



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00040

August 6, 2025

OWNER(S): 1000684420 ONTARIO LIMITED, 809 THE KINGSWAY, SUDBURY, ON, Canada P3B2E4

AGENT(S): CR DESIGN, 2200 lakeshore blvd west unit 3609, toronto, ON, Canada M8V1A4

LOCATION: PIN(s) 734950131, Parcel 9827 SEC SES, Lots 104 & 105, Plan M-148, Part Lot 5, Concession 2, Township of Garson, 3368 Falconbridge Road, Garson, Ontario P3L1E3, 0 Falconbridge Road, Garson, Ontario P3L1E3

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SUMMARY

Zoning: The property is zoned C1 according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a dwelling containing four dwelling units providing number of dwelling units and setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, May 9, 2025

No Comment Received

Development Approvals, May 9, 2025

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

1. a dwelling containing not more than 4 dwelling units, whereas a dwelling containing not more than 2 dwelling units with or without non-residential uses and full services is permitted;
2. a minimum rear yard setback of 4.5 m, whereas 7.5 m is required; and
3. an interior side yard setback of 1.8 m, whereas 2.4 m is required.

The subject lands are currently vacant of buildings and structures. The building will be serviced by a municipal water and sanitary connection and be accessed from Falconbridge Road.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan, are zoned 'C1' Local Commercial within the City of Greater Sudbury Zoning By-law, and are located in Wellhead Protection Area C within the Source Water Protection Plan.

Surrounding uses are low density residential and commercial in nature.

The subject lands are considered to be a non-residential lot by way of definition in the zoning by-law and abut a residentially zoned parcel. A 3 m wide planting strip is required along the western interior side lot line or 1.8 m wide with 1.5 m tall opaque fence. Alternatively, additional relief will need to be applied for.

Staff have no concerns with the proposed built form as it will result in a functional site with appropriate parking, landscaping, rear yard access, and private amenity space. The proposed residential use of the lands is compatible with surrounding residential land uses, which are also permitted up to four dwelling units.

As an advisory note, given the historic commercial use of the lands, building services will require a record of site condition at the building permit stage.

Staff are of the opinion that the variances are considered to be minor in nature, are 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.

Ministry of Natural Resources and Forestry (MNRF), May 9, 2025

No Comment Received

Building Services, May 7, 2025

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

Owner / Applicant to be advised that based on a search of our records,

1. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the proposed structure.
2. Previous commercial use of the subject property included operation of a gas station, a used car lot and a repair garage. Given this, as the property will be changing to a more sensitive use, a Record of Site Condition will be required at time of Building Permit application.
3. Subject property is in a source water protection zone and a Section 59 Notice may be required at time of Building Permit application

Development Engineering, May 7, 2025

No Concerns

Source Water Protection, May 7, 2025

No Concerns

Linear Infrastructure Services, May 6, 2025

No Concerns

Strategic and Environmental Planning, May 6, 2025

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, May 5, 2025

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

Strategic and Environmental Planning, May 5, 2025

Staff in Strategic and Environmental Planning have reviewed the proposed development against section 8.4 SURFACE WATER RESOURCES – LAKES, RIVERS AND STREAMS and chapter 9.0 Natural Environment of the City's Official Plan. Policy 3.c. of section 8.4.1 permits the consideration of a lesser setback to the highwater mark where the proposal is for an addition to an existing building or replacement of a leaching bed where the setback is not further reduced. The proposed addition is no closer to the highwater mark than the existing dwelling as such, staff in Strategic and Environmental Planning do not object to 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.

Sudbury Hydro, May 5, 2025

No concerns - outside of our territory.

Site Plan, May 2, 2025

No Concerns

Conservation Sudbury, April 30, 2025

No Concerns

Meeting Minutes:

- 05/14/2025 The applicant's agent, Rohit Walia, contacted staff prior to the meeting and advised that the applicant would like to defer the application to address staff's comments regarding the Record of Site Condition.
- 08/06/2025 The applicant's agent, Rohit Walia, appeared before Committee and provided a summary of the Application. Committee Members and Committee Chair expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:  
1000684420 ONTARIO LIMITED  
the owner(s) of PIN(s) 734950131, Parcel 9827 SEC SES, Lots 104 & 105, Plan M-148, Part Lot 5, Concession 2, Township of Garson, 3368 Falconbridge Road, Garson, Ontario P3L 1E3, 0 Falconbridge Road, Garson, Ontario P3L1E3

for relief from 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, firstly, to facilitate the construction of a dwelling containing four dwelling units, where any dwelling containing not more than 2 dwelling units on a lot with or without non-residential uses provided that the lot is a fully serviced lot is permitted, secondly, providing a rear yard setback of 4.5m, where 7.5m is required, and thirdly, providing interior side yard setbacks of 1.8m, where 2.4m is required, be granted.

Consideration was given to Section 45(1) of the *Planning Act*, R.S.O.1990, c. P.13, as amended, including written and oral submissions related to the Application, it is our opinion the 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	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00075

August 6, 2025

OWNER(S): CLAUDE BARRETTE, 4121 Elmview, Hanmer, ON, Canada  
CLAUDE JACQUE BARRETTE, 4121 Elmview, Hanmer, ON, Canada

AGENT(S): CLAUDE BARRETTE, 4121 Elmview, Hanmer, ON, Canada

LOCATION: PIN(s) 735041512, Parcel 37487 SEC SES SRO, Lot 222, Plan M-641, Part Lot 5, Concession 2, Township of Hanmer, 4121 Elmview Drive, Hanmer P3P 1R9

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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 a detached accessory building providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Engineering, July 31, 2025

No Concerns

Building Services, July 30, 2025

Building Services has no objections.

Applicant/Owner to be aware of the following additional information:

- 1) A building permit application is required to be submitted, to the satisfaction of the Chief Building Official, for the proposed detached garage.
- 2) Building Services has no record of the following structures:
  - a) Shed measuring 3m x 9.8m. It is of a size that requires a building permit.
  - b) The sunroom at the rear of the dwelling
  - c) You have the following options available to you:
    - i) Remove the structure from the property OR
    - ii) Apply for a building permit, to the satisfaction of the Chief Building Official
- 3) The shed on the right-hand side of the property, 2.4m x 3.7m, does not appear to be in compliance with the Zoning bylaw, 2010-100Z. Depending on the height the shed, it requires a side yard setback of 0.6m (if the height is 2.5m or less) or 1.2m (if the height greater than 2.5m)

Amanda Dittrich, Plans Examiner  
Building Services

Corridor Management, July 30, 2025

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), July 30, 2025

No Comment Received

Development Approvals, July 29, 2025

The purpose and effect of the application is to construct a 100.33 m<sup>2</sup> accessory building with a height of 5.18 m, whereas the maximum height permitted for accessory buildings is 5 m.

The subject lands contain a single detached dwelling with a ground floor area of 89.1 m<sup>2</sup> and a height of 5 m, two accessory buildings, and a pool. The subject lands are serviced by a municipal water and sanitary connection and have an existing access from Elmview Drive.

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 low density residential and institutional in nature.

The accessory building is proposed to be located adjacent to the single detached dwelling with a setback of 9.1 m from the front lot line. The proposed accessory building will exceed the size of the dwelling by 11.23 m<sup>2</sup> and exceed the height of the dwelling by 0.18 m.

The proposed garage will be one storey in height, which maintains the character of the surrounding residential uses. Staff do not anticipate negative impacts to surrounding land uses as a result of the additional 0.18 m.

The applicant did not provide a rationale for the requested additional height.

Staff are 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.

Conservation Sudbury, July 27, 2025

No Concerns

Linear Infrastructure Services, July 25, 2025

No Concerns

Strategic and Environmental Planning, July 25, 2025

"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."

Site Plan, July 24, 2025

No Concerns

Sudbury Hydro, July 24, 2025

No concerns, outside of our territory.

Meeting Minutes:

08/06/2025 The applicant, Claude Barrette, appeared before Committee and provided a summary of the Application.  
Committee Member Castanza asked the applicant if any of the sheds would be removed and the applicant advised which sheds were remaining and which sheds could be relocated.  
Committee Members and the Committee Chair expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:  
CLAUDE BARRETTE AND CLAUDE JACQUE BARRETTE  
the owner(s) of PIN(s) 735041512, Parcel 37487 SEC SES SRO, Lot 222, Plan M-641, Part Lot 5, Concession 2, Township of Hanmer, 4121 Elmview Drive, Hanmer P3P 1R9

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of detached garage providing a maximum height of 5.18m, where the maximum height of any accessory building on a residential lot shall be 5.0m, be granted.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00080

August 6, 2025

OWNER(S): DENIS LEDUC, 4565 Whitewater Lake Road, Azilda, ON, Canada  
CHANTAL LEDUC, 4565 Whitewater Lake Road, Azilda, ON, Canada

AGENT(S): DENIS LEDUC, 4565 Whitewater Lake Road, Azilda, ON, Canada

LOCATION: PIN(s) 733472000, Surface Rights Only, Part Lot 10, Concession 2, Part 2 Plan 53R-14524, Township of Rayside, 2023 Pilon Street, Chelmsford P0M 1L0

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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 permit an existing second additional dwelling unit within an existing accessory building and reduced drive aisle width at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, July 29, 2025

REVISED

The purpose and effect of the application is to legalize an existing second additional dwelling unit within an existing detached accessory building, whereas only one additional dwelling unit is permitted in an accessory building. Additionally, the application is requesting a drive aisle width of 4 m for two way traffic, whereas 6 m is required.

The subject lands contain a single detached dwelling with an additional dwelling unit and an accessory building that contains an additional dwelling unit for a total of three dwelling units. The applicant has established a fourth dwelling unit in the basement of the existing accessory building without benefit of a building permit. Although four dwelling units are permitted on the subject lands, only one dwelling unit is permitted within an accessory building.

The subject lands are serviced by a municipal water and sanitary connection and have an existing shared driveway from Pilon Street.

The subject lands were created through a Consent Application in 2017, at which time an interpretation was made that the lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan. The subject lands are zoned 'R1-5' Low Density Residential One within the City of Greater Sudbury Zoning By-law.

Surrounding uses are low density residential, rural, and institutional in nature.

Subsequent to the public hearing, the applicant submitted a revised concept plan which more clearly identified the location of the required one parking space per dwelling unit as well as the required

landscaping provision of 50% of the front yard. Additionally, the applicant amended the application to request for a drive aisle width of 4 m for two-way traffic whereas, 6 m is required.

Staff have no concerns with the proposed 4th dwelling unit being located within the basement of an accessory building for a total of two dwelling units within an accessory building.

In regards to the deficient drive aisle staff recognize that the setback between the dwelling and the interior lot line exist today, however, the proposed location of parking for the 4th unit being located in the rear yard requires a 6 m drive aisle.

As an advisory comment, it is strongly recommended that a mutual access easement be obtained over the shared drive aisle to allow for vehicular maneuverability/access to the existing garages.

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

Building Services, July 25, 2025

REVISED

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

Applicant/Owner to be advised of the following comments:

1) A search of our records indicates an incomplete building permit for the subject property for the detached additional dwelling unit with attached garage & attached deck (BP-NEW-2024-01421). Please contact Building Services to proceed in closing this project.

2) A Building Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for the proposed second additional dwelling unit within the existing detached accessory building.

Ministry of Transportation, July 24, 2025

REVISED

We have determined that the subject lands are not located within the MTO's permit control area; therefore, we have no comments to provide at this time.

Sudbury Hydro, July 24, 2025

REVISED

No concerns, outside of our territory.

Development Approvals, July 4, 2025

The purpose and effect of the application is to legalize an existing second additional dwelling unit within an existing detached accessory building, whereas only one additional dwelling unit is permitted in an accessory building.

The subject lands contain a single detached dwelling with an additional dwelling unit and an accessory building that contains an additional dwelling unit for a total of three dwelling units. The applicant has established a fourth dwelling unit in the basement of the existing accessory building

without benefit of a building permit. Although four dwelling units are permitted on the subject lands, only one dwelling unit is permitted within an accessory building.

The subject lands are serviced by a municipal water and sanitary connection and have an existing shared driveway from Pilon Street.

The subject lands were created through a Consent Application in 2017, at which time an interpretation was made that the lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan. The subject lands are zoned 'R1-5' Low Density Residential One within the City of Greater Sudbury Zoning By-law.

Surrounding uses are low density residential, rural, and institutional in nature.

Insufficient information has been provided regarding conformity with parking and landscaping requirements. More specifically, the four required parking spaces have not been clearly identified with dimensions in order for staff to verify conformity with the Zoning By-law. Staff have concerns in regards to the proposed three parking areas on site, in particular, accessibility to the proposed parking areas in between the two buildings and to the rear given the narrow 4.8 m and 4 m drive aisle. Additional relief is required for a 4 m wide drive aisle width where 6 m is required for two-way traffic. It is recognized that the subject lands and the abutting lands to the west have a shared entrance and have been designed in a similar manner, however, given that they are two separate parcels, they must function independently and not rely on each other for vehicular maneuverability or garage access. Alternatively, if the intent is to rely on the abutting property to function, easements should be established for both properties in order to legally maintain access rights. Staff are unable to confirm whether the minimum open space landscape requirements are being adhered to as a result of the proposed parking areas. As of right permissions for additional dwelling units are not intended to compromise residential character, outdoor amenity space, or functionality of a site.

Staff recommend that the application be deferred to allow the applicant an opportunity to submit a revised concept plan which clearly delineates parking spaces and landscaped open space and a revised application with the additional drive aisle width variance request.

Corridor Management, July 2, 2025

No Comment Received

Linear Infrastructure Services, July 2, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNRF), July 2, 2025

No Comment Received

Building Services, June 30, 2025

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

Applicant/Owner to be advised of the following comments:

1) A search of our records indicates an incomplete building permit for the subject property for the detached additional dwelling unit with attached garage & attached deck (BP-NEW-2024-01421). Please contact Building Services to proceed in closing this project.

2) A Building Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for the proposed second additional dwelling unit within the existing detached accessory building.

Sudbury Hydro, June 30, 2025

No concerns - outside of our service territory.

Development Engineering, June 26, 2025

No Concerns

Ministry of Transportation, June 26, 2025

We have determined that the property listed does not fall within the MTO's permit control area; therefore, we have no comments to provide at this time.

Site Plan, June 26, 2025

No Concerns

Strategic and Environmental Planning, June 26, 2025

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, June 25, 2025

No Concerns

Meeting Minutes:

07/09/2025 The applicants, Chantal and Denis Leduc, appeared before Committee and provided a summary of the Application.  
Committee Chair Dumont confirmed with the applicants that they received the comments, and the applicants confirmed that they did.  
Committee Member Goswell asked staff to provide an explanation on the locations of additional dwelling units. Staff advised Committee that the intent of the policy was to ensure that the main dwelling remains primary and that the detached building remains accessory in nature. Staff advised Committee that they had no concerns with the Application, concerns related to parking and the drive aisle.  
Committee Member Sawchuk expressed support for staff's recommendation.  
Committee Member Murray asked that applicant if they had an update on the parking. The applicants advised Committee that they met the minimum standard for a driveway and that there was sufficient room to maneuver on the property.  
Committee Member Sawchuk requested staff to clarify the driveway requirements and staff provided Committee with the zoning standards for a driveway width and drive aisle widths.  
Committee Chair Dumont provided the applicants with next steps and an additional explanation on the comments.

08/06/2025 The applicant's appeared before Committee and provided a summary of the Application.  
Committee Members and Committee Chair expressed support for the Application and staff's recommendation.

The following decision was reached:

**DECISION:**

THAT the application by:

DENIS LEDUC AND CHANTAL LEDUC

the owner(s) of PIN(s) 733472000, Surface Rights Only, Part Lot 10, Concession 2, Part 2 Plan 53R-14524, Township of Rayside, 2023 Pilon Street, Chelmsford P0M 1L0

for relief from Part 4, Section 4.2, subsection 4.2.10.1 (iii) and Part 5, Section 5.2, subsection 5.2.9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit firstly, an existing second additional dwelling unit within the existing detached accessory building accessory to a single detached dwelling containing two dwelling units, where no more than one dwelling unit is permitted in a building or structure accessory to a single detached dwelling, on a parcel of urban residential land, if the single detached dwelling contains no more than three dwelling units and no other building or structure accessory to the single detached dwelling contains any dwelling units, and secondly, a driveway accessing a parking area to provide a minimum of 4.0m in width for two-way traffic, where a driveway accessing a parking area shall be a minimum of 6.0m in width for two-way traffic, 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	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00105

August 6, 2025

OWNER(S): ERIC MCNICHOLL, 2159 Wayne Road, Sudbury, ON, Canada P3E5G2  
EMILY MCNICHOLL, 2159 Wayne Rd, Sudbury, ON, Canada P3E5G2

AGENT(S): ERIC MCNICHOLL, 2159 Wayne Road, Sudbury, ON, Canada P3E5G2

LOCATION: PIN(s) 734750994, Parcel 4930 SEC SES, Part Lot 6, Concession 6, Parts 1 & 2, Plan 53R-12018, Township of Broder, 2159 Wayne Road, Sudbury P3E 5G2

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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 permit a pool on the subject property providing a setback from the high water mark at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Engineering, July 31, 2025

No Concerns

Building Services, July 30, 2025

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

For the applicants' information:

- 1) Building Services acknowledges building permit application # BP-PE-2025-00046 (Pool Enclosure).
- 2) Decks greater than 24" from grade shall be 1.2m from the interior side lot line. The plot plan provided indicates the deck is 0.6m to the lot line. Should the deck be greater than 24" from grade (at any location adjacent to the deck), a Minor Variance shall be required for the reduced setback.
- 3) That a search of our records indicates that there are issued permits for:
  - a) B18-0539 – Finish basement/Interior alterations
  - b) B21-0979 – Decks
  - c) BP-NEW-2025-01029 - Siding

Please contact Building Services to close these projects.

## Conservation Sudbury, July 30, 2025

Conservation Sudbury has no objection to the MV-2025-00105 to facilitate the construction of an above ground pool in the high water setback.

Subject property contains two hazards regulated by Conservation Sudbury. The flood proxy for the lake is 1.2m above the high water mark. High level elevation information indicates that the location of the pool is located outside of the floodplain. The erosion hazard is negated based on the presence of consolidated bedrock along the shoreline.

Future development in regulated areas requires permission of Conservation Sudbury.

## Corridor Management, July 30, 2025

No Comment Received

## Development Approvals, July 30, 2025

The purpose and effect of the application is to permit an above ground pool with a high water mark setback of 24.5 m, whereas a 30 m setback is required.

The subject lands contain a single detached dwelling and an accessory building. The subject lands are serviced by a municipal water and sanitary connection and have an existing access from Wayne Road.

The subject lands are designated 'Living Area I' 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 and medium density residential in nature.

The intent of the shoreline buffer and setback policies is to protect waterbody quality and waterbody ecosystems from harmful pollutants such as chemicals associated with pools.

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

- 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 is of the opinion that there appears to be sufficient space outside of the 30 m setback that could support an above ground pool.

Staff do recognize that the pool is proposed to be located on an existing deck that would not result in additional clearance or hard surfacing, however, are not able to support a pool within the high water mark setback when there are alternative locations.

It is noted that the shoreline buffer area appears to be predominantly cleared of natural vegetation. Natural vegetation helps filter sediment and pollutants from the runoff that flows from land into waterways. In the event that the pool water were to spill and/or be drained for the season, the property does not contain a naturally vegetated shoreline buffer area to reduce chemicals into the

lake. Placing the pool further away from the lake would reduce the impacts to water quality.

As part of Strategic and Environmental Planning comments, a marked up version of the concept plan was provided which highlighted the area which appeared to be able to accommodate the proposed pool.

Conservation Sudbury has no objections to the proposal as the pool is proposed to be located outside of the floodplain.

As an advisory comment, Building Services noted that decks greater than 24" from grade shall be 1.2m from the interior side lot line. The plot plan provided indicates the deck is 0.6m to the lot line. Should the deck be greater than 24" from grade (at any location adjacent to the deck), a Minor Variance shall be required for the reduced setback.

Staff are of the opinion that the variance is not considered minor in nature, is not an appropriate use of the land, and does not meet the intent of the shoreline protection policies found within the Official Plan and Zoning By-law. It is recommended that the application be denied.

Ministry of Natural Resources and Forestry (MNRF), July 30, 2025

No Comment Received

Strategic and Environmental Planning, July 25, 2025

Staff in Strategic and Environmental Planning have reviewed the proposed development. Staff rely on policy 3 of section 8.4.1 General Policies of the City's Official Plan when reviewing applications for reduced highwater mark setback. Policy 3 prohibits development within 30 metres of the highwater mark setback. However, it allows consideration of a lesser 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.

Staff have reviewed the rationale submitted by the applicant and note the existence of overhead hydro lines, an existing shed, and an easement for right-of-way, allowing access to the adjacent property, all within the front yard. The applicant also identified the proposed pool location as the most appropriate "with respect to ground composition and drainage due to past construction" and that no additional vegetation would be required to be removed. In reviewing the submitted information, staff note there appears to be sufficient area in the front yard to permit a pool based on the 5 metre setback to the overhead wires, the existing shed, driveway, and easement to the adjacent parcel. Please see appended document titled "SEP Mark Up".

The applicant states that the proposed area where the pool is proposed is the most appropriate location "with respect to ground composition and drainage due to past construction". Unfortunately, the applicant did not elaborate how or why, making it difficult to consider.

Staff acknowledge that the proposed pool and existing deck is outside of the required vegetative buffer, that no additional vegetation is required to be removed, and that the pool is to be set within an existing deck.

Finally, 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.

Traffic and Transportation, July 25, 2025

Roads  
No concerns

Traffic  
No concerns

Active Transportation  
No concerns

Ministry of Transportation, July 24, 2025

We have determined that the subject lands are not located within the MTO's permit control area; therefore, we have no comments to provide at this time.

Site Plan, July 24, 2025

No Concerns

Sudbury Hydro, July 24, 2025

No Concerns

Meeting Minutes:

08/06/2025 The applicant, Eric Tyler McNicholl, appeared before Committee and provided a summary of the Application and additional information in response to staff's comments. Committee Member Castanza clarified with the applicant where the pool was proposed to be located on the property. Committee Member Goswell expressed support for a deferral of the Application. Committee Member Sawchuk asked the applicant about the possibility of installing railings in the front yard and the applicant advised Committee that the topography of the property would create challenges but could be done and provided reasons why the pool was proposed in the rear yard. Committee Member Sawchuk asked the applicant if the pool could be pushed back closer to the dwelling and the applicant advised that it was possible but was unsure if there were Building Code requirements for minimum distance to dwelling. Committee Member Sawchuk asked staff if the vertical height of the retaining wall was considered, and staff advised that there was no accommodation in the zoning for vertical height and advised Committee that staff's concerns related more to the environmental impact. Committee Member Sawchuk expressed support for a deferral of the Application. Committee Member Murray asked the applicant about naturalizing the shoreline and the applicant advised that they had allowed the shoreline to regrow and was open to solutions about the environmental aspects in relation to the pool. Committee Member Murray expressed support for a deferral of the Application. Committee Chair Dumont expressed support for the Application and provided Committee with an explanation as to why. Committee Chair Dumont reviewed Strategic and Environmental Planning's marked-up plan with Committee.

Committee Members Murray, Sawchuk and Castanza expressed support for an approval of the Application.  
Committee Chair Dumont put forward a motion to support the Application and Committee Member Murray seconded the motion. The motion was supported and carried.

The following decision was reached:

**DECISION:**

THAT the application by:

ERIC MCNICHOLL AND EMILY MCNICHOLL

the owner(s) of PIN(s) 734750994, Parcel 4930 SEC SES, Part Lot 6, Concession 6, Parts 1 & 2, Plan 53R-12018, Township of Broder, 2159 Wayne Road, Sudbury P3E 5G2

for relief from Part 4, Section 4.41, subsection 4.41.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the installation of a pool within an existing deck providing a 24.5m setback from the high water mark of a lake, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, 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	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Non-Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00108

August 6, 2025

OWNER(S): MICHEL BERNARD, 4502 Elmview, Hanmer, ON, Canada  
DIANE BERNARD, 4502 Elmview, Hanmer, ON, Canada

AGENT(S): MICHEL BERNARD, 4502 Elmview, Hanmer, ON, Canada

LOCATION: PIN(s) 735041778, Parcel 29557 SEC SES SRO, Lot 79, Plan M-507, Part Lot 4, Concession 2, Township of Hanmer, 4502 Elmview Drive, Hanmer P3P 1B4

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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 permit an existing dwelling on a lot to be retained subject of Consent Application PL-CON-2025-00042, providing a setback and eaves encroachment at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Engineering, July 31, 2025

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.

Building Services, July 30, 2025

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

For the Owner's information Building Services has the following comments:

A search of our records indicates the proposed rear yard setback to be 2.95m as per survey prepared Aug. 22, 1996, by James Kirkland, where 2.97m is requested. It is recommended that the minor variance application PL-MV-2025-00108 be amended to reflect the existing 2.95m setback.

Building Services acknowledges the applicant's plot plan indicating the removal of the shed on the proposed severed portion of land.

Building Services recognizes consent application PL-CON-2025-00042.

Corridor Management, July 30, 2025

No Comment Received

Ministry of Natural Resources and Forestry (MNR), July 30, 2025

No Comment Received

Source Water Protection, July 30, 2025

No significant drinking water threat identified at this time.

Development Approvals, July 29, 2025

The purpose and effect of the application is to permit an existing dwelling to have a rear yard setback of 2.97 m, whereas 7.5 m is required, and an eaves encroachment of 0.6 m into the 2.97 m setback, whereas eaves may encroach 1.2 m into the required yard no closer than 0.6 m to the lot line.

The subject lands contain a single detached dwelling and an accessory building. The subject lands are serviced by a municipal water and sanitary connection and have an existing access from Elmview Drive and St. Anthony Street. It is noted only one driveway is permitted per residential lot.

The subject lands are designated 'Living Area I' 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 located in a Wellhead Protection Area in the Source Water Protection Plan.

Surrounding uses are low density residential and shopping center commercial in nature.

The lands are subject to Consent Application PL-CON-2025-00042. The front lot line of the subject lands as a whole is along Elmview Drive. As a result of the proposed severance the front lot line will now be located along St. Anthony Street for both the severed and retained lands. The existing dwelling on the retained lands will continue to be oriented towards Elmview and the former rear yard will continue to function as the rear yard. Staff have no concerns with the new rear yard setback of 2.97 m as it will continue to function as an interior side yard and sufficient private amenity space will be maintained in the new interior side yard.

Staff are 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.

Conservation Sudbury, July 27, 2025

No Concerns

Strategic and Environmental Planning, July 25, 2025

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.

Traffic and Transportation, July 25, 2025

No Concerns

Ministry of Transportation, July 24, 2025

We have determined that the subject lands are not located within the MTO's permit control area; therefore, we have no comments to provide at this time.

Site Plan, July 24, 2025

No Concerns

Sudbury Hydro, July 24, 2025

No concerns, outside of our territory.

Meeting Minutes:

08/06/2025 The applicant, Michel Bernard, appeared before Committee and provided a summary of the Application and addressed Building Services comments regarding the setback. Staff advised Committee that the resolution that would be read to Committee would provide for the 2.95m setback. Committee Members and Committee Chair expressed support for the Application and staff's recommendation.

The following decision was reached:

**DECISION:**

THAT the application by:

MICHEL BERNARD AND DIANE BERNARD

the owner(s) of PIN(s) 735041778, Parcel 29557 SEC SES SRO, Lot 79, Plan M-507, Part Lot 4, Concession 2, Township of Hanmer, 4502 Elmview Drive, Hanmer P3P 1B4

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing dwelling on lands to be retained subject of a Consent Application PL-CON-2025-00042, providing a minimum rear yard setback of 2.95m with eaves encroaching 0.6m into the proposed 2.95m rear yard, where 7.5m rear yard setback is required and where eaves may encroach 1.2m into the required yard but not closer than 0.6m to the lot line, be granted.

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

MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring