Road, Sudbury

SUMMARY

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

Application: Approval to construct a single-detached dwelling and garage on the subject property providing no frontage onto an assumed road, high water mark setback, and shoreline buffer area at variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., February 27, 2023

No Conflict.

CGS: Infrastructure Capital Planning Services, February 23, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Building Services Section, February 23, 2023

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

- 1-A Removal of Building Agreement will be required for the existing camp.
- 2-We have no record of building permits for the shed or the sauna. Construction date to be verified to determine permit requirement.

CGS: Strategic and Environmental Planning, February 23, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 5997 Tilton Lake 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.

After reviewing the proposed development SEP staff acknowledge the constraints of the undersized lot. Staff do not oppose the application for the following reasons:

1. The proposed redevelopment is further from the shoreline than exists today.

However, staff note that the location of the septic system is not identified. Per 4.41.2c) of Zoning By-law 100Z, "No person shall construct a leaching bed closer than 30.0 metres from the high water mark of a lake, river or stream". Staff are unable to confirm whether this provision has been complied with.

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).

SUBMISSION NO. A0016/2023 Continued.

CGS: Development Approvals Section, February 23, 2023

The variances being sought would facilitate construction of a single-detached dwelling and detached garage on the subject lands that have water frontage on Lohi Lake in Sudbury. The lands are designated Rural in the City's Official Plan and zoned "R1-1", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that there is an easement for access purposes across abutting lands to the east which provide access to Tilton Lake Road. It is on this basis that staff advises that the variance related to the lands not having access to an assumed road is largely technical in nature given that the lands do have access to an assumed road via an easement across abutting lands. The variance in this regard will facilitate issuance of a building permanent for a single-detached dwelling as opposed to a seasonal dwelling. Staff also notes that the existing residential dwelling that is to be demolished is situated closer to the shoreline than the proposed new single-detached dwelling. The existing residential dwelling is also almost entirely within the shoreline buffer area whereas the proposed new residential dwelling would be setback further and only partially within the shoreline buffer area. Staff notes that an opportunity therefore exists to re-naturalize a good portion of the shoreline buffer area should the application be approved. Staff would also note that the lands form a legal existing undersized lot of record having a lot area of approximately 1,631 m² (17,556.00 ft²) whereas the "R1-1" Zone requires a minimum lot area of 4,000 m² (43,055.64 ft²). Staff is of the opinion that some degree of relief from the applicable development standards is therefore warranted in this case. Staff notes that the submitted sketch does not depict the location of a private sewage system (ie. septic bed) which is required to maintain a 30 m (98.43 ft) setback from the high water mark of Lohi Lake under Section 4.41.2 c) of the City's Zoning By-law. The owner is therefore cautioned that an additional minor variance may be required unless compliance is demonstrated at the time of building permit issuance. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the City's Official Plan and Zoning By-law are maintained.

CGS: Site Plan Control, February 22, 2023

No objections.

The Nickel District Conservation Authority, February 22, 2023

Conservation Sudbury does not oppose Minor Variance A0016/2023. However, Conservation Sudbury requires a permit under Section 28 of the Conservation Authorities Act. The location of the single family dwelling and garage may change as a result of the Conservation Authority review.

Ministry of Transportation, February 17, 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, February 15, 2023

No objection.

The one of the two applicants, Patrick Lemieux, appeared before Committee and provided a summary of the application. The Applicant advised that he has been in contact with Conservation Sudbury and Building Services with respect to concerns expressed in their comments. Committee Member Castanza asked where the septic system was located as the sketch did not indicate its location. The Applicant provided a sketch indicating where the holding tank was located. Staff provided opportunity to all members to view the sketch of the Applicant. Staff noted that Conservation Authority indicated that a Section 28 permit would be required and that the Applicant is currently working with the Conservation Authority to obtain the permit, but Staff noted that their comments advise that through the process if the garage needed to change, an additional minor variance would be required and wanted to ensure the Applicants were comfortable with proceeding at this time.

The following decision was reached:

DECISION:

THAT the application by:

PATRICK LEMIEUX AND LORIE LEMIEUX

the owner(s) of PIN 73472 0193, Parcel 12805 SEC SES, Survey Plan 53R-4785 Part(s) 6, Lot Part 9, Concession 2, as in LT72245, Township of Broder, 5997 Tilton Lake Road, Sudbury

for relief from Part 4, Section 4.3 and Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, in order to facilitate the construction of a single-detached dwelling and garage providing, firstly, no frontage onto an assumed road, whereas no person shall erect any building on any lot that does not have frontage on an assumed road, secondly, providing a high water mark setback of 17.0m for the single family dwelling and 28.5m for the detached garage, 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 thirdly, for the proposed single detached dwelling to be 17.0m 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 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.

| <i>Member</i> | <i>Status</i> |
|----------------------|----------------------|
| Cathy Castanza | Concurring |
| David Murray | Concurring |
| Justin Sawchuk | Concurring |
| Ron Goswell | Concurring |



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0017/2023

March 03, 2023

OWNER(S): LYNN MORIN , 4547 Long Lake Road Sudbury ON P3G 1K5

AGENT(S):

LOCATION: PIN 73476 0509, Parcel 15730 SEC SES, Survey Plan 53R-6151 Part(s) 9, Lot Part 5, Concession 3, Township of Broder, 4547 Long Lake Road, 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 permit the reconstruction of the existing single detached dwelling with attached garage on the subject property providing an increase in gross floor area within the front yard and interior side yard setback, shoreline setback and buffer, eaves and front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

Greater Sudbury Hydro Inc., February 27, 2023

No Conflict.

CGS: Building Services Section, February 23, 2023

No concerns.

CGS: Infrastructure Capital Planning Services, February 23, 2023

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, February 23, 2023

The variances being sought would facilitate the reconstruction of the existing single-detached dwelling having a second-storey addition and an attached garage on the subject lands that have frontage on Long Lake Road 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 would also note that the lands form a legal existing undersized lot of record having a legal non-complying lot area of approximately 525 m² (5,652.00 ft²) and lot depth of approximately 26.5 m (86.94 ft) whereas a minimum lot area of 1,300 m² (13,993.08 ft²) and a minimum lot depth of 30 m (98.43 ft) is required in the "R1-2" Zone. Staff acknowledges in this regard that the size and shape of the lot establishes a demonstrated need for some degree of relief from applicable development standards provided said relief is reasonable and not excessive in nature. Staff is satisfied in this regard that the reconstructed

SUBMISSION NO. A0017/2023 Continued.

residential dwelling is appropriate given the above noted constraints that exist on the lands. Staff also notes that the proposed building footprint is minimized by having a second-storey addition as opposed to a ground floor addition. Staff further notes that the lands would appear to require a holding tank given the undersized lot area and said holding tank is depicted on the submitted sketch in a location that appears to be in very close proximity to where it exists today. Staff is of the opinion that the existing location for the holding tank is ideal as it maximizes its distance from the shoreline. Staff has no concerns with respect to any negative land use planning impacts being generated on abutting lands should the variances be approved. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the City's Official Plan and Zoning By-law are maintained.

CGS: Site Plan Control, February 22, 2023

No objections.

The Nickel District Conservation Authority, February 22, 2023

Conservation Sudbury does not oppose Minor Variance A0017/2023. The successful obtainment of a Section 28 permit from Conservation Sudbury will be required at the building permit stage. This was communicated to the landowner recently with the circulation of the building permit for this proposed development.

CGS: Strategic and Environmental Planning, February 22, 2023

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 4547 Long Lake 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.

After reviewing the proposed development SEP staff acknowledge the constraints of the site (small size and location of the septic system) and therefore do not oppose the application for the following reasons:

1. The proposed redevelopment is no closer to the shoreline than exists today.

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)

Ministry of Transportation, February 17, 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, February 15, 2023

No objection.

The Applicant, Lynn Morin, appeared before the Committee and provided a summary of the Application. Committee Member Murray inquired about the existing holding tank and whether it will remain in the same location. The Applicant confirmed the location of the holding tank has been approved to remain in its current location.

The following decision was reached:

DECISION:

THAT the application by:

LYNN MORIN

the owner(s) of PIN 73476 0509, Parcel 15730 SEC SES, Survey Plan 53R-6151 Part(s) 9, Lot Part 5, Concession 3, Township of Broder, 4547 Long Lake Road, Sudbury

for relief from Part 4, Section 4.2, Table 4.1, Section 4.25, subsection 4.25.1, Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4, and Part 6, Section 6.2, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the reconstruction of the existing single detached dwelling with second-storey addition and attached garage providing, firstly, a total gross floor area of 133.62 sq.m. within the required 30.0m shoreline setback and 20.0m shoreline buffer, maintaining the existing setback of 8.28m from the high water mark, where enlargement, reconstruction, repair and/or renovation is not permitted to increase the gross floor area of a legal non-complying building located within the required 30.0m setback from the high water mark and 20.0m shoreline buffer, secondly, providing a 8.28m setback from the high water mark of a lake or river, where no person shall erect any residential building closer than 30.0m to the high water mark of a lake or a river, thirdly, to be 8.28m 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, and fourthly, a minimum front yard setback of 4.51m, with eaves encroaching 0.6m into the proposed 4.51m front yard setback, where a minimum front yard setback of 7.5m is required and where eaves may approach 1.2 m into the required front yard, but not closer than 0.6m to the lot line, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the 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.

| <i>Member</i> | <i>Status</i> |
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| Cathy Castanza | Concurring |
| David Murray | Concurring |
| Justin Sawchuk | Concurring |
| Ron Goswell | Concurring |