COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2026-00006 November 12, 2026

OWNER(S): KRIS FERGUSON, 2380 Hannah Lake Road, Sudbury, ON, Canada P3E4M9

PAUL FERGUSON, 2380 Hannah Lake Road, Sudbury, ON, Canada

AGENT(S): A.L. PERMITS, 460 Boyce St, Sudbury, ON, Canada P3E2G7

LOCATION: PIN(s) 734740071, Parcel 31316 SEC SES, Part Lot 10, Concession 6, as in LT219842, except Part 3, Plan 53R-7823, Township of Broder, 2423 / 2425 Hannah Lake Road, Sudbury, Ontario P3E 4M9, 2425 Hannah Lake Road, Sudbury, Ontario P3E 4M9

SUMMARY

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

Application: Approval to permit an existing accessory structure providing setbacks to the high water mark at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, November 5, 2026

No Comment Received

Development Approvals, November 5, 2026

The purpose and effect of the application is to permit an existing detached cover entry on the existing single detached dwelling providing a high water mark setback of 23.1m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake.

The subject property is developed with a single dwelling unit and cabin. The property is serviced via individual well and private septic system, and is accessed from Hannah Lake Road, a municipal road maintained year round.
The subject lands are designated ‘Rural’ within the City of Greater Sudbury Official Plan, are zoned ‘RS’, Rural Shoreline within the City of Greater Sudbury Zoning By-law and are regulated by Conservation Sudbury (NDCA).

Surrounding lands are zoned ‘RS’, Rural Shoreline and ‘RU’, Rural containing low density residential uses along Hannah Lake and vacant rural lands.

The Ministry of Transportation (MTO) has confirmed that the subject lands are within their permit control area.

MTO has no concerns and supports the proposed minor variance. MTO advises that no permits are required from their agency for the proposed construction of a 11.5m2 covered entrance. Any future development or change in land use must be subject to MTO review/approval.

Conservation Sudbury has no objections to the detached covered entry as described within the minor variance application. They advise that the subject property does contain areas regulated by their agency and future development requires permission of Conservation Sudbury prior to development.

Strategic and Environmental Planning (SEP) staff have reviewed the request to legalize an existing detached covered entry with a highwater mark setback of 23.1m. Staff rely on policy 3 of section 8.4.1 of the City's Official Plan when considering reductions to highwater mark setback, which may permit a reduction only if:

a) sufficient lot depth is not available;
b) terrain or soil conditions exist which make other locations on the lot less suitable;
c) the proposal is for an addition to an existing building or replacement of a leaching bed where the setback is not further reduced; or
d) redevelopment is proposed on an existing lot and a net improvement is achieved.

SEP staff further note that although not technically a building addition, staff recognize that the detached covered entry is located further away from the lake than the dwelling and that its sole function is to provide access to the existing dwelling.

Staff is of the opinion that the proposed minor variance application is considered to be minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

Development Engineering, November 5, 2026

No Concerns

Ministry of Natural Resources and Forestry (MNRF), November 5, 2026

No Comment Received

Strategic and Environmental Planning, November 5, 2026

Staff in Strategic and Environmental Planning have reviewed the request to legalize an existing detached covered entry with a highwater mark setback of 23.1 m. Staff rely on policy 3 of section 8.4.1 of the City's Official Plan when considering reductions to highwater mark setback, which may permit a reduction if only if:
a) sufficient lot depth is not available;
b) terrain or soil conditions exist which make other locations on the lot less suitable;
c) the proposal is for an addition to an existing building or replacement of a leaching bed where the setback is not further reduced; or
d) redevelopment is proposed on an existing lot and a net improvement is achieved

Although not technically a building addition, staff recognize that the detached covered entry is located further away from the lake than the dwelling and that its sole function is to provide access to the existing dwelling.

Advisory comments:
The applicant is advised that compliance with the provincial Fish and Wildlife Conservation Act, 1997 and Species Conservation Act, 2025, and the federal Fisheries Act, 1985; Migratory Bird Convention Act, 1994; and, Species At Risk Act, 2002 is their sole responsibility.

Building Services, November 4, 2026

Based on the information provided, Applicant/Owner to be advised of the following comments:

1. Building Services acknowledges receipt of BP-NEW-2025-01503 for the proposed detached covered entry. Owner to be aware that an issued building permit to the satisfaction of the Chief Building Official is required prior to construction of the proposed detached covered entry.

2. A review of our records indicates that an Order to Comply (BP-BCO-2025-00073) was issued for the siding and detached covered entry. To resolve the Order, the unauthorized construction must either be removed or a building permit must be obtained for the work completed without the required permit.

Site Plan, November 4, 2026

No Concerns

Conservation Sudbury, November 3, 2026

No objection to detached covered entry as described in MV-2026-00006.

Subject property does contain areas regulated by Conservation Sudbury and future development requires permission of Conservation Sudbury prior to development.

Ministry of Transportation, November 3, 2026

Thank you for your submission. I can confirm that the subject property is located within the MTO's permit control area (PCA); therefore, is subject for review under the Public Transportation and Highway Improvement Act R.S.O. 1990. I can confirm that the MTO has no concerns and supports the proposed minor variance.

No permits are required for the proposed construction of a 11.5 sq meter covered entrance.
Any future development or change in land use must be subject to MTO review/approval.

Sudbury Hydro, November 2, 2026

No Concerns

Meeting Minutes:

11/12/2026 The owner’s agent, Angela Lanteigne of A.L. Permits, appeared before Committee and provided a summary of the Application.
Committee Members and the Chair expressed support for the Application and staff’s recommendation as the minor variances meet the four tests.

The following decision was reached:

DECISION:

THAT the application by:

KRIS FERGUSON AND PAUL FERGUSON
the owner(s) of PIN(s) 734740071, Parcel 31316 SEC SES, Part Lot 10, Concession 6, as in LT219842, except Part 3, Plan 53R-7823, Township of Broder, 2423 / 2425 Hannah Lake Road, Sudbury, Ontario P3E 4M9, 2425 Hannah Lake Road, Sudbury, Ontario P3E 4M9

for relief from Part 4, Section 4.41, subsection 4.41.2 a) of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to permit an existing detached covered entry on the existing single detached dwelling providing a high water mark setback of 23.1m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake, 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. 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.

Member	**Status**
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring

COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2026-00141 November 12, 2026

OWNER(S): RICHARD TESSIER, 230 Holmstead Rd, Whitefish, ON, Canada
SANDRA TESSIER, 230 Holmstead Rd, Whitefish, ON, Canada

AGENT(S): RICHARD TESSIER, 230 Holmstead Rd, Whitefish, ON, Canada

LOCATION: PIN(s) 733820107, Parcel 18925 SEC SWS SRO, Lot 29, Plan M-640, Part Lot 6, Concession 1, Township of Denison, 31 Eldon Avenue, Whitefish P0M 3E0

SUMMARY

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

Application: Approval to permit reduced glazing on the front façade of a proposed dwelling at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, November 5, 2026

No Comment Received

Development Approvals, November 5, 2026

The purpose and effect of the application is to facilitate the construction of a dwelling providing a minimum 10% glazing facing a public road, where the main building façade between the finished grade and uppermost ceiling shall have an entrance or minimum 15% glazing that faces a public road (Table 6.1, special provision 10 of Zoning By-law 2010-100Z).

The property is currently vacant, however the applicant has advised that the modular home has already been built and will be installed on the subject lands. The lands are serviced by individual well and private septic system and are accessed from Eldon Avenue, a municipal road maintained year round.

The subject property is designated ‘Rural’ within the City of Greater Sudbury Official Plan and is zoned ‘R1-2’, Low Density Residential One. Surrounding use are low density residential.

The Ministry of Transportation (MTO) confirms that the subject lands are within the MTO’s permit control area. MTO has no concerns and supports the minor variance. MTO advises that no permits from their agency is required. Any future development or change in land use must be subject to MTO review/ approval.

Staff is of the opinion that the proposed minor variance is considered to be minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

Development Engineering, November 5, 2026

No Concerns

Ministry of Natural Resources and Forestry (MNRF), November 5, 2026

No Comment Received

Building Services, November 4, 2026

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

For the Owner’s information Building Services has the following comments,

1. Building Services recognizes Building Permit BP-NEW-2026-01555 for construction of a new modular home.

Site Plan, November 4, 2026

No Concerns

Ministry of Transportation, November 3, 2026

Thank you for your submission. I can confirm that the subject property is located within the MTO's permit control area (PCA); therefore, is subject for review under the Public Transportation and Highway Improvement Act R.S.O. 1990. I can confirm that the MTO has no concerns and supports the proposed minor variance.

No permits are required.
Any future development or change in land use must be subject to MTO review/approval.

Strategic and Environmental Planning, November 2, 2026

SEP staff have reviewed the application and have no concerns.

Advisory comments:
The applicant is advised that compliance with the provincial Fish and Wildlife Conservation Act, 1997 and Species Conservation Act, 2025, and the federal Migratory Bird Convention Act, 1994 and Species At Risk Act, 2002, is their sole responsibility.

Sudbury Hydro, November 2, 2026

No concerns - outside of our service territory.

Conservation Sudbury, October 29, 2026

No Concerns

Meeting Minutes:

11/12/2026 The owner, Richard Tessier, appeared before Committee and provided a summary of the Application.
Committee Members and the Chair expressed support for the Application and staff's recommendation as the minor variances meet the four tests.

The following decision was reached:

DECISION:

THAT the application by:
RICHARD TESSIER AND SANDRA TESSIER
the owner(s) of PIN(s) 733820107, Parcel 18925 SEC SWS SRO, Lot 29, Plan M-640, Part Lot 6, Concession 1, Township of Denison, 31 Eldon Avenue, Whitefish P0M 3E0

for relief from Part 6, Section 6.2, Table 6.1, special provision 10 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a dwelling providing a minimum 10% glazing facing a public road, where the main building façade between the finished grade and uppermost ceiling shall have an entrance or minimum 15% glazing that faces a public road, 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. 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.

Member	**Status**
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring

COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2026-00143 November 12, 2026

OWNER(S): RANDI RAY, 89 Columba Terrace, Sudbury, ON, Canada
CHRIS MERCER, 89 Columba Terrace, Sudbury, Ontario, Canada P3E0E4

AGENT(S): RANDI RAY, 89 Columba Terrace, Sudbury, ON, Canada

LOCATION: PIN(s) 735970747, Lot 7, Plan 53M-1385, Part Lot 8, Concession 1, Township of McKim, 89 Columba Terrace, Sudbury P3E 0E4

SUMMARY

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

Application: Approval to permit an addition and three season addition on the existing dwelling providing high water mark setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, November 5, 2026

The purpose and effect of the application is to facilitate the construction of an addition and three season addition on the existing dwelling, with the following variances:

1.To permit a high water mark setback of 28.3m for the addition, where no person shall erect any residential building or other accessory building or structure closer than 30.0m to the high water mark of a lake (Section 4.41.2 a) of Zoning By-law 2010-100Z); and
2. To permit a high water mark setback of 27.73m for the three season addition, where no person shall erect any residential building or other accessory building or structure closer than 30.0m to the high water mark of a lake (Section 4.41.2 a) of Zoning By-law 2010-100Z).

The subject property is developed with a dwelling, porch, deck, covered patio and shed. The property is serviced by municipal water and sewer and is accessed from Columba Terrace, a municipal road maintained year round.

The applicant has advised that the addition cannot be located on the other side of the dwelling as the existing dwelling is located 1.73m from the property line. They have configured the layout to avoid the shoreline buffer and minimize the encroachment into the 30.0m high water mark setback. Further, they note that given the shape of the property and constraints, the proposed location would appear to be the best approach.

The subject lands are designated ‘Rural’ within the City of Greater Sudbury Official Plan, are zoned ‘R1-5’,

Low Density Residential One within the City of Greater Sudbury Zoning By-law and are regulated by Conservation Sudbury (NDCA). Surrounding uses are low density rural residential and rural uses in nature.

Conservation Sudbury has no objection to development proposed in the minor variance application. Retaining walls that support the development are indicated to be pinned to bedrock which negates the erosion hazard. SEP staff have reviewed the application and have no concerns.

Staff is of the opinion that the proposed minor variance application is considered to be minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

Development Engineering, November 5, 2026

No Concerns

Building Services, November 4, 2026

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

For the applicants' information:

1) With respect to the new construction of the proposed addition, three-season sunroom and decks to the existing dwelling, a building permit will be required to the satisfaction of the Chief Building Official. Building Services reserves further review and comment until a building permit application has been submitted.

2) A search?of?our records?indicates?that there are issued?permits for:?

- BP-NEW-2026-00414 – New Window (Full Permit Issued)

- B11-1075 – SFD (Full Permit Issued)

Please contact Building Services at 705-674-4455 x 4278 to close this project.?

Corridor Management, November 4, 2026

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), November 4, 2026

No Comment Received

Site Plan, November 4, 2026

No Concerns

Conservation Sudbury, November 3, 2026

Conservation Sudbury has no objection to development proposed in MV-2026-00143. Retaining walls that support the development are indicated to be pinned to bedrock which negates the erosion hazard.

Ministry of Transportation, November 3, 2026

I can confirm that the subject lands for application PL-MV-2026-00143 (Ray, Mercer) is located outside the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

Strategic and Environmental Planning, November 2, 2026

SEP staff have reviewed the application and have no concerns.

Advisory comments:
The applicant is advised that compliance with the provincial Fish and Wildlife Conservation Act, 1997 and Species Conservation Act, 2025, and the federal Migratory Bird Convention Act, 1994 and Species At Risk Act, 2002, is their sole responsibility.

Sudbury Hydro, November 2, 2026

No Concerns

Meeting Minutes:

11/12/2026 The owner's agent, Dan Guillemette and Brittany Loewen of Centreline Architecture, appeared before Committee and provided a summary of the Application.
Committee Members and the Chair expressed support for the Application and staff's recommendation as the minor variances meet the four tests.

The following decision was reached:

DECISION:

THAT the application by:
RANDI RAY AND CHRIS MERCER
the owner(s) of PIN(s) 735970747, Lot 7, Plan 53M-1385, Part Lot 8, Concession 1, Township of McKim, 89 Columba Terrace, Sudbury P3E 0E4

for relief from Part 4, Section 4.41, subsection 4.41.2 a) 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 and three season addition on the existing dwelling providing, firstly, a high water mark setback of a lake of 28.3m for the addition, and secondly, a high water mark setback of a lake of 27.73m for the three season addition, where no person shall erect any residential building or other accessory building or structure closer than 30.0m to the high water mark of a lake, 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 Buildings. 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.

Member	Status
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring