

108 Bayview Road, Sudbury

Presented To:	Planning Committee
Meeting Date:	September 4, 2024
Type:	Public Hearing
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-3/24-04

Report Summary

This report provides a recommendation regarding an application to rezone the subject lands to prevent a split zoning from occurring as a result of land consolidation.

This report is presented by Stephanie Poirier, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Kim & Richard Miller to amend Zoning By-law 2010-100Z for the City of Greater Sudbury by changing the zoning classification on the lands described as Lands abutting to the northeast of PIN 73514-0086, Parcel 24076, Summer Resort Location S.B 31, Township of Scadding from “OSC”, Open Space Conservation Zone to the “RS”, Rural Shoreline Zone, as outlined in the report entitled “108 Bayview Road, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 4, 2024, subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law the owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services; and,
2. That conditional approval shall lapse on September 4, 2026, unless Condition #1 above has been met or an extension has been granted by Council.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

The application to amend the City’s Zoning By-law is an operational matter under the Planning Act to which the City is responding.

The rezoning application does not either directly align with or negatively impact any of strategic goals and objectives that are identified within the City’s Strategic Plan.

The rezoning application is not expected to have any direct negative impacts on the stated goals and recommendations that are contained within the CEEP.

Financial Implications

There are no financial implications associated with this report.

Report Overview:

This report reviews an application for Zoning By-law Amendment that seeks to rezone the subject lands from the "OSC", Open Space Conservation Zone to the "RS", Rural Shoreline Zone. This rezoning is being requested as part of a crown land disposition process in order to prevent split zoning from occurring at the time when the lands have been merged by common ownership with 108 Bayview Road.

Staff Report

Proposal:

The purpose and effect of the application is to rezone the subject lands from the “OSC”, Open Space Conservation Zone to the “RS”, Rural Shoreline Zone. This rezoning is being requested as part of a crown land disposition process in order to prevent split zoning from occurring at the time when the lands have been merged by common ownership with 108 Bayview Road.

The subject lands are designated ‘Rural’ within the City’s Official Plan and are zoned “OSC” Open Space Conservation within By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury.

The subject lands contain a portion of a seasonal dwelling, sauna, water pump, and utility box. The crown lands do not contain a water or sanitary service. The subject lands are accessed by an existing driveway from Bayview Road.

Surrounding uses are rural shoreline and open space conservation in nature.

A location map has been attached for reference.

Policy & Regulatory Framework:

The property is subject to the following policy and regulatory framework:

- [2020 Provincial Policy Statement](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury, 2006](#); and,
- [Zoning By-law 2010-100Z](#).

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Policy Statement:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement 2020 (PPS). Staff has reviewed the PPS 2020 and is satisfied that matters of provincial interest are not impacted as a result of the proposed rezoning application.

Growth Plan for Northern Ontario:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands designated Rural in the Official Plan for the City of Greater Sudbury. Seasonal residential uses are permitted on waterbodies and watercourses that have adequate access within the Rural designation.

Zoning By-law 2010-100Z:

The subject lands are proposed to be rezoned to the “RS” Rural Shoreline Zone.

The development standards for the “RS”, Rural Shoreline Zone are as follows:

- Minimum lot area of 8,000 m²
- Minimum lot frontage of 45 m
- Minimum front yard setback 10 m
- Minimum rear yard setback 7.5 m
- Minimum interior side yard setback 3 m
- Maximum lot coverage 10%
- Maximum height 11 m

Consultation:

Public Consultation:

The statutory notice of the application was provided by newspaper on July 6, 2024 along with a courtesy mail-out to surrounding property owners and tenants within 244 m of the property on July 3, 2024. The statutory notice of the public hearing was provided by newspaper on August 10, 2024, and courtesy mail-out within 244 m of the property on August 8, 2024.

At the time of writing this report no oral or written submissions with respect to this application have been received by the Planning Services Division.

Department/Agency Review:

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to inform and identify appropriate development standards in an amending zoning by-law should the application be approved. Comments received from departments generally had no concerns with the rezoning request. Strategic and Environmental Planning provided the applicant with information on shoreline protection measures. Building Services identified that building permits are outstanding on the subject lands.

Detailed comments can be found in Appendix 1 to this report.

Planning Analysis:

The Provincial Policy Statement and City’s Official Plan permit seasonal residential uses in rural areas subject to appropriate access and servicing. The subject lands have access from a private road being Bayview Road and are serviced by a septic system and lake water, which are appropriate for seasonal use.

The applicant has advised that they are in the process of purchasing crown land that is located between 108 Bayview Road and Kukagami Lake. Once obtained, the lands will merge with 108 Bayview Road due to common ownership. The portion of crown land being purchased currently functions as part of 108 Bayview Road. The purpose of the application is largely technical in nature, preventing split zoning from occurring as a result of crown land disposition. No change of use is proposed for the subject lands at this time.

It is noted that a registered land survey will be required as part of purchasing the crown land in order to delineate the extent of land being purchased. As such, staff have included a condition requiring a registered survey plan providing a legal description of the lands to be rezoned be provided in order to prepare the zoning by-law.

Overall staff has no concerns with the requested rezoning.

Conclusion:

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

Appendix 1:

Departmental & Agency Comments

a) Building Services

No concerns with this application. Building services has the following information for the owner/applicant.

1. Our records indicate multiple incomplete building permits. Building permit number B02-0862-repair existing sunroom and B21-1043- detached garage-seasonal. Owner to contact Building Services to proceed in closing these building permits.

b) Infrastructure Capital Planning

No concerns.

c) Development Engineering

This area is not serviced by municipal water or sanitary. No objection to the rezoning.

d) Strategic and Environmental Planning

For information purposes only:

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

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

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

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high-water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or 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 276 m².

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 or river 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 is 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 or river. 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 or river 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 riverbank (retaining walls, etc.).