



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0047/2022

May 18, 2022

OWNER(S): LEE ANNE DESRIVIERES, 5011 Proulx Court Hanmer ON P3P 1H4  
COREY O'BRIEN, 5011 Proulx Court Hanmer ON P3P 1H4

AGENT(S): COREY O'BRIEN, 5011 Proulx Court Hanmer ON P3P 1H4

LOCATION: PIN 73503 0646, Parcel 35854, Lot(s) 75, Subdivision M-434, Lot Pt 2, Concession 3, Township of Hanmer, 5011 Proulx Court, Hanmer

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### SUMMARY

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

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

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 16, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Development Approvals Section, May 12, 2022

The variance being sought would facilitate construction of a detached garage also containing a secondary dwelling unit in the rear yard of the subject lands that have frontage on Proulx Court in Hanmer. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that an existing detached garage in the same general location is to be demolished in favour of a larger detached garage with secondary dwelling unit having a maximum building height of 6.6 m whereas a maximum building height for accessory buildings of 5 m (16.40 ft) is permitted under Section 4.2.4 of the City's Zoning By-law. Staff also notes that the resulting lot coverage for accessory buildings and structures would be approximately 8.04% whereas a maximum lot coverage for accessory buildings and structures of 10% is permitted under Section 4.2.3 of the City's Zoning By-law. Staff would also note that the proposed detached garage with secondary dwelling unit would appear to otherwise comply with all other applicable development standards including the provision of parking spaces for a detached garage containing a secondary dwelling unit in the "R1-5" Zone. Staff attended the lands and note that the proposed detached garage would be situated approximately 27.8 m (91.21 ft) from the street line of Proulx Court. The proposed detached garage with secondary dwelling unit on the ground floor at the rear would also immediately abut a detached garage situated on those lands known municipally as 5017 Proulx Court. Staff is satisfied that the additional maximum accessory building height of 1.6 m (5.25 ft) would not negatively impact the urban residential character that exists along Proulx Court. Staff also does not anticipate any negative land use planning impacts on abutting residential properties should the additional height be approved. 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 only be used for

SUBMISSION NO. A0047/2022 Continued.

the purposes of human habitation if 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 11, 2022

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

However, Owner to be advised of the following comments:

1) All decks and platforms over 2' in height from adjacent grade require a building permit.

The Nickel District Conservation Authority, May 10, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage with secondary unit providing a maximum height of 6.6m, where the maximum height shall be 5.0m.

Conservation Sudbury does not object to Minor Variance A0047/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, May 10, 2022

No objection.

Greater Sudbury Hydro Inc., May 09, 2022

Outside of our territory.

CGS: Development Engineering, May 05, 2022

No objection.

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

The following decision was reached:

DECISION:

THAT the application by:

LEE ANNE DESRIVIERES AND COREY O'BRIEN  
the owner(s) of PIN 73503 0646, Parcel 35854, Lot(s) 75, Subdivision M-434, Lot Pt 2, Concession 3, Township of Hanmer, 5011 Proulx Court, Hanmer

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage with secondary unit providing maximum height of 6.6m, 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.

SUBMISSION NO. A0047/2022 Continued.

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0048/2022

May 18, 2022

OWNER(S): PATRICK GOULET, 4443 Notre Dame Ave Hanmer ON P3P 1X6

AGENT(S):

LOCATION: PIN 73503 0487, Parcel 7018, Lot(s) 27, Subdivision M-107, Lot Pt 1, Concession 2, Township of Hanmer, 4443 Notre Dame Avenue, Hanmer

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### SUMMARY

**Zoning:** The property is zoned C2 (General Commercial) 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 eaves, rear yard setback and interior side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 16, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Development Approvals Section, May 12, 2022

The variances being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Notre Dame Avenue in Hanmer. The lands are designated Living Area 1 in the City's Official Plan and zoned "C2", General Commercial under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the reduced interior side yard setback to 0.6 m (1.97 ft) whereas 1.2 m (3.94 ft) is required would allow for the proposed detached garage to align garage doors with the existing driveway entrance providing access to the lands from Notre Dame Avenue. Staff is satisfied that a sufficient interior side yard setback would remain that will allow for access for maintenance purposes. Staff also notes that the rear yard setback being requested at 1.2 m (3.94 ft) whereas 7.5 m (24.61 ft) is required is appropriate given the existing urban residential use (ie. single-detached dwelling) that has been established on the lands. Staff would also note that the existing residential dwelling built in 1960 according to MPAC data appears to be a legal non-conforming use as no commercial uses are present within the building as would be required today in the "C2" Zone. The proposed detached garage is not proposed to be used for non-residential purposes. Staff also notes that this portion of Notre Dame Avenue includes a small cluster of urban residential dwellings and the proposed setbacks would not appear out of character within this context. 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 also has no concerns with the eaves variance. It is also noted that an existing shed will need to be removed in order to construct the proposed detached garage. For clarification purposes, the resulting accessory buildings and structures maximum of 10% only applies to a residential lot and the lands are by definition a non-residential lot. The resulting lot coverage overall including the house is approximately 33% which complies with the permitted maximum lot coverage of 50% in the "C2" Zone. Staff recommends that the variances be approved as they are minor, appropriate development for the

SUBMISSION NO. A0048/2022 Continued.

area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, May 11, 2022

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

However, Owner to be advised of the following comments:

1) All decks and platforms greater than 2' in elevation required a building permit. Please contact building services if you require a building permit.

The Nickel District Conservation Authority, May 10, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage with the encroachment of eaves, and smaller setbacks for side and rear yard.

Conservation Sudbury does not object to Minor Variance A0048/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, May 10, 2022

No objection.

Greater Sudbury Hydro Inc., May 09, 2022

Outside of our territory.

CGS: Development Engineering, May 05, 2022

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 m (0 ft) from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

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

The following decision was reached:

DECISION:

THAT the application by:

PATRICK GOULET

the owner(s) of PIN 73503 0487, Parcel 7018, Lot(s) 27, Subdivision M-107, Lot Pt 1, Concession 2, Township of Hanmer, 4443 Notre Dame Avenue, Hanmer

for relief from Part 4, Section 4.2, Table 4.1 and Part 7, Section 7.3, Table 7.3 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 providing, firstly, eaves to encroach 1.0m into the required interior side yard and 6.7m into the required rear yard, where eaves may encroach 0.6m into the required interior side yard and 1.2m into the required rear yard but not closer than 0.6m to the lot line, secondly, a minimum rear yard setback of 1.2m, where 7.5m is required, and thirdly, a minimum interior side yard setback of 0.6m, where 1.2m is required, be granted.

SUBMISSION NO. A0048/2022 Continued.

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.

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0049/2022

May 18, 2022

OWNER(S): CAMILE LAPLANTE, 80 Elm Crescent Levack ON P0M 2C0

AGENT(S): JO-ANNE LAPLANTE, 80 Elm Crescent Levack ON P0M 2C0

LOCATION: PIN 73342 0315, Parcel 24129 SEC SWS SRO, Survey Plan 53R-14779 Part(s) 1 to 3, Lot(s) Pt 10, Subdivision M-1008, Lot Pt 9, Concession 1, Township of Levack, 80 Elm Crescent, Levack

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### SUMMARY

**Zoning:** The property is zoned R2-2 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval of a lot to be retained, subject of a Consent Application B0024/2022, providing a front yard setback and eaves at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 13, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Development Approvals Section, May 12, 2022

The variances being sought pertain to a proposed retained lot following the severance of the subject lands that have frontage on Elm Crescent in Levack. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. There is a concurrent application for consent (File # B0024/2022) that would facilitate the above noted lot creation. Staff would note that the variances being sought are to some degree technical in nature as the new lot line by definition under the City's Zoning By-law will shift the location of the front lot line to the street line along Elm Crescent. Staff notes that the existing residential dwelling is a one-storey building and the proposed new lot line would appear to demonstrate sufficient interior side yard setbacks as required in the "R2-2" Zone. Staff notes the existing residential dwelling is accessed via a driveway entrance onto Elm Crescent. Staff also note that the existing residential dwelling requires two variances (ie. front yard setback and eaves) and would otherwise appear to comply with all other applicable development standards for a residential dwelling in the "R2-2" Zone. Staff does not anticipate any negative impacts on abutting residential properties should the variances be approved. Staff also has no concerns with the eaves variance. 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 11, 2022

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

However, Owner to be advised of the following comments:

SUBMISSION NO. A0049/2022 Continued.

1) There are two permits on the property that have not been completed. Please contact building services to arrange for an inspection.

The Nickel District Conservation Authority, May 10, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to approve consent application B0024/2022 providing a smaller minimum front yard, and encroachment of eaves. Conservation Sudbury does not object to Minor Variance A0049/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, May 10, 2022

No objection.

Greater Sudbury Hydro Inc., May 09, 2022

Outside of our territory.

CGS: Development Engineering, May 05, 2022

No objection.

The applicant's agent, Jo-Anne Laplante, appeared before Committee and provided a summary of the application.

The following decision was reached:

**DECISION:**

THAT the application by:

CAMILE LAPLANTE  
the owner(s) of PIN 73342 0315, Parcel 24129 SEC SWS SRO, Survey Plan 53R-14779 Part(s) 1 to 3, Lot(s) Pt 10, Subdivision M-1008, Lot Pt 9, Concession 1, Township of Levack, 80 Elm Crescent, Levack

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the lands to be retained, subject of Consent Application B0024/2022, providing a minimum front yard setback of 4.83m, where 6.0m is required and eaves to encroach 1.77m into the required front yard, where eaves may encroach 1.2m 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 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.

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0050/2022

May 18, 2022

OWNER(S): KYLE DUMPIS, 426 Melvin Ave Sudbury ON P3C 4X4

AGENT(S):

LOCATION: PIN 02130 0166, Parcels 13750 & 2182, Survey Plan 53R-20708 Part(s) 2, Lot(s) 846 and Part 844 and 845, Subdivision M-100, Township of McKim, 426 Melvin Avenue, Sudbury

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### 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 construct a deck on the subject property providing a reduced railroad right-of-way setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 16, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Development Approvals Section, May 12, 2022

The variance being sought would facilitate construction of a deck to the north of the existing residential dwelling on the subject lands that have frontage on Melvin Avenue in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-3", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The lands irregularly shaped and immediately abut a railroad right-of-way to the north of the existing residential dwelling. The existing residential dwelling situated on the lands was constructed in 1930 according to available MPAC data. Staff is therefore of the opinion and would acknowledge that the above noted site constraints establish a demonstrated need for some degree of relief from the applicable railroad right-of-way setback requirements under Section 4.37.2 of the City's Zoning By-law. Staff is satisfied that the resulting development in terms of facilitating construction of a deck accessory to the existing residential dwelling is both reasonable and not excessive in nature. 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 11, 2022

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

The Nickel District Conservation Authority, May 10, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a deck providing a minimum railroad setback of 4.5m where the setback shall be 30m.

SUBMISSION NO. A0050/2022 Continued.

Conservation Sudbury does not object to Minor Variance A0050/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, May 10, 2022

No objection.

Greater Sudbury Hydro Inc., May 09, 2022

No conflict.

CGS: Development Engineering, May 05, 2022

No objection.

The applicant appeared before Committee and provided a summary of the application. Sean Brennan of 429 Morin Street submitted an email expressing concerns relating to grading and flooding and asked if the material will address the concern and would like to know where the engineers stamp is on the drawing. The applicant explained the relationship with the resident. Committee Member Castanza asked the Secretary-Treasurer to confirm the address of the area resident which the Secretary-Treasurer confirmed. Committee Member Castanza explained that there seems to be a laneway between the subject property and the area resident's property and the applicant explained that the water seems flow from the railroad.

The following decision was reached:

**DECISION:**

THAT the application by:

KYLE DUMPIS

the owner(s) of PIN 02130 0166, Parcels 13750 & 2182, Survey Plan 53R-20708 Part(s) 2, Lot(s) 846 and Part 844 and 845, Subdivision M-100, Township of McKim, 426 Melvin Avenue, Sudbury

for relief from Part 4, Section 4.37, subsection 4.37.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a deck providing a minimum railroad setback of 4.5m, where all buildings and structures shall be setback 30.0m from any lot line abutting a railroad right-of-way, 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.

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0051/2022

May 18, 2022

OWNER(S): SHANNON BUBALO, 2243 Greenwood Drive Sudbury ON P3B 1A2  
ADRIAN BUBALO, 2243 Greenwood Drive Sudbury ON P3B 1A2

AGENT(S): ADRIAN BUBALO, 2243 Greenwood Drive Sudbury ON P3B 1A2

LOCATION: PIN 73577 0544, Parcel 9275 SEC SES, Survey Plan 53R-14167 Part(s) 2, 7, 8, 9, and 11, Lot Pt 11, Concession 3, Township of Neelon, 2243 Greenwood Drive, Sudbury

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### SUMMARY

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

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

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 16, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Environmental Planning Initiatives, May 13, 2022

This correspondence is for informational purposes only.

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

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have confirmed the presence of cyanobacterial blooms in Ramsey Lake in 2008 and 2010 to 2020 inclusive.

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

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

2. Residents should minimize the amount of lawn on their property. Lawns generally require removing

existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.

3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might

only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.

4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.

5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.

6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.

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

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

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

CGS: Development Approvals Section, May 12, 2022

The variance being sought would facilitate construction of a detached garage in the front yard of the subject lands that have frontage on Greenwood Drive in Sudbury. The lands also have water frontage on Ramsey Lake. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. It is noted that the residential lots along this portion of Greenwood Drive have a range of lot depths that follow the shoreline of Ramsey Lake and these residential lots generally exceed the minimum required lot depth of 30 m (98.43 ft) in the "R1-5" Zone. The subject lands in particular have a lot depth of approximately 95 m (311.68 ft). Staff attended the lands and note that the proposed detached garage would be situated approximately 27.76 m (91.08 ft) from the street line of Greenwood Drive. Staff notes the presence of mature vegetation providing screening and buffering to abutting residential properties situated to the north, east and west of the proposed location for the detached garage. There are also a number of existing detached garages in front yards along this portion of Greenwood Drive with varying setbacks and maximum building heights. In this particular context, staff is satisfied that no negative land use planning impacts would be generated should the height variance be approved. Staff would caution the owner that the upper portion of 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 also notes that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building situated within the "R1-5" Zone. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, May 11, 2022

SUBMISSION NO. A0051/2022 Continued.

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

However, Owner to be advised of the following comments:

1) The space used in the second storey of the detached garage is not for habitable space unless a secondary dwelling unit is created and registered with the City of Greater Sudbury.

The Nickel District Conservation Authority, May 10, 2022

Conservation Sudbury does not object to Minor Variance A0051/2022 as the height of the garage is not relevant to the responsibilities of Conservation Sudbury. The detached garage is also located outside of the floodplain.

**Notes**

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

CGS: Site Plan Control, May 10, 2022

No objection.

Greater Sudbury Hydro Inc., May 09, 2022

All structures, equipment and personnel must maintain proper clearance from energized electrical conductors and apparatus as per the latest edition of the Ontario Electrical Safety Code.

No structures shall encroach upon GHSI easements. For clarification, please contact GSHI Engineering Department.

CGS: Development Engineering, May 05, 2022

No objection.

The applicant appeared before Committee and provided a summary of the application. Kevin McDowell of 2241 Greenwood Drive appeared before Committee and referenced a letter he submitted on May 12. His concerns related to the lot elevation, drainage, obstruction of sunlight and site lines and snow removal. The applicant explained that all construction was done to code and that the garage is located to allow for snow accumulation on the opposite side. The applicant further explained that the size of the garage is to accommodate for storage and that there are trees between the subject property and the neighbouring lot but is willing to discuss the trees if the neighbour has concerns about shade. Committee Member Castanza advised that she did a site visit and doesn't see any issues with the abutting lots. Committee Chair Chartrand explained that Committee is only deciding on the height of the proposed garage, not on size or location. Committee Chair Chartrand asked the applicant if she was going to remove the trees and the applicant explained that that would be something that they could discuss with the neighbour. Committee Chair Chartrand asked staff to comment on drainage in general and staff explained that drainage matters are assessed and reviewed at the building permit process. Committee Chair Chartrand expressed support for the application. Committee Member Coupal asked the applicant if they reviewed Building Services comments and the applicant confirmed that they had. Committee Chair Chartrand advised the applicant and neighbour that the height is from finished grade to the highest peak.

The following decision was reached:

**DECISION:**

SUBMISSION NO. A0051/2022 Continued.

THAT the application by:

SHANNON BUBALO AND ADRIAN BUBALO

the owner(s) of PIN 73577 0544, Parcel 9275 SEC SES, Survey Plan 53R-14167 Part(s) 2, 7, 8, 9, and 11, Lot Pt 11, Concession 3, Township of Neelon, 2243 Greenwood Drive, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 8.31m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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

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

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0053/2022

May 18, 2022

OWNER(S): NICOLE DESCHAMPS, 3393 St-Laurent Street Chelmsford ON P0M 1L0  
PAUL LALONDE, 3393 St-Laurent Street Chelmsford ON P0M 1L0

AGENT(S): PAUL LALONDE, 3393 St-Laurent Street Chelmsford ON P0M 1L0

LOCATION: PIN 73345 0135, Parcel 16704 SEC SWS, Lot Pt 2, Concession 4, Township of Rayside, 3393 St Laurent Street, Chelmsford

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### SUMMARY

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

**Application:** Approval to construct an addition to the existing single detached dwelling on the subject property, providing a corner side yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 16, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Development Approvals Section, May 12, 2022

The variance being sought would facilitate an addition to an existing residential dwelling in the corner side yard of the subject lands located at the south-east corner of Montee Rouleau and St. Laurent Street in Chelmsford. The lands are designated Agricultural Reserve in the City's Official Plan and zoned "A", Agricultural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands form a legal existing undersized lot providing for a lot area of approximately 0.16 ha (0.40 acres) whereas the "A" Zone requires a minimum lot area of 30 ha (74.13 acres). The lands are also situated within a cluster of legal existing undersized lots at the intersection of Montee Rouleau and St. Laurent Street. Staff further notes that the "A" Zone in there are special provisions which permit reduced yard setbacks for legal existing lots. Staff has no concerns with the proposed addition maintaining a corner side yard setback 4.39 m (14.40 ft) whereas 4.5 m (14.76 ft) is required in the "A" Zone. Staff notes in particular that the proposed corner side yard setback would not further reduce the existing legal non-complying corner side yard setback maintained by the existing residential dwelling on 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 11, 2022

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

However, Owner to be advised of the following comments:

SUBMISSION NO. A0053/2022 Continued.

1) Maximum building height as defined in Zoning By-Law 2010-100Z is 11m for a Residential Use on an Agricultural zone.

The Nickel District Conservation Authority, May 10, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an addition providing a minimum corner side yard setback of 4.93m where 4.5m is required.

Conservation Sudbury does not object to Minor Variance A0053/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, May 10, 2022

No objection.

Greater Sudbury Hydro Inc., May 09, 2022

Outside of our territory.

CGS: Development Engineering, May 05, 2022

No objection.

The applicant appeared before Committee and provided a summary of the application. Committee Member Dumont, referring to Building Services' comments, explained to the applicant the maximum permitted height for the proposed addition.

The following decision was reached:

**DECISION:**

THAT the application by:

NICOLE DESCHAMPS AND PAUL LALONDE  
the owner(s) of PIN 73345 0135, Parcel 16704 SEC SWS, Lot Pt 2, Concession 4, Township of Rayside, 3393 St Laurent Street, Chelmsford

for relief from 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 an addition to the existing single detached dwelling providing a minimum corner side yard setback of 4.39m, where 4.5m 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.

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0054/2022

May 18, 2022

OWNER(S): CRYSTAL WILLETT, 45 Equinox Crescent Sudbury ON P3P 0B6  
RICHARD PELLERIN, 45 Equinox Crescent Sudbury ON P3P 0B6

AGENT(S): CRYSTAL WILLETT, 45 Equinox Crescent Sudbury ON P3P 0B6

LOCATION: PIN 73575 0482, Lot(s) 12, Subdivision 53M-1355, Lot Pt 9, Concession 3, Township of Neelon, 45 Equinox Crescent, Sudbury

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### SUMMARY

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

**Application:** Approval for an existing uncovered deck on the subject property to encroach into the required rear yard at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 16, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Development Approvals Section, May 12, 2022

The variance being sought would recognize an existing deck in the rear yard of the subject lands that have frontage on Equinox Crescent 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 has reviewed the proposed encroachment into the rear yard and are satisfied that sufficient landscaped open space will remain in the rear yard as outdoor amenity space. Staff would also note that the proposed deck would appear to otherwise comply with all other applicable development standards for decks situated within the "R1-5" Zone. Staff is satisfied that the proposed deck is not excessive in nature and no negative land use planning impacts are anticipated on abutting residential properties should the variance be approved. 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 11, 2022

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

However, Owner to be advised of the following comments:

1) The permit for the Single-Family Dwelling at 45 Equinox has not been completed. Please call building services to arrange for a final inspection.

2) The permit pertaining to the decks noted above has not been issued. Please contact building

SUBMISSION NO. A0054/2022 Continued.

services upon receipt of final notice from Planning regarding the outcome of this minor variance.  
The Nickel District Conservation Authority, May 10, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing uncovered deck to encroach into the side and rear yard.  
Conservation Sudbury does not object to Minor Variance A0054/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, May 10, 2022

No objection.

Greater Sudbury Hydro Inc., May 09, 2022

No conflict.

Source Water Protection Plan, May 06, 2022

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

CGS: Development Engineering, May 05, 2022

No objection.

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

The following decision was reached:

**DECISION:**

THAT the application by:

CRYSTAL WILLETT AND RICHARD PELLERIN  
the owner(s) of PIN 73575 0482, Lot(s) 12, Subdivision 53M-1355, Lot Pt 9, Concession 3, Township of Neelon, 45 Equinox Crescent, 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 an existing uncovered deck to encroach 4.45m into the required rear yard, where uncovered decks greater than 1.2m in height may 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 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.

<b><i>Member</i></b>	<b><i>Status</i></b>
Carol Ann Coupal	Concurring

SUBMISSION NO. A0054/2022 Continued.

Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring
Matt Dumont	Concurring

SUBMISSION NO. A0055/2022

May 18, 2022

OWNER(S): ROBERT DEREK BURGESS, 1360 Cawthorpe St Sudbury ON P3B 1C1

AGENT(S):

LOCATION: PIN 73478 0772, Parcel 17617 SEC SES, Lot(s) 14, Subdivision M-214, Lot Pt 1, Concession 5, Township of Broder, 1360 Cawthorpe Street, Sudbury

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

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 16, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Development Approvals Section, May 12, 2022

The variances being sought would facilitate construction of an addition to an existing residential dwelling having frontage on Cawthorpe Street in Sudbury. The lands are designated Living Area 1 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 existing residential dwelling on the lands maintains a legal non-complying westerly interior side yard setback of 0.81 m (2.66 ft) whereas 1.2 m (3.94 ft) is required for a one-storey residential dwelling in the "R1-2" Zone. Staff further notes that the proposed addition to the existing residential dwelling would also not further reduce the existing westerly interior side yard setback. Staff notes that the abutting residential dwelling to the west is also situated toward the westerly interior side lot line. Staff is satisfied that the proposed addition to the existing residential dwelling is not excessive in nature and no negative land use planning impacts are anticipated on abutting residential properties should the variance be approved. Staff also has no concerns with the eaves variance. 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 11, 2022

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

The Nickel District Conservation Authority, May 10, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an addition with encroaching eaves, and with a small interior side yard setback. Conservation Sudbury does not object to Minor Variance A0055/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, May 10, 2022

No objection.

Greater Sudbury Hydro Inc., May 09, 2022

All structures, equipment and personnel must maintain proper clearance from energized electrical conductors and apparatus as per the latest edition of the Ontario Electrical Safety Code.

Contact GSHI energy supply department if disconnect/reconnect is required

CGS: Development Engineering, May 05, 2022

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 m (0 ft) from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

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

The following decision was reached:

**DECISION:**

THAT the application by:

ROBERT DEREK BURGESS  
the owner(s) of PIN 73478 0772, Parcel 17617 SEC SES, Lot(s) 14, Subdivision M-214, Lot Pt 1, Concession 5,  
Township of Broder, 1360 Cawthorpe Street, Sudbury

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an addition to the existing single detached dwelling providing, firstly, eaves to encroach 1.025m 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, and secondly, a minimum interior side yard setback of 0.81m, where 1.2m 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.

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0057/2022

May 18, 2022

OWNER(S): STEPHAN VILLENEUVE, 25 Winfield Lane Sudbury ON P3A 6E2  
CHRIS ROUSSELLE, 25 Winfield Lane Sudbury ON P3A 6E2

AGENT(S): CHRIS ROUSSELLE, 965 Martindale Sudbury ON P3E 4J3

LOCATION: PIN 73503 0478, Parcel 9319 SEC SES, Lot(s) 4, Subdivision M-107, Lot Pt 1, Concession 2, Township of Hanmer, 4549 Notre Dame Avenue, Hanmer

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### SUMMARY

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

Application: Approval to permit a residential dwelling containing a secondary dwelling unit without a non-residential use and a detached tertiary dwelling unit on the subject property at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 16, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Building Services Section, May 16, 2022

REVISED  
No concerns.

CGS: Development Approvals Section, May 16, 2022

REVISED  
Staff understands that the tertiary dwelling unit has now been removed from the development proposal. Staff have no concerns with the balance of the variance application that would allow for a residential dwelling containing a secondary dwelling unit without a non-residential use on the lands. Staff notes that there are established urban residential land uses to both the immediate north and to the south of the lands that do not include any non-residential land uses. Staff is satisfied within this particular context that the absence of a non-residential land use on the lands would not negatively impact the surrounding character that exists along this portion of Notre Dame Avenue in Hanmer. Staff also do not anticipate any negative land use planning impacts would be generated on abutting residential properties should the variance be approved. 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, May 12, 2022

Staff notes that the proposed tertiary dwelling unit requires a rear yard setback of 7.5 m (24.61 ft) in the "C2", General Commercial Zone whereas a rear yard setback of 1.2 m (3.94 ft) is depicted on the submitted sketch. In particular, staff notes that the lands do not constitute or form a "Residential Lot" as defined in the City's Zoning By-law and therefore the yard setbacks applicable in the standard "C2"

SUBMISSION NO. A0057/2022 Continued.

Zone are applied to accessory buildings. Staff would advise that an additional minor variance requesting a reduced rear yard setback for the proposed tertiary dwelling unit is therefore required. Staff will provide additional comments as it relates to the balance of the application once the above noted matter has been addressed. Staff recommends that the application be deferred in order to afford the owner the opportunity to address those comments received from agencies and departments.

Source Water Protection Plan, May 11, 2022

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

CGS: Building Services Section, May 11, 2022

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

1) The proposed accessory structure with a secondary dwelling unit is required to be 7.5m from the rear property line as per table 7.3 of Zoning Bylaw 2010-100z. The encroachments allowed in Table 4.1 do not apply for this lot as it is zoned C2. An additional minor variance is required for relief of the required setback of 7.5m to 1.2m.

The Nickel District Conservation Authority, May 10, 2022

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for relief the Zoning By-law for the City of Greater Sudbury, as amended, to permit a residential use on the ground floor of a proposed single family dwelling containing a secondary dwelling unit and a detached tertiary dwelling unit, where any dwelling containing not more than two dwelling units must have a permitted non-residential use as a main use on the ground floor providing that the lot is a fully serviced lot. Conservation Sudbury does not object to Minor Variance A0057/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Site Plan Control, May 10, 2022

No objection.

Greater Sudbury Hydro Inc., May 09, 2022

Outside of our territory.

CGS: Development Engineering, May 05, 2022

No objection.

The applicants appeared before Committee and provided a summary of the application. Committee Member Dumont asked the applicants if they reviewed the comments for A0056/2022 and the applicants explained that they elected to defer that application to address comments. Committee Member Dumont asked staff to provide clarification on the application and staff provided clarification.

The following decision was reached:

DECISION:

SUBMISSION NO. A0057/2022 Continued.

THAT the application by:

STEPHAN VILLENEUVE AND CHRIS ROUSSELLE

the owner(s) of PIN 73503 0478, Parcel 9319 SEC SES, Lot(s) 4, Subdivision M-107, Lot Pt 1, Concession 2, Township of Hanmer, 4549 Notre Dame Avenue, Hanmer

for relief from Part 7, Section 7.2, Table 7.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit a residential use on the ground floor of a proposed single detached dwelling containing a secondary dwelling unit, where any dwelling containing not more than two dwelling units must have a permitted non-residential use as a main use on the ground floor provided that the lot is a fully serviced lot, 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.

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



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0058/2022

May 18, 2022

OWNER(S): KAREN REYNOLDS, 7 Silkwood Street Chelmsford ON P0M 1L0  
PHIL REYNOLDS, 7 Silkwood Street Chelmsford ON P0M 1L0

AGENT(S): KAREN REYNOLDS, 7 Silkwood Street Chelmsford ON P0M 1L0

LOCATION: PIN 73513 0462, Survey Plan 53R-19412 Part(s) 1, 2, 3, 4, 5, and 12, Lot Pt Broken 1, Concession 5, Township of MacLennan, 146 Oakridge Trail, Skead

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### SUMMARY

Zoning: The property is zoned SLS (5) (Seasonal Limited Service) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

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

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, May 16, 2022

Roads  
No concerns.

Transportation and Innovation Support / Active Transportation  
No concerns.

CGS: Environmental Planning Initiatives, May 13, 2022

This correspondence is for informational purposes only.

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

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts have confirmed the presence of cyanobacterial blooms in Lake Wanapitei in 2016 and 2017.

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

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

2. Residents should minimize the amount of lawn on their property. Lawns generally require removing

existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.

3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater

Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.

4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.

5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.

6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.

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

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

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

CGS: Development Approvals Section, May 12, 2022

The variance being sought would facilitate construction of a seasonal dwelling on the subject lands that have water frontage on Lake Wanapitei in Skead. The lands are also accessed via a private road known municipally as Oakridge Trail. The lands are designated Rural in the City's Official Plan and zoned "SLS (5)", Seasonal Limited Service Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has no concerns in this particular context with the proposed seasonal dwelling having a maximum building height of approximately 15.6 m (51.18 ft) whereas 11 m (36.09 ft) is permitted in the "SLS(5)" Zone. It is noted that the lands former a waterfront lot and the front line is therefore the shoreline of the lot along Lake Wanapitei. Staff notes that building height is by definition measured between the finished grade of the wall of the proposed seasonal dwelling facing the front lot line (ie. shoreline) and the highest point of the building or structure. Staff further notes that the lands are on a significant slope upward toward Oakridge Trail and as a result the building height gradually decreases along this slope toward Oakridge Trail. Staff is satisfied that the proposed building height is not excessive in nature and it will not negatively impact any abutting residential properties. 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.

Staff would note for clarification purposes that a building permit for the seasonal dwelling was issued on October 7, 2021. The owner recently amended their drawings which resulted in a minor variance being required for an increased maximum building height. For clarification purposes, the setbacks to Lake Wanapitei are therefore legal non-complying in nature and the increased setbacks under Section 4.41 of the City's Zoning By-law that came into effect on February 1, 2022 are not applicable in this particular instance.

CGS: Building Services Section, May 11, 2022

SUBMISSION NO. A0058/2022 Continued.

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

The Nickel District Conservation Authority, May 10, 2022

Conservation Sudbury does not object to Minor Variance A0058/2022 as the height of the seasonal dwelling is not relevant to the responsibilities of Conservation Sudbury. The building permit for the dwelling (B21-1471) was cleared by Conservation Sudbury previously.

**Notes**

The proponent is advised that further 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](mailto:ndca@conservationsudbury.ca) to determine the need for a permit.

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

CGS: Site Plan Control, May 10, 2022

No objection.

Greater Sudbury Hydro Inc., May 09, 2022

Outside of our territory.

CGS: Development Engineering, May 05, 2022

No objection.

The applicant appeared before Committee and provided a summary of the application. Committee Member Dumont expressed support for staff's recommendation and noted that the building permit has already been issued.

The following decision was reached:

**DECISION:**

THAT the application by:

KAREN REYNOLDS AND PHIL REYNOLDS

the owner(s) of PIN 73513 0462, Survey Plan 53R-19412 Part(s) 1, 2, 3, 4, 5, and 12, Lot Pt Broken 1, Concession 5, Township of MacLennan, 146 Oakridge Trail, Skead

for relief from 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 seasonal dwelling providing a maximum height of 15.5448m, where 11.0m is permitted, 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.

SUBMISSION NO. A0058/2022 Continued.

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