



**COMMITTEE OF ADJUSTMENT**

SUBMISSION NO. PL-MV-2026-00019

April 1, 2026

**OWNER(S):** SHAEN GINGRICH, 68 Eden Point Drive, Sudbury, ON, Canada  
SHAWN GINGRICH, 68 Eden Point Drive, Sudbury, Ontario, Canada P3E 4V5

**AGENT(S):** SHAWN GINGRICH, 68 Eden Point Drive, Sudbury, Ontario, Canada P3E 4V5

**LOCATION:** PIN(s) 735930210, Parcel 38664 SEC SES, Lot 25, Plan M-963, Part Lot 4, Concession 1, Township of McKim, 68 Eden Point Drive, Sudbury, ON P3E4V5

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**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 construct an attached porch with eaves on the existing dwelling providing yard encroachments and setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

Building Services, March 25, 2026

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

For the applicants' information:

Building Services acknowledges building permit application # BP-NEW-2026-00063 (Porch).

Corridor Management, March 25, 2026

No Comment Received

Development Approvals, March 25, 2026

The purpose and effect of the application is to facilitate the construction of a 37.2 sq. m attached porch at the rear of the existing dwelling with the following variances:

1. a minimum rear yard setback of 1.4m, where porches may encroach 2.4 m into the required 7.5m rear yard; and
2. an eaves encroachment of 0.6m into the proposed 1.4m setback, where eaves may encroach 1.2 m into the required yard but not closer than 0.6 m to the lot line.

The subject lands contain a single detached dwelling with an existing deck that is proposed to be demolished

and replaced with a porch with a larger footprint. The lands are serviced by a municipal water and sanitary connection and have access from Eden Point Drive. The dwelling has an existing rear yard setback of 2.8 m.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'R1-5' Low Density Residential One within the City of Greater Sudbury Zoning By-law.

Surrounding uses are predominantly low density residential in nature and park.

The applicant has included a proposed privacy screen on the northwest portion of the porch, which acts as a visual buffer between the proposed porch and a portion of the abutting neighbours rear yard. The northeast portion of the rear yard abuts Eden Point Park.

Adequate space is being maintained between the porch and rear lot line for access and maintenance.

Given the existing setback of the dwelling, the replacement of an existing deck, and the proposed privacy screen, staff do not anticipate impacts to surrounding land uses as a result of the variances.

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

Development Engineering, March 25, 2026

No Concerns

Hydro One, March 25, 2026

No Comment Received

Ministry of Natural Resources and Forestry (MNR), March 25, 2026

No Comment Received

Strategic and Environmental Planning, March 24, 2026

The applicant is advised that compliance with the federal Migratory Bird Convention Act, 1994, the provincial Fish and Wildlife Conservation Act, 1997, and the provincial Endangered Species Act, 2007 is their sole responsibility.

Conservation Sudbury, March 20, 2026

No Concerns

Ministry of Transportation, March 20, 2026

I can confirm that the subject property is not within the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

Sudbury Hydro, March 20, 2026

No objection.

Site Plan, March 18, 2026

No Concerns

Meeting Minutes:

04/01/2026 The applicant, Shawn Gingrich, appeared before Committee and provided a summary of the Application. The Secretary-Treasurer advised Committee that a letter of support was received from area residents, David and Marilyn MacCready of 98 Eden Point Drive. Committee Members and the Chair expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:  
SHAEN GINGRICH AND SHAWN GINGRICH  
the owner(s) of PIN(s) 735930210, Parcel 38664 SEC SES, Lot 25, Plan M-963, Part Lot 4, Concession 1, Township of McKim, 68 Eden Point Drive, Sudbury, ON P3E4V5

for relief from Part 4, Section 4.2, subsection 4.2.5, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a 37.2 sq. m attached porch at the rear of the existing dwelling providing a 1.4m setback from the rear lot line with eaves encroaching an additional 0.6m into the proposed 1.4m setback, where porches may encroach 2.4 m into the required 7.5m rear yard and where eaves may encroach 1.2 m into the required yard but not closer than 0.6 m to the lot line, be granted.

Consideration was given to Section 45(1) of the *Planning Act*, R.S.O.1990, c. P.13, as amended, including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land. 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>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Absent
JUSTIN SAWCHUK	Absent
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2026-00022

April 1, 2026

OWNER(S): SUDBURY APARTMENT RENTALS LIMITED, 219 O'Neil Dr E, Greater Sudbury, ON, Canada

AGENT(S): TULLOCH, 131 Fielding Road, Greater Sudbury, ON, Canada P3Y1L7

LOCATION: PIN(s) 021350217, Lot 60, Block B, Plan 3-SA, Part Lot 6, Concession 4, Township of McKim, 45 Hartman Avenue, Sudbury P3C 4L8

SUMMARY

Zoning: The property is zoned C4(1) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Permission under Section 45(2) of the Planning Act, R.S.O. 1990, c. P.13, to expand the legal non-conforming parking for the existing multiple dwelling by permitting an increase in the number of dwelling units while maintaining existing parking.

Comments concerning this application were submitted as follows:

Building Services, March 25, 2026

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

For the applicants' information:

A building permit shall be required for the construction or alterations of the building, to the satisfaction of the Chief Building Official.

Owner to be aware that a search of our records indicates that there is an incomplete building permit (BP-NEW-2025-01437) Exterior alterations – Construct new roof. Please contact Building Services to discuss the closure of this permit.

Corridor Management, March 25, 2026

No Comment Received

Development Approvals, March 25, 2026

The purpose and effect of the application is to expand the legal non-conforming parking for the existing multiple dwelling from zero parking spaces for 12 dwelling units to zero parking spaces for 13 dwelling units.

The subject lands contain a multiple dwelling containing 12 units. The lands are serviced by a municipal water and sanitary connection and have pedestrian access only from Hartman Avenue.

The subject lands are designated 'Downtown' within the City of Greater Sudbury Official Plan and are zoned 'C4(1)', Office Commercial Special within the City of Greater Sudbury Zoning By-law.

Surrounding uses are commercial and industrial in nature.

The applicant is of the opinion that the existing 0 parking spaces is considered to be legal non-conforming. The applicant is seeking to maintain 0 parking spaces and obtain a building permit for an additional dwelling unit.

It is noted that a multiple dwelling unit is permitted on the subject lands without a maximum number of units, however, the current parking standards still apply and therefore the applicant requires relief in order to obtain a building permit.

Given the lands are located in the Downtown designation of the Official Plan, which contemplates parking reductions due to its compact and walkable nature, staff have no concerns with maintaining 0 parking spaces on the subject lands. It is also noted that retail, employment, and recreational uses are located within walking distance of the subject lands and that the nearest transit route is located approximately 120 m south of the subject lands on Elm Street.

Staff is of the opinion that the 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, March 25, 2026

Minor Variance parking Reduction

We have some concerns regards to the reduction in the required number of parking spaces, it is important to note that on-street parking is not permitted on Hartman Avenue, and/or only short term on-street parking (maximum of 4 hours) is available on Pine Street, therefore any overflow parking that may occur from this site will affect the neighbouring property owners on Pine Street or other area roadways.

Hydro One, March 25, 2026

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), March 25, 2026

No Comment Received

Strategic and Environmental Planning, March 24, 2026

The subject lands are located in an older part of the City of Greater Sudbury. It is common in older parts, particularly in older buildings with chimneys, to have habitat suitable for chimney swifts (*Chaetura pelagica*). Should structures such as chimneys be proposed to be demolished, the applicant must first ensure that it does not form part of the chimney swift habitat as chimney swifts exhibit high site fidelity and are a species protected by the Endangered Species Act, 2007.

The applicant is advised that compliance with the federal Migratory Bird Convention Act, 1994, the provincial Fish and Wildlife Conservation Act, 1997, and the provincial Endangered Species Act, 2007 is their sole

responsibility.

Conservation Sudbury, March 20, 2026

No Concerns

Ministry of Transportation, March 20, 2026

I can confirm that the subject property is not within the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

Sudbury Hydro, March 20, 2026

No objections.

Site Plan, March 18, 2026

No Concerns

Meeting Minutes:

04/01/2026 The applicant's agent, Aaron Ariganello of Tulloch Engineering, appeared before Committee and provided a summary of the Application. Committee Members and the Chair expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

SUDBURY APARTMENT RENTALS LIMITED

the owner(s) of PIN(s) 021350217, Lot 60, Block B, Plan 3-SA, Part Lot 6, Concession 4, Township of McKim, 45 Hartman Avenue, Sudbury P3C 4L8

for permission under Section 45(2) of the Planning Act, R.S.O. 1990, c. P.13 to expand the legal non-conforming parking for the existing multiple dwelling from zero parking spaces for 12 dwelling units to zero parking spaces for 13 dwelling units, be granted.

Consideration was given to Section 45(2) of the *Planning Act*. The use that was made of the building on the day the By-law was passed continued until the date of the Application to the Committee. The enlargement of the use within the building is within the limits of the land owned and used in connection therewith on the day the By-law was passed.

As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Absent
JUSTIN SAWCHUK	Absent
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



**COMMITTEE OF ADJUSTMENT**

SUBMISSION NO. PL-MV-2026-00024

April 1, 2026

OWNER(S): ARSHAN QURESHI, 218 - 15268, 105 Ave, Surrey, BC, Canada V3R0W8

AGENT(S): ARSHAN QURESHI, 218 - 15268, 105 Ave, Surrey, BC, Canada V3R0W8

LOCATION: PIN(s) 735880347, Parcel 8155 SEC SES, Lot 229, Plan M-128, Part Lot 8, Concession 2, Township of McKim, 51 Bulmer Avenue, Sudbury P3C 3J4

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**SUMMARY**

**Zoning:** The property is zoned R2-3 according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

**Application:** Approval to permit one existing dwelling unit within the existing three-unit dwelling for a total of four dwelling units providing an increase in gross floor area within a reduced yard at variance to the By-law.

Comments concerning this application were submitted as follows:

Building Services, March 25, 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 acknowledges an associated building permit application (BP-NEW-2023-00504) for the proposed construction.

Corridor Management, March 25, 2026

No Comment Received

Development Approvals, March 25, 2026

The purpose and effect of the application is to permit one existing dwelling unit within the existing three-unit dwelling for a total of four-dwelling units providing an increase in gross floor area within the 0.84m interior side yard, where enlargement, reconstruction, repair and/or renovation is not permitted if an increase in the gross floor area of the building occurs within the 0.84m interior side yard.

The subject lands contain a dwelling containing 3 units. The lands are serviced by a municipal water and sanitary connection and have access from Bulmer Avenue and Unnamed Lot 21.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned

'R2-3', Low Density Residential Two within the City of Greater Sudbury Zoning By-law.

Surrounding uses are predominantly low density residential in nature.

Staff have no concerns with increasing the gross floor area within the existing deficient interior side yard setback as there will be no exterior changes to the subject lands and all other zoning standards are capable of being met as a result of the addition of a fourth unit.

Staff is of the opinion that the 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, March 25, 2026

No Concerns

Hydro One, March 25, 2026

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), March 25, 2026

No Comment Received

Strategic and Environmental Planning, March 24, 2026

As the proposed development does not involve the enlargement of an existing structure, staff in Strategic and Environmental Planning have no concerns.

Conservation Sudbury, March 20, 2026

No Concerns

Ministry of Transportation, March 20, 2026

I can confirm that the subject property is not within the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

Sudbury Hydro, March 20, 2026

No Concerns

Site Plan, March 18, 2026

No Concerns

Meeting Minutes:

04/01/2026 The applicant appeared before Committee and provided a summary of the Application. Committee Members and the Chair expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:  
ARSHAN QURESHI  
the owner(s) of PIN(s) 735880347, Parcel 8155 SEC SES, Lot 229, Plan M-128, Part Lot 8, Concession 2, Township of McKim, 51 Bulmer Avenue, Sudbury P3C 3J4

for relief from Part 4, Section 4.25, subsection 4.25.1 b) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit one existing dwelling unit within the existing three-unit dwelling for a total of four-dwelling units providing an increase in gross floor area within the 0.84m interior side yard, where enlargement, reconstruction, repair and/or renovation is not permitted if an increase in the gross floor area of the building occurs within the 0.84m interior side yard, 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.

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Absent
JUSTIN SAWCHUK	Absent
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



**COMMITTEE OF ADJUSTMENT**

SUBMISSION NO. PL-MV-2026-00025

April 1, 2026

OWNER(S): J CORSI DEVELOPMENTS INC., 1360 Kelly Lake Road #5, Sudbury, ON, Canada

AGENT(S): TULLOCH, 131 Fielding Road, Lively, ON, Canada

LOCATION: PIN(s) 735881161, Block 9, Plan 53M-1444, Part Lot 8, Concession 2, Township of McKim, 568 Corsi Hill, Sudbury P3E 0H5

SUMMARY

Zoning: The property is zoned R3(97) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit an increase in dwelling units at variance to the By-law.

Comments concerning this application were submitted as follows:

Building Services, March 25, 2026

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

Please be advised that a Building Permit to the satisfaction of the Chief Building Official will be required for the proposed construction.

Rebecca Armstrong, Plans Examiner  
Building Services

Corridor Management, March 25, 2026

No Comment Received

Development Approvals, March 25, 2026

The purpose and effect of the application is to permit 26 semi-detached dwelling units, where the maximum number of dwelling units shall be 22.

The subject lands are currently vacant of buildings and structures. The lands are a Block in a plan of subdivision and are subject to site plan control. The applicant has advised that subsequent to completion of site plan control, they intend to apply for a plan of condominium. The lands will be serviced by a municipal water and sanitary connection and will be accessed from Corsi Hill Road.

The subject lands are designated 'Parks and Open Space' within the City of Greater Sudbury Official Plan, are subject to the Comprehensive Planned Unit Development Policies, and are zoned 'R3'(97), Medium Density Residential Special within the City of Greater Sudbury Zoning By-law.

Surrounding uses are predominantly low density residential in nature.

Staff have no concerns with the additional 4 dwelling units as the applicant has advised that all other zone standards are capable of being met.

Staff is of the opinion that the 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, March 25, 2026

No Concerns

Hydro One, March 25, 2026

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), March 25, 2026

No Comment Received

Strategic and Environmental Planning, March 24, 2026

The applicant is advised that compliance with the federal Migratory Bird Convention Act, 1994, the provincial Fish and Wildlife Conservation Act, 1997, and the provincial Endangered Species Act, 2007 is their sole responsibility.

Ministry of Transportation, March 23, 2026

I can confirm that the subject property is not within the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

Conservation Sudbury, March 20, 2026

No Concerns

Sudbury Hydro, March 20, 2026

No objections.

Site Plan, March 18, 2026

No Concerns

Meeting Minutes:

04/01/2026 The applicant's agent, Vanessa Smith of Tulloch Engineering, appeared before Committee and provided a summary of the Application. Committee Members and the Chair expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:  
J CORSI DEVELOPMENTS INC.  
the owner(s) of PIN(s) 735881161, Block 9, Plan 53M-1444, Part Lot 8, Concession 2, Township of McKim, 568 Corsi Hill, Sudbury P3E 0H5

for relief from Part 11, Section 1, subsection 10, paragraph (ssss), clause (i) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit 26 dwelling units, where the maximum number of dwelling units shall be 22, 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.

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Absent
JUSTIN SAWCHUK	Absent
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2026-00028

April 1, 2026

OWNER(S): CHRIS ROUSSELLE, 965 Martindale Rd, Sudbury, ON, Canada P3E4J3  
STEPHAN VILLENEUVE, 25 Winfield Lane, Sudbury, ON, Canada

AGENT(S): CHRIS ROUSSELLE, 965 Martindale Rd, Sudbury, ON, Canada P3E4J3

LOCATION: PIN(s) 735030558, Parcel 3793 SEC SES, Lot 6, Plan M-107, Part Lot 1, Concession 2, Township of Hanmer, 4537 Notre Dame Avenue, Hanmer P3P 1X5

SUMMARY

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

Application: Approval to permit an existing detached additional dwelling unit providing a setback and encroachment at variance to the By-law.

Comments concerning this application were submitted as follows:

Building Services, March 25, 2026

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

Applicant/Owner to be advised of the following comments:

Building Services acknowledges issued building permit application B22-1738 for the construction of an additional dwelling unit in an accessory structure.?

Rebecca Armstrong, Plans Examiner  
Building Services

Corridor Management, March 25, 2026

No Comment Received

Development Approvals, March 25, 2026

The purpose and effect of the application is to permit an existing detached additional dwelling unit providing a minimum rear yard setback of 1.0m with eaves encroaching 0.64m into the proposed 1.0m rear yard setback, where a 1.2m rear yard setback with eaves encroachment an additional 0.6m was granted under Minor Variance Application A0056/2022.

The subject lands contain a dwelling with two units and an accessory building containing a dwelling unit. The lands are serviced by a municipal water and sanitary connection and are accessed from Notre Dame Avenue.

The subject lands are designated 'Mixed Use Commercial' within the City of Greater Sudbury Official Plan, are zoned 'C2', General Commercial within the City of Greater Sudbury Zoning By-law, and are located within the Pharand(F) Well Head Protection Area in the City of Greater Sudbury Source Water Protection Plan.

Surrounding uses are commercial and residential in nature.

The applicant advised that the accessory dwelling unit was constructed 0.2 m closer to the rear lot line than what was permitted in error.

Staff have no concerns with the building being setback 0.2 m closer than what was previously granted. As an advisory comment, the applicant should ensure all water remains within the subject lands.

Staff is of the opinion that the 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, March 25, 2026

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 0.6m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

Hydro One, March 25, 2026

No Comment Received

Ministry of Natural Resources and Forestry (MNR), March 25, 2026

No Comment Received

Source Water Protection, March 25, 2026

Parcel located within Pharand Well's WHPA-C vulnerable zone. Proposed family dwelling with secondary unit and secondary tertiary unit. No significant drinking water threat identified at this time.

Strategic and Environmental Planning, March 24, 2026

The applicant is advised that compliance with the federal Migratory Bird Convention Act, 1994, the provincial Fish and Wildlife Conservation Act, 1997, and the provincial Endangered Species Act, 2007 is their sole responsibility.

Conservation Sudbury, March 20, 2026

No Concerns

Ministry of Transportation, March 20, 2026

I can confirm that the subject property is not within the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

Sudbury Hydro, March 20, 2026

Please note this application falls outside of our service territory, therefore we have no concerns.

Site Plan, March 18, 2026

No Concerns

Meeting Minutes:

04/01/2026 The applicant, Stephan Villeneuve, appeared before Committee and provided a summary of the Application.  
Committee Members expressed support for staff's recommendation.  
Committee Chair Dumont requested staff to clarify Development Engineering's comments and staff advised that the comments were advisory in nature. Committee Chair Dumont expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

CHRIS ROUSSELLE AND STEPHAN VILLENEUVE

the owner(s) of PIN(s) 735030558, Parcel 3793 SEC SES, Lot 6, Plan M-107, Part Lot 1, Concession 2, Township of Hanmer, 4537 Notre Dame Avenue, Hanmer P3P 1X5

for relief from Part 4, Section 4.2, subsection 4.2.5, Table 4.1 and Part 7, Section 7.2, Table 7.1 and Section 7.3, Table 7.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing detached additional dwelling unit providing a minimum rear yard setback of 1.0m with eaves encroaching 0.64m into the proposed 1.0m rear yard setback, where a 1.2m rear yard setback with eaves encroachment an additional 0.6m was granted under Minor Variance Application A0056/2022, 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.

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Absent
JUSTIN SAWCHUK	Absent
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



**COMMITTEE OF ADJUSTMENT**

SUBMISSION NO. PL-MV-2025-00002

April 1, 2026

OWNER(S): GEORGE SOULE, 989 West Bay Road, Garson, ON, Canada

AGENT(S): NORTH SOUTH STUDIO, 210 fire road 2, Val Caron, Ontario, Canada P3N1P3

LOCATION: PIN(s) 735110282, Part Lots 8 & 9, Concession 5, FIRSTLY; Part Summer Resort Location 75, Plan M-137 and Part Road Allowance fronting Lot 75, Plan M-137, being Parts 10, 11, 14 and 15, Plan 53R-16790; SECONDLY; Part Summer Resort Location 74, Plan M-137 and Part Road Allowance fronting Lot 74, Plan M-137, being Parts 2, 4, 5, 6, 7 and 8, Plan 53R-16790; Part 1 and 2, Plan 53R-8969; Part 7, 14, 18 Plan 53R-12391; Township of MacLennan, 989 West Bay Road, Garson, 989 West Bay Road, Skead P3L 1V3

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**SUMMARY**

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

Application: Approval for a dwelling and accessory buildings and structures providing setbacks and locations to the high water mark at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, March 27, 2026

See PDF "REVISED APRIL-Development Approvals Comments"

Strategic and Environmental Planning, March 25, 2026

The proposed development represents the demolition and reconstruction of a dwelling and the legalization of an existing garage. The requested relief is for 17.9 metres to the highwater mark for the proposed reconstructed dwelling unit where the existing setback is approximately 18.6 metres, and for a garage to be legalized at 9.8 metres to the highwater mark setback. Staff have reviewed the submitted information and rely on policy 3 in 8.4.1 of the City's Official Plan. Policy 3 allows for a reduced highwater mark setback in the following circumstances:

- "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."

The applicant is of the opinion that the proposal is compliant with a. and d. above, stating that that "terrain and site constraints justify relief" as there is "some bedrock, uneven slopes, and limited buildable area inland". The

applicant states that the proposal delivers "a clear net environmental benefit" due to "modern construction standard, energy-efficient systems, and improved stormwater management and grading". Staff do not have any information that demonstrates bedrock on-site that would limit development, while the steepest grade change near the proposed dwelling is approximately 15% (south and slightly east of the proposed dwelling). Staff agree that modern development techniques are typically more environmentally sustainable than have been in the past, but that would be true regardless of the location on-site, while no improved stormwater management nor grading techniques have been identified as part of the proposed development.

The applicant is advised that compliance with the federal Migratory Bird Convention Act, 1994, the federal Fisheries Act, 1985, the provincial Fish and Wildlife Conservation Act, 1997, and the provincial Endangered Species Act, 2007, is their sole responsibility.

Conservation Sudbury, March 24, 2026

No Concerns

Development Approvals, February 27, 2026

See attached

Strategic and Environmental Planning, February 27, 2026

REVISED - Comments from SEP remain unchanged. Staff are concerned that not all structures have been measured to the true highwater mark.

Conservation Sudbury, February 26, 2026

There are several structures on this site that were constructed without the benefit of required permits. Our understanding is that Minor Variance is being sought for the following:

- Proposed new camp (reconstruction of existing with modification to size and location)
- Garage
- Sauna

And that the following existing structures will be removed or relocated to be compliant with the by-law:

- Sleep camp
- Storage building (shed)

And that the following existing structure is not being considered in this application:

- Boathouse

With that understanding, we provide the following comments:

The Provincial Planning Statement directs development to areas outside of erosion hazards. Specific to this proposal, policy 5.2.a) reads "Development shall generally be directed to areas outside of hazardous lands adjacent to the shorelines of... large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards."

1. Erosion hazard:

The landowners have commissioned an assessment of the shoreline stability to better understand the erosion risk at this site.

989 West Bay Road Lake Wanapitei shoreline erosion assessment by Trevor Chandler, Ecoreg Solutions, January 6, 2026 (note that clerical error in submission shows date as January 6, 2025).

This assessment has been reviewed and accepted by our office. Shoreline erosion is one of two components to the erosion hazard, the other being slope stability. This report, read in conjunction with the supplied topographic information (Bortolussi, 2025) confirms that the proposed location of the new dwelling and the garage are outside of the erosion hazard of Lake Wanapitei. However, the existing sauna is located within the hazard. Specifically, the structure is located on a slope that is currently stable, but that would be rendered unstable should the shoreline recession occur.

## 2. Flood hazard:

The landowners have submitted several surveys to our office to consider this application:

Surveyor's real Property Report, A. Bortolussi, July 6, 2019

Sketch 1 (showing contours for high water mark and flood hazard), A. Bortolussi, May 20, 2025

Sketch 2 (showing all topo contours), A. Bortolussi, May 20, 2025

The supplied sketches clearly identify the location of the high water mark (267.95m contour) and the flood hazard (269.15m contour). They show that all structures being considered for this Minor Variance are located outside of the flood hazard.

## Summary:

The location of the proposed new dwelling and existing garage are outside of both the flood and erosion hazards, therefore are fully consistent with the PPS. We recommend that the Minor Variance for these structures be granted.

The location of the existing sauna is within the erosion hazard. As per the PPS, development is to "generally be directed" away from the erosion hazard. Strict application of this policy may not be appropriate for this structure, considering that it is a non-habitable, accessory structure. (Please note that, if this structure was a habitable building or designed for overnight occupancy, Conservation Sudbury would recommend against the Minor Variance).

Building Services, February 25, 2026

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

- 1) Further to our original comments, we acknowledge the revision to the requested relief, for the setback from the high water mark to the sleep camp from 11.6 m to 12.7 m.
- 2) Further to our original comments, we acknowledge the additional information provided on the revised site plan confirming that the separation distance between the existing sauna and the proposed single family dwelling is 5.1 m.
- 3) In accordance with Zoning By-Law 2010-100Z, 4.41.2 (a), 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 or river. The existing 3.6m x 9.7m storage shed is to be moved outside of the highwater mark or demolished.

Krista Deredin, Plans Examiner  
Building Services

Ministry of Natural Resources and Forestry (MNR), February 27, 2025

No Comment Received

Development Approvals, February 26, 2025

The purpose and effect of the application is to permit the reconstruction and enlargement of a single detached dwelling, and recognize the existing garage and sleep camp with the following variances:

1. a setback of 19.8 m from the high water mark for the single detached dwelling, whereas a 30 m setback is required for residential buildings;
2. a setback of 18.2 m from the high water mark for the garage, whereas a 30 m setback is required for accessory structures;
3. a setback of 11.6 m from the high water mark for the sleep camp, whereas a 30 m setback is required for accessory structures;
4. a single detached dwelling within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area;
5. a garage within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area; and
6. a sleep camp within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area.

The subject lands contain a 100 m<sup>2</sup> single detached dwelling that is intended to be demolished and replaced with a 334 m<sup>2</sup> single detached dwelling. Additionally, the lands contain a boathouse, garage, sauna, sleep camp and storage building (identified by the applicant as being demolished/relocated). The subject lands are serviced by a private septic system and have access through a private road to West Bay Road.

The subject lands are designated 'Rural' in the City's Official Plan, are zoned 'RS(1)' Seasonal Limited Service Special in the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).

The 'RS(1)' special permits the "use of a lot for a permitted single detached dwelling or a permitted mobile home dwelling where a registered right-of-way over private land or an existing access road over Crown Land provides access from the lot to a public road."

Surrounding uses are seasonal residential in nature.

Building Services has identified that the sleep camp appears to have been measured from the property line rather than the high water mark.

Conservation Sudbury is not in a position to support the application at this time and requires the following information in order to determine consistency with the Provincial Policy Statement:

A topographic survey, completed by a qualified professional (in CGVD28), with the following information:

1. The contour of 267.95 metres, as this is the established High Water Mark for Wanapitei Lake.
2. The contour of 269.15 metres, as this is the elevation of the regulatory flood hazard for Wanapitei Lake.
3. Topographic data with 0.25 metre contours.
4. All the extent of all slopes that are steeper than 3H:1V to be identified on the plans.
5. All existing and proposed development.

Staff recognize that the sleep camp and garage are existing buildings and that the proposed reconstruction of the single detached dwelling does not appear to be located any closer to the lake than the existing single detached dwelling. The proposed single detached dwelling, however, is increasing in size by 234 m<sup>2</sup> and is located within an area subject to flood and erosion hazards under the jurisdiction of the Conservation Authority which, in staff's opinion, warrants further review prior to determining if the proposal can be considered to be minor in nature, an appropriate use of the lands, and meets the intent of the Official Plan and Zoning By-law.

It is recommended that the application be deferred to allow the applicant an opportunity to work with Conservation Sudbury, and address staff comments.

Linear Infrastructure Services, February 26, 2025

No Concerns

Strategic and Environmental Planning, February 26, 2025

Please see attached document titled SEP Comments PL-MV-2025-00002

Building Services, February 25, 2025

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

- 1) With respect to the relief requested of 11.6m for the existing sleep camp to the highwater mark and shoreline buffer area, a review of the survey provided indicates this dimension to have been taken from the property line rather than the highwater mark. Requested relief to be adjusted accordingly.
- 2) As a setback has not been provided from the existing sauna to the proposed new single family dwelling, Owner/Applicant to be aware that in accordance with Zoning By-Law 2010-100Z, Table 4.1, a minimum setback of 2.0m is required between the sauna and main building on a residential lot.
- 3) In accordance with Zoning By-Law 2010-100Z, 4.41.2 (a), 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 or river. We acknowledge that the existing 3.6m x 9.7m storage shed is to be moved outside of the highwater mark or demolished for compliance.

Conservation Sudbury, February 25, 2025

The Provincial Planning Statement (2024) directs development outside of hazardous lands. The subject property is on Wanapitei Lake, which is a large inland lake and subject to both a flood and erosion hazard. Generally, development must be located outside of the hazards, including the new dwelling and any structure proposed to be legalized. Based on a review of satellite imagery and available topographic data, it appears that some structures are located within the flood and/or erosion hazard.

Conservation Sudbury cannot support minor variance MV-2025-0002 at this time. In order to have sufficient information to determine the extent of the hazards on the property, and to confirm that the proposal is safe from the hazards, the applicant must submit a topographic survey, completed by a qualified professional (in CGVD28), with the following information:

1. The contour of 267.95 metres, as this is the established High Water Mark for Wanapitei Lake.
2. The contour of 269.15 metres, as this is the elevation of the regulatory flood hazard for Wanapitei Lake.
3. Topographic data with 0.25 metre contours.
4. All the extent of all slopes that are steeper than 3H:1V to be identified on the plans.
5. All existing and proposed development.

The above information is required to determine whether the proposal is consistent with the Provincial Planning Statement.

The applicant is advised that a permit, pursuant to S28.1 of the Conservation Authorities Act, will be required to support a building permit application, and in order to support legalization of any structures on the property.

Additional information and design changes may be required as part of that process. For further information please Sarah.Woods@ConservationSudbury.ca or call 705-674-5249 ext 201

Development Engineering, February 25, 2025

No Concerns

Sudbury Hydro, February 24, 2025

No Concerns

Site Plan, February 21, 2025

No Concerns

Ministry of Transportation, February 19, 2025

That the subject lands are located outside the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

Environmental Services, February 18, 2025

No Concerns

Meeting Minutes:

- 03/05/2025 March 3, 2025 - at the direction of the owner, the agent requested a deferral of the application so that they may address comments received from staff and Conservation Sudbury.
- 03/04/2026 March 4, 2026 - the agent requested a deferral of the application so that they could address comments received from staff and Conservation Sudbury.

04/01/2026 The applicant and his agent, Paul Pelland, appeared before Committee. Committee Chair Dumont requested the applicant or agent to comment on the change in comments from Conservation Sudbury and the agent provided an explanation. Both the agent and the applicant provided additional comments to Committee regarding the Application. Committee Member Castanza advised Committee that she attended the site twice and expressed support for the Application. Committee Member Goswell requested staff to clarify Development Approval's comments and staff advised that the comments marked as March 2026 were the current comments. The Secretary-Treasurer advised that the March 2026 Development Approval's comments were the comments relating to the current Application. Committee Member Goswell asked staff if their comments were impacted by the comments provided by the agent and applicant and staff advised that the comments remain the same. Committee Member Goswell expressed concern that previous concerns were not addressed by the applicant. Staff advised that previous concerns regarding the high water mark were addressed and current concerns relate to Official Plan policies. Committee Member Goswell expressed support for staff's recommendation. Committee Chair Dumont expressed support for the Application and provided Committee with his reasons referring to the applicant's submission of certain plans and studies, Conservation Sudbury's comments and the minimal impact the development would have on the permeable area. Staff advised Committee that the applicant provided a response to staff's comments which were circulated to Committee for their consideration. Committee Member Castanza put forward a motion to grant the application and Committee Chair Dumont seconded the motion. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:  
GEORGE SOULE

the owner(s) of PIN(s) 735110282, Part Lots 8 & 9, Concession 5, FIRSTLY; Part Summer Resort Location 75, Plan M-137 and Part Road Allowance fronting Lot 75, Plan M-137, being Parts 10, 11, 14 and 15, Plan 53R-16790; SECONDLY; Part Summer Resort Location 74, Plan M-137 and Part Road Allowance fronting Lot 74, Plan M-137, being Parts 2, 4, 5, 6, 7 and 8, Plan 53R-16790; Part 1 and 2, Plan 53R-8969; Part 7, 14, 18 Plan 53R-12391; Township of MacLennan, 989 West Bay Road, Garson, 989 West Bay Road, Skead P3L 1V3

for relief from Part 4, Section 4.41, subsections 4.41.2 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the reconstruction of a dwelling and to permit the existing garage providing, firstly, high water setbacks of 17.9m for the dwelling and 9.8m for the existing garage, and secondly, to permit the dwelling and garage to be within 20.0m of the high water mark of a lake, where a residential building or other accessory building or structure shall be no closer than 30.0m to the high water mark, and where the only permitted structures within 20.0m of the high water mark are the permitted accessory structures set out in 4.41.2 of the Zoning By-law, boat launches, marine railways, waterlines and heat pump loops, 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 is 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.

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Absent
JUSTIN SAWCHUK	Absent
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



**COMMITTEE OF ADJUSTMENT**

SUBMISSION NO. PL-MV-2025-00014

April 1, 2026

OWNER(S): KEITH LAFRAMBOISE, 211 Niemi Road, Lively, ON, Canada  
SANDRA LAFRAMBOISE, 211 Niemi Road, Lively, Ontario, Canada P3Y 1G3

AGENT(S): KEITH LAFRAMBOISE, 211 Niemi Road, Lively, ON, Canada

LOCATION: PIN(s) 733650084, Parcel 17906 SEC SWS, Part Lot 1, Concession 3, being Summer Resort Location AE-629, and Location CL4674, Part 1, Plan 53R-10994, Township of Trill, 754 Mason Road, Whitefish P0M 3H0

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**SUMMARY**

Zoning: The property is zoned SLS(4) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: To permit the reconstruction of a seasonal dwelling and attached deck, the construction of a private cabin, and to allow existing accessory buildings and structures to provide reduced setbacks and shoreline locations at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, March 27, 2026

**REVISED:**

The purpose and effect of the application is to permit the following variances:

1. a minimum high water mark setback of 12.4 m for a proposed seasonal dwelling, whereas 25 m is required;
2. a minimum high water mark setback of 11.5 m for a proposed deck, whereas 25 m is required;
3. a minimum high water mark setback of 7.5 m for the existing sauna, whereas 25 m is required;
4. a minimum highwater mark setback of 20.9 m for existing shed #1, whereas 25 m is required;
5. a minimum highwater mark setback of 24 m, for the proposed private cabin, whereas 25 m is required;
6. to permit a seasonal dwelling within 20 m of the high water mark, whereas only boathouses, docks, decks, stairs, water pumps, and saunas are permitted within 20 m of the high water mark; and
7. an interior side yard setback of 0.8 m for existing shed #2, whereas 1.2 m is required.

The subject lands contain a seasonal dwelling that is intended to be demolished and replaced with a new seasonal dwelling, a sauna, a boathouse, and three sheds, one of which had been identified as to be removed. The subject lands are serviced by lake water and a private septic system and have access from Mason Road.

The subject lands are designated 'Rural' in the City's Official Plan, are zoned 'SLS(4)' Seasonal Limited Service Special in the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).

Surrounding uses are seasonal limited service and rural in nature.

Subsequent to the application being deferred at the request of the applicant, additional information was provided including a written rationale and topographic data on the site plan. The additional information provided demonstrates that the buildings can not be located further from the high water mark given the steep topography of the land.

Additionally, the applicant has completed an erosion study and has addressed Conservation Sudbury comments.

The intent of the shoreline buffer and setback policies is to protect waterbody quality and waterbody ecosystems.

The Official Plan includes policies that identify criteria for when relief to shoreline zoning standards are justified being:

- 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.

Staff are satisfied that the topographic data provided demonstrates that the buildings can not be located further from the high water mark given the steep topography of the land. It is also recognized that the new seasonal dwelling will not be located closer to the high water mark than the existing seasonal dwelling.

Strategic and Environmental Planning advised of no objections.

Staff are of the opinion that the variances are minor in nature, are an appropriate use of the land, and meet the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

Building Services, March 25, 2026

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

1) The Applicant/Owner is advised that accessory buildings or structures are not permitted on a lot unless a principal building or structure already exists, or a valid building permit has been issued for the principal building or structure, in accordance with Section 4.2.1.(a) of Zoning By-law 2010-100z. Accordingly, as a portion of the existing seasonal dwelling is proposed to be relocated and repurposed as a private cabin, the Owner shall ensure that a building permit for the new principal building is issued prior to the demolition of the existing seasonal dwelling.

A review of our records indicates that a building permit has not yet been submitted for the proposed reconstruction of the existing seasonal dwelling, including the attached deck, or for the relocation and repurposing of a portion of the existing dwelling as a private cabin. A demolition permit will also be required for the partial demolition and relocation of the existing structure associated with this work.

All required building permit applications and supporting documentation shall be submitted to the satisfaction of the Chief Building Official. The Applicant/Owner shall ensure that the site plan submitted in support of this minor variance application is also included with the above-noted building permit applications.

Krista Deredin, Plans Examiner

Building Services

Strategic and Environmental Planning, March 25, 2026

The proposed development is requesting a highwater mark setback of 12.4 metres for the proposed seasonal dwelling, as well as relief from the highwater mark setback for other structures. Staff rely on policy 3 of 8.4.1 of the City's Official Plan which allows for reduced highwater mark setbacks under the following circumstances:

- "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."

Based on the provided topographic plan, staff are of the opinion that the proposed development complies with b. above, given that there is steep terrain that is unsuitable for development elsewhere on the site, the septic system is located the furthest away from the highwater mark, behind the proposed seasonal dwelling. As such, staff do not oppose the proposed development.

The applicant is advised that compliance with the federal Migratory Bird Convention Act, 1994, the federal Fisheries Act, 1985, the provincial Fish and Wildlife Conservation Act, 1997, and the provincial Endangered Species Act, 2007, is their sole responsibility.

Conservation Sudbury, March 24, 2026

No Concerns

Corridor Management, November 24, 2025

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), November 24, 2025

No Comment Received

Strategic and Environmental Planning, April 29, 2025

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 754 Mason Road (PL-MV-2025-000014). As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams) only.

The proposed development requests relief to the highwater mark setback for a proposed new seasonal dwelling from 25 metres to 11.8 metres. Staff acknowledge that this is no closer to the highwater mark than the existing season dwelling unit that is to be demolished. Staff rely on policy 3 of section 8.4.1 of the City's Official Plan when considering reductions to the 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

It does not appear that the proposed development meets any of these tests and that there is sufficient area beyond the 25 metres highwater mark setback to allow for the proposed seasonal dwelling. As such, staff of SEP are requesting the application be deferred to address the comments above.

Finally, the applicant is advised that compliance with the federal Migratory Bird Convention Act, 1994, the provincial Fish and Wildlife Conservation Act, 1997, and the provincial Endangered Species Act, 2007 is their sole responsibility.

#### UPDATED COMMENTS APRIL 29, 2025

Staff in SEP have reviewed the submitted topographic survey of the subject property which shows that a steep slope exists on-site that make a compliance with the required highwater mark setback challenging. Staff are of the opinion that the proposal is consistent with policy 3.b) of 8.4.1 General Policies of the Official Plan which permits reductions in the highwater mark setback where "terrain or soil conditions exist which make other locations on the lot less suitable" and do not object to the minor variance.

The applicant is advised that compliance with the federal Migratory Bird Convention Act, 1994, the provincial Fish and Wildlife Conservation Act, 1997, and the provincial Endangered Species Act, 2007 is their sole responsibility.

#### Development Approvals, April 10, 2025

The purpose and effect of the application is to permit the following variances:

1. a minimum high water mark setback of 12.8 m for a proposed seasonal dwelling, whereas 25 m is required;
2. a minimum high water mark setback of 11.8 m for a proposed deck, whereas 25 m is required;
3. a minimum high water mark setback of 7.5 m for the existing sauna, whereas 25 m is required;
4. a minimum highwater mark setback of 21.3 m for existing shed #1, whereas 25 m is required;
5. a minimum highwater mark setback of 24 m, for the proposed private cabin, whereas 25 m is required;
6. to permit a seasonal dwelling within 20 m of the high water mark, whereas only boathouses, docks, decks, stairs, water pumps, and saunas are permitted within 20 m of the high water mark; and
7. an interior side yard setback of 0.8 m for existing shed #2, whereas 1.2 m is required.

The subject lands contain a seasonal dwelling that is intended to be demolished and replaced with a new seasonal dwelling, a sauna, a boathouse, and three sheds, one of which had been identified as to be removed. The subject lands are serviced by lake water and a private septic system and have access from Mason Road.

The subject lands are designated 'Rural' in the City's Official Plan, are zoned 'SLS(4)' Seasonal Limited Service Special in the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).

Surrounding uses are seasonal limited service and rural in nature.

Building Services has identified concerns with the location of the high water mark, which could result in additional relief.

Conservation Sudbury identified that the new proposed seasonal dwelling may be located in the erosion hazard of Fairbank Lake and that the variance is considered premature without identifying a safe building

envelope.

Strategic and Environmental Planning are of the opinion that the proposal doesn't conform to policy 3 of section 8.4.1 of the City's Official Plan and recommends that the application be deferred at this time.

It is recommended that the application be deferred to allow the applicant an opportunity to address staff comments.

Building Services, April 9, 2025

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

1) Building Services acknowledges the relief requested for the setback from the highwater mark to the proposed seasonal dwelling, attached deck, and private cabin as well as the existing sauna, and shed #1. A review of the site plan provided indicates a setback from the "present water's edge" rather than the "highwater mark". As the "present water's edge" and the "highwater mark" may not maintain the same line, the relief requested may require adjustment.

2) A search of our records indicates that a building permit has not yet been submitted for the reconstruction of the existing seasonal dwelling with attached deck and the construction of the private cabin. Building permit applications and required documents to be submitted to the satisfaction of the Chief Building Official. Applicant/Owner to ensure the site plan submitted with this minor variance application is provided with the aforementioned building permit applications.

Conservation Sudbury, April 9, 2025

The lot is entirely within a river valley and based on a review of available information, it appears that the seasonal dwelling may be located within a natural hazard, specifically an erosion hazard associated with Fairbank Lake. The following sections of the PPS apply to this proposal: 5.1.1, 5.2.2(b). Furthermore, residential development within an erosion hazard is not consistent with the Conservation Authorities Act.

The proposed Minor Variance is to permit the reconstruction of a seasonal dwelling with reduced setbacks to the high water mark. It is premature to issue permission in support of development prior to confirming that there is a safe building envelope on the property, consistent with both the PPS and the CA Act, and its location, should one exist.

Site-specific studies must be completed by the applicant in order to define the erosion hazard limit on the property. Additionally, a permit pursuant to S28 of the CA Act will be required for any development on this parcel. The applicant must undertake pre-submission consultation with Conservation Sudbury (application form on our website or by emailing [NDCA@ConservationSudbury.ca](mailto:NDCA@ConservationSudbury.ca)) and may be required to engage qualified professionals to undertake the following studies:

1. Identify the location of the erosion hazard on the property, consistent with Provincial guidance (specifically the MNR Technical Guide for River and Stream Systems: Erosion Hazard Limits)
2. Confirm that there is a safe building envelope.
3. Update the plans accordingly

Conservation Sudbury cannot support the Minor Variance until such time that the applicant can demonstrate that there is a safe building envelope, and therefore that the proposal is consistent with both the PPS and the CA Act

Linear Infrastructure Services, April 9, 2025

No Concerns

Development Engineering, April 8, 2025

No Concerns

Strategic and Environmental Planning, April 8, 2025

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 754 Mason Road (PL-MV-2025-000014). As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams) only.

The proposed development requests relief to the highwater mark setback for a proposed new seasonal dwelling from 25 metres to 11.8 metres. Staff acknowledge that this is no closer to the highwater mark than the existing season dwelling unit that is to be demolished. Staff rely on policy 3 of section 8.4.1 of the City's Official Plan when considering reductions to the 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

It does not appear that the proposed development meets any of these tests and that there is sufficient area beyond the 25 metres highwater mark setback to allow for the proposed seasonal dwelling. As such, staff of SEP are requesting the application be deferred to address the comments above.

Finally, the applicant is advised that compliance with the federal Migratory Bird Convention Act, 1994, the provincial Fish and Wildlife Conservation Act, 1997, and the provincial Endangered Species Act, 2007 is their sole responsibility.

Ministry of Transportation, April 7, 2025

That the subject lands are not within the MTO's permit control area (PCA); therefore, we have no comments to provide at this time.

Sudbury Hydro, April 7, 2025

Please note the following fall outside our territory, therefore we have no concerns.

Site Plan, April 3, 2025

No Concerns

Meeting Minutes:

04/16/2025 This Application was deferred at the request of the applicant.

- 04/30/2025 This Application was deferred at the request of the applicant in order to address staff's comments.
- 05/14/2025 This Application was deferred at the request of the applicant in order to address staff's comments.
- 04/01/2026 The applicant, Keith Laframboise, appeared before Committee and provided a summary of the Application. Committee Members and the Chair expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

KEITH LAFRAMBOISE AND SANDRA LAFRAMBOISE

the owner(s) of PIN(s) 733650084, Parcel 17906 SEC SWS, Part Lot 1, Concession 3, being Summer Resort Location AE-629, and Location CL4674, Part 1, Plan 53R-10994, Township of Trill, 754 Mason Road, Whitefish P0M 3H0

for relief from Part 4, Section 4.2, Table 4.1 and Section 4.41, subsection 4.41.4 and Part 11, Section 4, subsection 4, paragraph (d), clause (ii) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the reconstruction of an existing seasonal dwelling with attached deck, the construction of a private cabin, the existing locations of the sauna and two sheds providing, firstly, high water setbacks of 12.4m for the proposed seasonal dwelling, 11.5m for the deck attached to the proposed seasonal dwelling, 7.5m for the existing sauna, 20.9m for existing shed #1 and 24.0m for the private cabin, where the minimum setback for main and accessory buildings, other than boathouses, pump houses and docks shall be no closer than 25.0m from the high water mark, secondly, to permit the seasonal dwelling to be within 20.0m of the high water mark providing a 12.4m setback, where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3, and thirdly, for existing shed #2 to provide an interior side yard setback of 0.8m, where an accessory building greater than 2.5m in height shall be no closer than 1.2m from the side lot line, be granted.

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

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Absent
JUSTIN SAWCHUK	Absent
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring