



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0119/2021

October 14, 2021

OWNER(S): CHAD MAINVILLE, 2410 Davey Rd S Chelmsford ON P0M 1L0

AGENT(S): KEN O'MALLEY , 1276 Paquette St Sudbury ON P3A 3Y2

LOCATION: PIN 73350 0238, Parcel 2408, Survey Plan 53R-14017 Part(s) Except 2, Lot Pt 10, Concession 1, Township of Balfour, 2410 Davey Road South, Chelmsford

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### SUMMARY

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

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

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, October 06, 2021

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that are situated at the corner of Vermilion Lake Road and Davey Road in Chelmsford. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the lands are heavily vegetated and the detached garage would be situated approximately 63 m (206.70 ft) from the Davey Road street-line. Staff also notes that a significant portion of the detached garage maintains a height that is less than the 8.85 m (29.04 ft) maximum height that is being proposed. The proposed detached garage reaches a maximum height of 8.85 m (29.04 ft) in order to provide for a second-storey loft area for storage while the balance of the detached garage appears to generally maintain a height of 6.24 m (20.47 ft). Staff notes that the balance of the detached garage would therefore maintain a height that is less than the maximum height of 6.5 m (21.33 ft) that is permitted for accessory buildings and structures located in an "RU" Zone. 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 recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Infrastructure Capital Planning Services, October 06, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, October 06, 2021

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

However, Owner to be advised of the following comments:

1) The use of the loft in this accessory building must not be for human habitation unless otherwise permitted in section 4.2 of Zoning By-Law 2010-100Z.

CGS: Site Plan Control, October 05, 2021

No objection.

The Nickel District Conservation Authority, October 04, 2021

Conservation Sudbury does not object to Minor Variance A0119/2021 as the height of the garage is not relevant to the responsibilities of Conservation Sudbury. Based on the location on the plot plan, the detached garage is sufficiently far away from the watercourse and no permit under the Conservation Authorities Act for this development will be required.

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

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

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

CGS: Development Engineering, September 29, 2021

No objection.

The applicant's agent, Ken O'Malley, appeared before Committee and explained that the applicant was seeking a variance to increase the height of an accessory building. The agent explained that the building consists of two traditional garage bases, that the lower level on the right was a machine building for backhoe, tractor and a few farm implements and that the top was a loft used for air drying. The agent also explained that the lot coverage is less than 1% as the property is a 40-acre parcel and that due to the tree line the garage can't be seen from the road.

The following decision was reached:

DECISION:

THAT the application by:

CHAD MAINVILLE

the owner(s) of PIN 73350 0238, Parcel 2408, Survey Plan 53R-14017 Part(s) Except 2, Lot Pt 10, Concession 1, Township of Balfour, 2410 Davey Road South, Chelmsford

SUBMISSION NO. A0119/2021 Continued.

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning Bylaw for the City of Greater Sudbury, as amended, to facilitate the construction of an accessory building, being a detached garage, providing a maximum height of 8.85m, where the maximum height of any building or structure accessory to a residential dwelling shall be 6.5m, 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
Dan Laing	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0122/2021

October 14, 2021

OWNER(S): JOHN MAKI, 3335 Bancroft Drive Sudbury ON P3B 4J7  
GISELE GUENARD, 3335 Bancroft Drive Sudbury ON P3B 4J7

AGENT(S):

LOCATION: PIN 73574 0163, Surveys Plan 53R-19290 Part(s) 14 and 15 & Plan 53R-20732 Part(s) 1, 2, 3, and 4, Lot Pt 8, Concession 3, Township of Neelon, 3335 Bancroft Drive, Sudbury

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### SUMMARY

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

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

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, October 12, 2021

#### REVISED

Staff understands from the owner that the upper portion of the proposed detached garage will not be used for the purposes of human habitation. Further to this, the owner has more specifically confirmed that the upper portion of the proposed detached garage will be used as a storage area for musical instruments, which is permitted within an accessory building and/or structure in the City's Zoning By-law. With respect to the increased maximum height being sought, staff notes that the lands are well-vegetated and the proposed detached garage would appear to be setback approximately 130 m (426.51 ft) from the Bancroft Drive street-line. Staff would therefore not expect any negative impacts on abutting residential properties or on the existing rural character that exists along this portion of Bancroft Drive. It is also noted that the proposed detached garage otherwise appears to comply with all applicable general provisions, parking provisions and those development standards that are applicable in the "RU" Zone itself.

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, October 06, 2021

The variance being sought would facilitate construction of a detached garage in the interior side yard of the subject lands that have frontage on Bancroft Drive in Sudbury. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the upper portion of the proposed detached garage is intended to be used as a "music room" which would facilitate human habitation whereas Section 4.2.1 ii) and Section 4.26 b) of the City's Zoning By-law do not permit human habitation within an accessory building or structure. Staff has concerns with respect to the intended use of the building and as a result is unable to support the maximum building height variance being sought at this time. The owner may wish to explore secondary dwelling unit provisions in the City's Zoning By-law as a potential alternative and if they were to pursue a secondary dwelling unit with an increased building height then further public notice would be required as this would not have been included in the initial statutory public notice under

SUBMISSION NO. A0122/2021 Continued.

the Planning Act. If the owner intends to utilize the upper portion of the detached garage for purposes that do not amount to human habitation (eg. personal storage), then the owner may wish to explore the possibility of reducing the maximum building height in order to comply with the City's Zoning By-law. Staff recommends that the application be deferred in order to afford the owner the opportunity to address the above noted comments.

CGS: Infrastructure Capital Planning Services, October 06, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, October 06, 2021

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

However, Owner to be advised of the following comments:

1) The use of the loft in this accessory building must not be for human habitation unless otherwise permitted in section 4.2 of Zoning By-Law 2010-100Z.

Greater Sudbury Hydro Inc., October 05, 2021

No conflict.

CGS: Site Plan Control, October 05, 2021

No objection.

The Nickel District Conservation Authority, October 04, 2021

Conservation Sudbury does not object to Minor Variance A0122/2021 as the height of the garage is not relevant to the responsibilities of Conservation Sudbury.

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. The development as shown on the sketches will not require a permit from Conservation Sudbury as it is sufficiently far from the wetland.

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

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

CGS: Development Engineering, September 29, 2021

No objection.

The applicant appeared before Committee and explained that the garage was on a 12-acre parcel and would be a traditional style with the lower level being storage for snowmobile, motorcycle, boat, etc. and upstairs would be for storage of guitars in a humidified room. Committee Member Coupal asked the applicant to confirm that he was aware that the loft would not be for human habitation and would only be used to store musical instruments and the applicant confirmed that he was aware.

The following decision was reached:

**DECISION:**

THAT the application by:

JOHN MAKI AND GISELE GUENARD  
the owner(s) of PIN 73574 0163, Surveys Plan 53R-19290 Part(s) 14 and 15 & Plan 53R-20732 Part(s) 1, 2, 3, and 4, Lot Pt 8, Concession 3, Township of Neelon, 3335 Bancroft Drive, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning Bylaw for the City of Greater Sudbury, as amended, to facilitate the construction of an accessory building, being a detached garage, providing a maximum height of 8.25m, where the maximum height of any building or structure accessory to a residential dwelling shall be 6.5m, 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
Dan Laing	Concurring





## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0123/2021

October 14, 2021

OWNER(S): DALRON CONSTRUCTION LTD., 130 Elm Street, Sudbury, ON P3C 1T6

AGENT(S):

LOCATION: PIN 73575 0664, Survey Plan 53R-21555 Part(s) 1, Lot Pt 9 , Concession 3, Township of Neelon, 0 Estelle Street, 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:** To allow proposed Lots 13, 14 and 15 on Draft Approved Plan of Subdivision File No. 780-6/05002, to each provide lot areas at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, October 06, 2021

The variances being sought would facilitate the creation of three urban residential lots having frontage on a future extension of Eclipse Crescent in Sudbury. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One being the Zoning By-law for the City of Greater Sudbury. Staff also notes that there is an existing draft approved plan of subdivision applicable to the lands (File # 780-6/05002). It is further noted that the next phase of said draft approved plan of subdivision contemplates the creation of lots that are smaller at 451 m<sup>2</sup> (4,854.52 ft<sup>2</sup>) than the minimum lot area requirement of 465 m<sup>2</sup> (5,005.22 ft<sup>2</sup>) that is required in the applicable "R1-5" Zone. The resulting urban residential lots would maintain minimum lot areas that are 14 m<sup>2</sup> (150.69 ft<sup>2</sup>) less than what the applicable "R1-5" Zone requires. It is noted that no other minor variances are being applied for beyond the reduced minimum lot areas for three lots in the next phase of the subdivision. Staff is of the opinion that the proposed lots would remain functional from a land use planning perspective insofar as each lot would appear to continue to be suitable for urban residential purposes. Staff would however note that the variances being applied for are only to be applicable to those lands described as being Lots 13, 14 and 15 on the applicable draft approved plan and situated within Part 1 on Reference Plan 53R-21555. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Infrastructure Capital Planning Services, October 06, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, October 06, 2021

SUBMISSION NO. A0123/2021 Continued.

No concerns.

Source Water Protection Plan, October 06, 2021

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. 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.

Greater Sudbury Hydro Inc., October 05, 2021

No conflict.

CGS: Site Plan Control, October 05, 2021

No objection.

The Nickel District Conservation Authority, October 04, 2021

Conservation Sudbury does not object to Minor Variance A0123/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

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

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

CGS: Development Engineering, September 29, 2021

No objection.

The applicant, Kristi Arnold from Dalron Construction Ltd., appeared before Committee and explained that they are developing a plan of subdivision, the last phase of their moonlight ridge subdivision, and although they have met the required front yard of 15.0m and depth of 30.0m in an R1 zone, the area requirements do not consist with the minimum lot depth and frontage therefore they are seeking a minor variance to address the deficient area.

The following decision was reached:

DECISION:

THAT the application by:

DALRON CONSTRUCTION LTD.

the owner(s) of PIN 73575 0664, Survey Plan 53R-21555 Part(s) 1, Lot Pt 9 , Concession 3, Township of Neelon, 0 Estelle Street, Sudbury

for relief from 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 approve proposed Lots 13, 14 and 15 on Draft Approved Plan of Subdivision File No. 780-6/05002 and situated within Part 1, Plan 53R-21555, each providing a minimum lot area of 451.0m<sup>2</sup>, where 465.0m<sup>2</sup> is required, be granted.



SUBMISSION NO. A0123/2021 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 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
Dan Laing	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0124/2021

October 14, 2021

OWNER(S): MICHELE HAW, 6 GEORGE STREET, CONISTON, ON, P0M1M0

AGENT(S):

LOCATION: PIN 73560 1306, Parcel 8843, Survey Plan 53R-21164 Part(s) 2, Lot(s) 101 (Part), 102 and Part Lane, Subdivision M-64 & M-147, Township of Neelon, 6 George Street, Coniston

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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 an addition on the subject property providing eaves and an increase in gross floor area within the front yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, October 06, 2021

A0124/2021

The variances being sought would facilitate the construction of an addition to legal existing residential building having frontage on George Street in Coniston. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the development proposal amounts to the enclosing of existing stairs and deck that provide access into the existing residential building situated on the lands. The existing legal Staff further notes that the legal non-complying front yard setback would not be further reduced beyond what currently exists should the front yard setback variance be approved. For the purposes of clarity, the existing front yard setback is shown as being 4.6 m (15.09 ft) on the submitted sketch. Staff also have no concerns with respect to the eaves variance. Staff is satisfied that the proposed addition is reasonable, not excessive in nature, and no negative impacts are anticipated on abutting residential properties. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Infrastructure Capital Planning Services, October 06, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, October 06, 2021

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

However, Owner to be advised of the following comments:

SUBMISSION NO. A0124/2021 Continued.

1) The review of this minor variance is based on dimensions supplied by the applicant. In the future if an OLS survey is completed and there are discrepancies with the supplied dimensions additional minor variances may be required.

Greater Sudbury Hydro Inc., October 05, 2021

No conflict.

CGS: Site Plan Control, October 05, 2021

No objection.

The Nickel District Conservation Authority, October 04, 2021

Conservation Sudbury does not object to Minor Variance A0124/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

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

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

CGS: Development Engineering, September 29, 2021

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 explained that she would like to build an enclosed entrance to the downstairs. The applicant explained that she had a deck there before and wants to enclose it and that it would only come out to the existing front of the house and unfortunately because the front of the house already encroaches into the yard the variance was needed. Dan Lepage and Sue Lepage of 13 Aubrey Street asked for clarification on the eaves encroachment. The applicant explained that the addition will be flush with the front of the house and will have nothing to do with anybody behind the subject property.

The following decision was reached:

DECISION:

THAT the application by:

MICHELE HAW

the owner(s) of PIN 73560 1306, Parcel 8843, Survey Plan 53R-21164 Part(s) 2, Lot(s) 101 (Part), 102 and Part Lane, Subdivision M-64 & M-147, Township of Neelon, 6 George Street, Coniston

for relief from Part 4, Section 4.2, Table 4.1 and Section 4.25, subsection 4.25.2 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 providing, firstly, to permit eaves to encroach 2.00m into the required yard, where eaves may only encroach 1.2m into the required yard but not closer than 0.6m to the lot line, and secondly, an increase in gross floor area of a legally existing building to 125.782m<sup>2</sup>, where enlargement, reconstruction, repair and/or renovation does not increase the gross floor area of the building located within the minimum required front 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 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
Dan Laing	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0125/2021

October 14, 2021

OWNER(S): PIERRE PITRE, 2704 ROYAL STREET, BLEZARD VALLEY, ON P0M1E0  
SHARLENE PITRE, 2704 ROYAL STREET, BLEZARD VALLEY, ON P0M1E0

AGENT(S):

LOCATION: PIN 73513 0403, Parcel 48828, Surveys Plan 53R-12088 Part(s) 6 & Plan 53R-17683 Part(s) 6, 7 and 8, Lot 1 (Part), Concession 5, Township of MacLennan, 712 Pinecone Road, Skead

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### SUMMARY

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

**Application:** For 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: Environmental Planning Initiatives, October 09, 2021

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 presence of cyanobacterial blooms in Wanapitei Lake in 2016 and 2017.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments and holding soil in place. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the lot. Imported soil can introduce considerable quantities of phosphorus.

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

1. A natural vegetated buffer of at least 20 metres (the wider the better) from the high water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or stream bank or up to 23 metres, whichever is less, is allowable.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake 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 applicant or 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, October 06, 2021

The variance being sought would facilitate construction of a detached garage on the subject lands that have frontage on Pine Cone Road in Skead. The lands also have water frontage on Lake Wanapitei. The lands are designated Rural in the City's Official Plan and zoned "R1-1", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would also be located approximately 18 m (59.06 ft) from the front lot line and staff is satisfied that the additional height being requested will not appear out of character or imposing when viewed from Pine Cone Road. The lands are also heavily vegetated and it can be reasonably expected that the detached garage will be well-screened in terms of sightlines to and from Pine Cone Road. The proposed detached garage would also appear to otherwise comply with all applicable general provisions and "RU" Zone development standards. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Infrastructure Capital Planning Services, October 06, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, October 06, 2021

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

However, Owner to be advised of the following comments:

1) The use of the loft in this accessory building must not be for human habitation unless otherwise permitted in section 4.2 of Zoning By-Law 2010-100Z.

SUBMISSION NO. A0125/2021 Continued.

CGS: Site Plan Control, October 05, 2021

No objection.

The Nickel District Conservation Authority, October 04, 2021

Conservation Sudbury does not object to Minor Variance A0125/2021 as the height of the garage is not relevant to the responsibilities of Conservation Sudbury and the location of the proposed detached garage, as shown on the plot plan it outside the regulated area of the Conservation Authority. A section 28 permit through Conservation Sudbury for the detached garage is not required.

The proponent is reminded that future development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. Conservation Sudbury regulates to the hazard elevation of 269.5 metres (CGVD28 datum) on Lake Wanapitei, plus an additional 15 metres horizontally inland.

'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.

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

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

CGS: Development Engineering, September 29, 2021

No objection.

The applicant appeared before Committee and explained that they would like to build a detached garage with a loft for storage.

The following decision was reached:

DECISION:

THAT the application by:

PIERRE PITRE AND SHARLENE PITRE  
the owner(s) of PIN 73513 0403, Parcel 48828, Surveys Plan 53R-12088 Part(s) 6 & Plan 53R-17683 Part(s) 6, 7 and 8, Lot 1 (Part), Concession 5, Township of MacLennan, 712 Pinecone Road, Skead

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning Bylaw for the City of Greater Sudbury, as amended, to facilitate the construction of an accessory building, being a detached garage, providing a maximum height of 8.23m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

SUBMISSION NO. A0125/2021 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 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
Dan Laing	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0126/2021

October 14, 2021

OWNER(S): JENNIFER JOLLY, 1225 DOLLARD AVE, SUDBURY, ON P3A 467

AGENT(S): MORRIS JOLLY, 1225 DOLLARD AVE, SUDBURY, ON P3A 467

LOCATION: PIN 73565 1037, Parcel 17552, Survey Plan 53R-20973 Part(s) 1, Lot(s) 9 (Part), Subdivision M-267, Township of Neelon, 1225 Dollard Avenue, 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:** For approval to construct a detached garage on the subject property providing accessory lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Development Approvals Section, October 06, 2021

The variance being sought would facilitate construction of a detached garage on the subject lands that have frontage on Dollard Avenue 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 no concerns with respect to the variance that would permit a 1.03% increase beyond the 10% maximum lot coverage for accessory buildings and structures that is permitted under Section 4.2.3 of the City's Zoning By-law. Staff is satisfied that the proposed detached garage having an increased maximum lot coverage for accessory buildings and structures as depicted on the submitted sketch will not negatively impact any abutting residential properties. Staff is also of the opinion that the variance being sought would not generate any negative impacts on the existing urban residential character that exists along Dollard Avenue. It should also be noted that the proposed detached garage otherwise would appear to comply with all applicable general provisions and those specific development standards applicable in the "R1-5" Zone. 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 recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Infrastructure Capital Planning Services, October 06, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, October 06, 2021

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

SUBMISSION NO. A0126/2021 Continued.

However, Owner to be advised of the following comments:

1) According to our records a deck/platform may have been added to the rear of the main dwelling unit. If the height of the deck is greater than 24" to grade or the deck is attached to the house a building permit is required. Please contact building services if a permit is required.

Greater Sudbury Hydro Inc., October 05, 2021

Contact GSHI ES Department if disconnect/reconnect is required. Contact GSHI ES Department if service upgrade is required.

CGS: Site Plan Control, October 05, 2021

No objection.

The Nickel District Conservation Authority, October 04, 2021

Conservation Sudbury does not object to Minor Variance A0126/2021. It does not appear that a permit pursuant to Section 28 of the Conservation Authorities Act will be required as the subject property does not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

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

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

CGS: Development Engineering, September 29, 2021

No objection.



The applicant's agent, Morris Jolly, also the spouse of the applicant, appeared before Committee and explained that the application was for a detached garage with an ensuite in the back, a nanny flat, and loft space for storage. The agent explained that the purpose of the nanny flat was for their daughter for her to have her own space. The Secretary-Treasurer advised that the City received three emails of concern in relation to the application. The Secretary-Treasurer advised that the first email from John Whalen opposed the construction under suspicion that they are trying to add a third rental in an R1 zoned street, that the street has become busier though complaints have been sent to the City with no resolution, the dance studio at the beginning of their street also has parking and he would like to continue paying his property taxes in an R1 zone knowing that the City has his best interest in controlling permits as they don't seem to be. The Secretary-Treasurer advised that the second email was from Patrick Brabant and he advised that he was a neighbour and does not approve of the application made by this applicant to build the large garage and dwelling. The Secretary-Treasurer advised that the third email from David LaRocque of 1238 Dollard Avenue advised that he was in disagreement with the request for the minor variance, the street is classed as R-1 and he already has a lot of traffic because of the dance studio, there are already two families living in the house, the street is a dead end and cannot accommodate more traffic and there is already another house with students living in it and they already have enough cars on the street and he will lose some sunlight as a result of the addition and he does not want it to happen. The agent advised that they are the only family living in the house and the purpose of the nanny flat in the back, which was over by 100 sq. feet, was for his daughter and not for rental. The agent explained that the garage was over by 100 sq. feet and they would redo the plans to have it within the limits but as the plans were already done they decided to proceed with a variance instead of having the plans redone. Committee Member Castanza requested the Secretary-Treasurer to provide her with the addresses of the residents who expressed concern. The Secretary-Treasurer advised that only one resident who expressed concern provided their address and that was David LaRocque at 1238 Dollard Avenue. Committee Member Castanza asked about the living space in the accessory building. The agent advised that it was a secondary unit. Committee Member Castanza asked the agent if they were applying for a secondary unit or applying for an accessory building. The agent explained that it was 100 sq. feet over the permitted limit and the plans were all submitted to the City and all the plans showed a nanny flat in the back. Acting Chair Laing suggested that the question be directed to staff. The agent explained that all the plans showed everything, and this was the last issue that had to be addressed because it was 100 sq. feet over. The agent explained that they could go through this process of a variance for 100 sq. feet or send all the plans back to the engineer to adjust everything by 100 sq. feet so that they are within the limits. Acting Chair Laing asked staff to address the secondary unit. Staff advised that a secondary unit was permitted in the zone as of right in the City's Zoning By-law regardless of whether it was a detached garage or a detached garage with a secondary unit. Staff advised that the owner would be required to obtain building permits for a secondary unit and would also be required to register the secondary unit with the City. Staff advised that the variance being sought was only for the lot coverage being 1% over 10%, 10% is permitted and this would be 11.03%. Staff advised that regardless of whether it was a detached garage or a detached garage with a secondary unit, Committee was being asked for a minor variance relating to the lot coverage. Staff advised that there was no issue with the variance and what Committee was being asked to approve. Staff further advised that if there was a living unit on site it was permitted as of right and there are requirements of the owner to follow through on the building permit as well as the registration side of things. Committee Member Coupal expressed concern with the comments relating to the restriction of human habitation. Staff advised that the comments being referred to go on to state "unless permitted as a secondary dwelling unit or garden suite under Section 4.2.1 of the City's Zoning By-law". Staff advised that if it was going to be used as human habitation there are requirements. Staff further advised that this was a detached garage variance for an accessory building having 1.03% lot coverage increase beyond what was permitted and if the intention was to have a secondary unit then the applicants need to follow that section of the Zoning By-law that requires building permits and registration of the second unit. Committee Member Coupal asked that agent if he was aware of that and the agent confirmed that he was.

The following decision was reached:

DECISION:

THAT the application by:

JENNIFER JOLLY

the owner(s) of PIN 73565 1037, Parcel 17552, Survey Plan 53R-20973 Part(s) 1, Lot(s) 9 (Part), Subdivision M-267, Township of Neelon, 1225 Dollard Avenue, Sudbury

SUBMISSION NO. A0126/2021 Continued.

for relief from Part 4, Section 4.2, subsection 4.2.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an accessory building, being a detached garage, providing an accessory lot coverage of 11.03%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, 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
Dan Laing	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0127/2021

October 14, 2021

OWNER(S): SHAUN MCGLADE, 2855 Valleyview Road Val Caron ON P3N 1R2  
MAZIE MCGLADE, 2855 Valleyview Road Val Caron ON P3N 1R2

AGENT(S):

LOCATION: PIN 73519 0088, Parcel 53M1229-22 SEC SES SR0, Lot(s) 22, Subdivision 53M-1229, Township of Rathburn, 1931 Bushy Bay Road, Wahnapiatae

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### SUMMARY

**Zoning:** The property is zoned SLS (8) (Seasonal Limited Service) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** For 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: Environmental Planning Initiatives, October 12, 2021

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 presence of cyanobacterial blooms in Wanapitei Lake in 2016 and 2017.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments and holding soil in place. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the lot. Imported soil can introduce considerable quantities of phosphorus.

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

1. A natural vegetated buffer of at least 20 metres (the wider the better) from the high water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or stream bank or up to 23 metres, whichever is less, is allowable.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake 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 applicant or 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, October 06, 2021

The variance being sought would facilitate construction of a detached garage on the subject lands that have water frontage on Boland's Lake in Wahnapiatae. The lands are also accessible via a private road known municipally as Bushy Bay Road. The lands are designated Rural in the City's Official Plan and zoned "SLS(8)", Seasonal Limited Service Special under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed location for the detached garage is generally well-vegetated and it is anticipated that this location will afford good screening to abutting residential properties and to both the lake and Bushy Bay Road. The proposed detached garage would also maintain a setback of approximately 9 m (29.53 ft) to the Bushy Bay Road street-line. Staff therefore do not anticipate any negative impacts on abutting residential properties should the additional maximum building height for accessory buildings and structures be increased by 1.4 m (4.59 ft) beyond the 5 m (16.40 ft) that is permitted under Section 4.2.4 a) of the City's Zoning By-law. It should also be noted that the proposed detached garage otherwise would appear to comply with all applicable general provisions and those specific development standards applicable in the "SLS(8)" Zone. 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 recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Infrastructure Capital Planning Services, October 06, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, October 06, 2021

SUBMISSION NO. A0127/2021 Continued.

Based on the information provided, Building Services is requesting a deferral based on the following comments:

1) The plot plan provided indicates the distance from the new addition to the provided front lot line (waterfront lot line) is 60'; the required front yard for SLS(8) zoning is 65'-7". The plot plan provided does not indicate the high water mark nor does it indicate the contoured elevation line required for Wanapitei at 267.95m C.G.D (Canadian Geodetic Datum). These contoured lines must be shown and labelled accordingly.

CGS: Site Plan Control, October 05, 2021

No objection.

The Nickel District Conservation Authority, October 04, 2021

Conservation Sudbury does not object to Minor Variance A0127/2021 as the height of the garage is not relevant to the responsibilities of Conservation Sudbury and the location of the proposed detached garage, as shown on the plot plan it outside the regulated area of the Conservation Authority. A section 28 permit through Conservation Sudbury for the detached garage is not required.

#### Notes

The proponent is reminded that future development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. Conservation Sudbury regulates to the hazard elevation of 269.5 metres (CGVD28 datum) on Lake Wanapitei, plus an additional 15 metres horizontally inland.

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

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

CGS: Development Engineering, September 29, 2021

No objection.

The applicant appeared before Committee and explained he submitted an application for a proposed addition to his camp plus a garage and the garage is a double garage with a storage loft which is above the permitted height.

The following decision was reached:

#### DECISION:



SUBMISSION NO. A0127/2021 Continued.

THAT the application by:

SHAUN MCGLADE AND MAZIE MCGLADE

the owner(s) of PIN 73519 0088, Parcel 53M1229-22 SEC SES SR0, Lot(s) 22, Subdivision 53M-1229, Township of Rathburn, 1931 Bushy Bay Road, Wahnapiatae

for relief from Part 4, Section 4.2, subsection 4.2.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an accessory building, being a detached garage, providing a maximum height of 6.4m, 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.

<b><i>Member</i></b>	<b><i>Status</i></b>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Dan Laing	Concurring



## COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0128/2021

October 14, 2021

OWNER(S): RICHARD VILLENEUVE, 3080 LOUIS STREET, VAL CARON, ON, P3N 1C5  
JODY VILLENEUVE, 3080 LOUIS STREET, VAL CARON, ON, P3N 1C5

AGENT(S): RICHARD VILLENEUVE, 3080 LOUIS STREET, VAL CARON, ON, P3N 1C5

LOCATION: PINs 73500 0596 & 73500 0413, Surveys Plan 53R-21402 Part(s) 1 & Plan 53R-17411 Part(s) 2, Lot 10 (Part), Concession 5, Township of Blezard, 0 Martin Road, Val Caron

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### SUMMARY

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

**Application:** For approval to construct an accessory structure on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Environmental Planning Initiatives, October 09, 2021

This correspondence is for informational purposes only. Shoreline and streambank property owners are encouraged to continue adopting lake-friendly practices.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments and holding soil in place. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the lot. Imported soil can introduce considerable quantities of phosphorus.

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

1. A natural vegetated buffer of at least 12 metres (the wider the better) from the high water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or stream bank or up to 23 metres, whichever is less, is allowable.
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake 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 applicant or 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, October 06, 2021

The variance being sought would facilitate construction of a secondary dwelling unit on the subject lands that have frontage on Martin Road in Val Caron. The lands also have water frontage along the Whitson River. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff understands that the maximum accessory building height being sought amounts to a 2.27 m (7.45 ft) increase beyond the maximum accessory building height of 6.5 m (21.33 ft) that is permitted for an accessory building in an "RU" Zone. Staff further understands that the additional height being sought is necessary in order to ensure that the secondary dwelling unit is situated above the established flood elevation. Staff is satisfied that no negative land use planning impact would be generated on abutting residential properties should the variance be approved. Staff notes that the surrounding area is generally well-vegetated and there are no residential buildings on abutting lots in close vicinity to the proposed location for the secondary dwelling unit. Staff also is of the opinion that the increased height being sought is not excessive and is reasonable given the site constraints that exist with respect to the floodplain. It should also be noted that the proposed secondary dwelling unit otherwise would appear to comply with all applicable general provisions and those specific development standards applicable in the "RU" Zone. Staff would note, however, that there is no dimension string on the submitted sketch which demonstrates that there is no greater than 30 m (98.43 ft) between the primary residential dwelling and the proposed secondary dwelling unit as required under Section 4.2.10.3 c) ii) of the City's Zoning By-law. If this distance exceeds the above noted distance, the owner is advised that an additional minor variance would be required and that a deferral would be therefore most appropriate in order to amend their application accordingly. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Nickel District Conservation Authority, October 06, 2021

Secondary units in floodplains are contrary to Conservation Sudbury policy, therefore the accessory structure as presented is not permitted. Should the proponent wish to change the use of the structure such that it is nonhabitable, Conservation Sudbury would request that Minor Variance Application A0128/2021 be deferred until the Section 28 permit can be reviewed and issued.

For more information and to discuss the requirements, please contact the regulations officer working on

this file at [sarah.woods@conservationsudbury.ca](mailto:sarah.woods@conservationsudbury.ca) or at 705-674-5249 ext 201.

#### Notes

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

The proponent is advised that works within an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, 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.

Conservation Sudbury respectfully requests a copy of any decision.

CGS: Development Approvals Section, October 06, 2021

#### REVISED

Staff are now in receipt of formal comments from Conservation Sudbury which indicate that they are unable to support the variance being sought at this time. The variance as applied for currently is not supported on the basis that secondary dwelling units situated within a regulated floodplain is contrary to Conservation Sudbury policy. Staff would note that Conservation Sudbury is responsible for regulating hazards associated with natural features and any works within a regulated area will require a permit pursuant to Section 28 of the Conservation Authorities Act. Staff would note that approval of a minor variance does not compel Conservation Sudbury to issue a permit under Section 28 of the Conservation Authorities Act. It is on this basis that staff is therefore now unable to be supportive of the variance being requested at this time. Staff would recommend that the application be deferred in order to afford the owner the opportunity to address those comments received from circulated agencies and departments.

CGS: Infrastructure Capital Planning Services, October 06, 2021

Roads  
No concerns.

Transportation & Innovation  
No concerns.

Active Transportation  
No concerns.

CGS: Building Services Section, October 06, 2021

No concerns.

CGS: Site Plan Control, October 05, 2021

No objection.

CGS: Development Engineering, September 29, 2021

No objection.

The applicant appeared before Committee and explained that the application is for the height variance for the accessory building. The applicant explained that the accessory building will be built on stilts so that they lessen the impact on backfilling the property that is within a flood zone. The applicant explained that they have worked with Conservation Sudbury to lessen the impact of the fill to satisfy the home and the accessory building is beyond the filled area so it is up on stilts so that they can leave existing grade as is and because of this it puts it over the height requirements. The applicant explained that it is a pool accessory building with a ramp to higher grade where the detached garage is located. The applicant explained that building on stilts was to lessen the impact on the existing elevation. Acting Chair Laing asked the applicant to confirm that he was in receipt of the comments and the applicant confirmed that he was. Acting Chair Laing asked the applicant, referring to the Nickel District Conversation Authority comments, if he was aware that the recommendation was to defer the application. The applicant explained that the comments received were specific to a secondary unit which they are no longer pursuing and advised that there was never going to be a secondary unit. The applicant explained that it is simply a pool accessory building and sauna and explained that the secondary unit idea came about when they were discussing the application with the plans examiner. The applicant explained that they referred to it as a seasonal building and the plans examiner recommended that they use it as a secondary unit and at that point it made sense as an investment as at some point someone may want to use it as that, but that is not what they want to use it for. The applicant explained that it would be used as a little gym, spa area with a little hot tub on the deck and a change room. The applicant explained that the comments came back that secondary units are not allowed in flood areas and the applicant advised that they are fine with that and are not pursuing that. Acting Chair Laing asked staff if they had comments and staff suggested that it may be helpful, as Bailey Chabot of Nickel District Conversation Authority was in attendance, if Committee would request her to provide insight in the change to the development proposal as described by the applicant. Staff advised that comments were revised to recognize comments that the application be deferred in order to address comments received on the application, one of interest being the Conservation Authority. Acting Chair Laing requested Bailey Chabot to provide comments. Bailey Chabot advised Committee that the Nickel District Conversation Authority does not permit secondary dwelling units in flood prone areas and that their issue with the proposal is not with the height which is what is before Committee. Bailey Chabot explained that the height is not an issue, their concern is habitable space or additional habitable space in the flood area and the drawings that were recently circulated to them still show plumbing and other fixtures that suggest habitability. She explained to the applicant and Committee that they are not saying that the structure would not be approved but they are still reviewing and trying to understand the implications of the proposed accessory structure even as a sauna and how that fits into their policy. She explained that for the benefit of Committee, the height itself is not a concern of Conservation Sudbury, but for the applicant's and Committee's understanding Conservation Sudbury does review and approve all the building permits that are in the regulated area and they would also require their own section 28 permit process which the applicant is familiar with. She explained that what they are struggling with and what they are working through is permitting additional habitable space, not necessarily a secondary suite, but habitable space elsewhere on this site and the impact that has on their regulation and how they review development and they have not yet reached a conclusion on that but that will come through the section 28 process. She explained that it is the use of the structure and not the height of it that concerns Conservation Sudbury. Acting Chair Laing asked the applicant if he opposed a deferral and the applicant requested that Committee make a decision on the height. Acting Chair Laing asked staff to confirm that if Committee did make a decision on the height the next stage would be picked up by the Conservation Authority as well and the section 28. Staff advised that the deferral was being recommended due to the comments received from agencies and departments, but it seems clear from what the applicant has advised that they are no longer pursuing a secondary dwelling unit but they are proposing an accessory structure that may or may not include living or habitable space and Committee has heard from the Conservation Authority what that means from their perspective. Staff advised that if the owner wanted to proceed to a decision on the height variance they would be proceeding at their own risk and under the understanding that approval from the Committee relating to the minor variance for the height of an accessory building does not mean that the Conservation Authority is granting any type of approvals and the owners will still need to go through those permitting processes with no guarantee that that permit will be issued. Staff further advised the applicant that the variance approval in no way, shape or form implies that the permit that is required by the Conservation Authority will be granted. The applicant acknowledged that this is not a permit and that this is simply for the height. The applicant also acknowledged that they still need to pursue a section 28 permit and whether this accessory building is included or not at least the height is approved. The staff recommendation to defer the application was defeated. Committee Member Castanza put forward a motion to support the application and Committee Member Coupal seconded the motion. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

RICHARD VILLENEUVE AND JODY VILLENEUVE

the owner(s) of PINs 73500 0596 & 73500 0413, Surveys Plan 53R-21402 Part(s) 1 & Plan 53R-17411 Part(s) 2, Lot 10 (Part), Concession 5, Township of Blezard, 0 Martin Road, Val Caron

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 an accessory building, being a detached garage, providing a maximum height of 6.4m, 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.

<b><i>Member</i></b>	<b><i>Status</i></b>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Dan Laing	Concurring