



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00047

June 11, 2025

OWNER(S): ALAIN BEAULIEU, 1-27 Alice St, Garson, ON, Canada

AGENT(S): ALAIN BEAULIEU, 1-27 Alice St, Garson, ON, Canada

LOCATION: PIN(s) 734960184, Parcel 27025 SEC SES, Part Lot 9, Plan M-252, Part Lot 9, Concession 1, Township of Garson, 27 Alice Street, Garson P3L 1M3

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 two-storey addition on the existing dwelling providing a setback and eaves encroachment at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, June 5, 2025

The purpose and effect of the application is to permit the reconstruction and enlargement of a two storey addition in the form of a garage with living space above with the following variances:

1. a minimum interior side yard setback of 1.23 m, whereas a minimum setback of 1.8 m is required; and
2. an eaves encroachment of 0.61 m into the 1.23 m setback, eaves are permitted to encroach 0.6 m into the required 1.8 m setback no closer than 0.6 m to the lot line.

The subject lands contain a single detached dwelling containing two dwelling units, an accessory building and pool. The subject lands are serviced by a municipal water and sanitary connection and have two existing accesses from Alice Street. It is noted that only one driveway is permitted in Residential Zones.

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

Surrounding uses are low density residential, open space, and industrial in nature.

The applicant advised that they are seeking relief for the reconstruction and enlargement of an attached garage with a second storey addition. The addition of a second storey requires a larger interior side yard setback, which the applicant is seeking relief for. The former attached garage had an interior side yard setback of 1.7 m and the applicant is seeking a 1.23 m setback. Staff are of the opinion that the proposed 1.23 m setback would maintain adequate separation between the building and lot line for rear yard access and maintenance.

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

Building Services, June 4, 2025

Building Services has reviewed your documents and sketches for the requested minor variances and can advise that we have the following comments:

We have no concerns with the requested variances as listed.

We acknowledge receipt of a Building Permit Submission (BP-NEW-2025-00106) for the proposed construction.

Corridor Management, June 4, 2025

No Comment Received

Development Engineering, June 4, 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 0.60m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

Linear Infrastructure Services, June 4, 2025

Roads

No concerns

Traffic

Staff have no concerns with this application; however, the owner understands that only one driveway is permitted per lot.

Active Transportation

No concerns

Ministry of Natural Resources and Forestry (MNR), June 4, 2025

No Comment Received

Sudbury Hydro, June 2, 2025

No concerns - outside of our territory.

Conservation Sudbury, May 30, 2025

No objection to MV-2025-00047 to facilitate the construction of a two-storey addition on an existing single detached dwelling.

Please note that the subject property contains some features regulated by Conservation Sudbury, including floodplain. See map attached in pronto. Proposed development is located outside of the floodplain.

Site Plan, May 30, 2025

No Concerns

Strategic and Environmental Planning, May 30, 2025

Staff in Strategic and Environmental Planning have reviewed the proposed application. The subject lands back onto Junction Creek which has an associated wetland ecosystem that has the potential to be habitat for a species protected by the Endangered Species Act, 2007. Policy in section 9.2.2 Habitat of Endangered Species and Threatened Species of the City's Official Plan does not permit development within habitat of endangered or threatened species except in accordance with provincial and federal requirements, nor does it permit development adjacent to habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural feature or their ecological functions. The proposed development is a replacement of an existing attached garage with expansion of the floor plate away from the natural features. The addition is to be located approximately 43 metres from the edge of the wetland and approximately 73 metres from Junction Creek, no closer than the existing structure. As such, staff from SEP do not oppose the proposed addition.

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 29, 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.

Meeting Minutes:

06/11/2025 The applicants, Alain Beaulieu and Angela Proulx, appeared before Committee and provided a summary of the Application.
Committee Member Castanza advised Committee that she attended the site and had no issues with the Application.
Committee Members Goswell and Murray and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

ALAIN BEAULIEU

the owner(s) of PIN(s) 734960184, Parcel 27025 SEC SES, Part Lot 9, Plan M-252, Part Lot 9, Concession 1, Township of Garson, 27 Alice Street, Garson P3L 1M3

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 facilitate the construction of a two-storey addition on the existing single detached dwelling providing a minimum 1.23m interior side yard setback with eaves encroaching an additional 0.61m, where 1.8m is required and where eaves may encroach 0.6 m into the required 1.8m 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 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.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00065

June 11, 2025

OWNER(S): JESSE HAMMELL, 1150 Spanish River Rd, Worthington, ON, Canada
CHRIS GOODE, 1150 Spanish River Rd, Worthington, ON, Canada

AGENT(S): KIM HAMMELL, 328 Mason Road, Worthington, ON, Canada

LOCATION: PIN(s) 733950513, North 1/4 of Part Lot 8, Concession 6, Township of Lorne, 1150 Spanish River Road, Whitefish P0M 3H0

SUMMARY

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

Application: Approval to construct a detached additional dwelling unit providing a location from the main building, access onto an assumed road and lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

Building Services, June 6, 2025

Building Services has reviewed your documents and sketches for the requested minor variance and can advise that we have the following comments:

Ensure approval is obtained for access to the subject lot through the adjacent railroad property.

A Building Permit to the satisfaction of the Chief Building Official will be required for the proposed modular home. Also note that the modular home must be certified in accordance with Ontario Building Code section 9.1.1.9.

Development Approvals, June 5, 2025

The purpose and effect of the application is to permit the construction of an additional dwelling unit within an accessory building with the following variances:

1. a maximum setback of 59 m from the main building, whereas an additional dwelling unit located in an accessory building shall not be located greater than 30 m from the main building in the RU Zone; and
2. 0 m frontage on a public road, whereas no person shall erect any building on any lot that does not have frontage on an assumed road and where a minimum lot frontage of 90 m is required.

The subject lands contain a single detached dwelling, and five accessory buildings. The subject lands are serviced by an individual well and septic system, and appear to be accessed through abutting lands to the south being a rail line corridor to Spanish River Road. It is noted that in order to obtain a building permit a legal access easement will need to be established if one doesn't already exist.

The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan and are zoned 'RU' Rural within the City of Greater Sudbury Zoning By-law.

Surrounding uses are rural in nature.

The applicant advised that they are seeking 59 m separation for the additional dwelling unit from the main building due to terrain and placement of private servicing. Given that the subject property is landlocked, the lands would be unable to be severed in the future. The additional dwelling unit would utilize a shared driveway and be serviced by a well and septic system. Staff are satisfied that even with the additional separation distance, the property will still function as one property and would not be eligible to be severed in the future.

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

1. That an access easement be established and/or legal access confirmed within one year from the date of decision to the satisfaction of the Director of Planning.

Building Services, June 4, 2025

Building Services has reviewed your documents and sketches for the requested minor variance and can advise that we have the following comments:

An easement must be obtained for access to the subject lot through the adjacent railroad property.

A Building Permit to the satisfaction of the Chief Building Official will be required for the proposed modular home. Also note that the modular home must be certified in accordance with Ontario Building Code section 9.1.1.9.

Corridor Management, June 4, 2025

No Comment Received

Development Engineering, June 4, 2025

No Concerns

Linear Infrastructure Services, June 4, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNRF), June 4, 2025

No Comment Received

Sudbury Hydro, June 2, 2025

No concerns - outside of our territory.

Site Plan, May 30, 2025

No Concerns

Strategic and Environmental Planning, May 30, 2025

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.

Ministry of Transportation, May 29, 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.

Conservation Sudbury, May 28, 2025

Subject property is located outside of the jurisdictional boundary of Conservation Sudbury. No comment.

Meeting Minutes:

06/11/2025 The applicant, Jesse Hammell, and her agent, Kim Hammell, appeared before Committee and provided a summary of the Application. Committee Member Castanza advised Committee that she attended the site and suggested that the timeframe for the condition be extended to 24-months. Committee Member Goswell requested the Secretary-Treasurer to read the condition contained in the resolution. The Secretary-Treasurer read the condition and advised Committee that at the request of the agent the timeframe to clear the condition was extended to 2-years. Committee Member Murray expressed support for the Application. Committee Chair Dumont requested staff to clarify the condition, as an easement may require Consent. Staff advised that to clear the condition it may require a Consent or some other form of agreement with the railway. The agent advised Committee that the request was for a private crossing and asked if Committee was okay with that. Committee Chair Dumont explained Committee's role and advised that an easement was required. Staff clarified the requirement in that it may be a Consent or some other form of agreement. Committee Member Murray requested the condition to be read again to confirm the wording.

The following decision was reached:

DECISION:

THAT the application by:
JESSE HAMMELL AND CHRIS GOODE
the owner(s) of PIN(s) 733950513, North 1/4 of Part Lot 8, Concession 6, Township of Lorne, 1150 Spanish River Road, Whitefish P0M 3H0

for relief from Part 4, Section 4.2, subsection 4.2.10.3 (d) and Section 4.3 and Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an additional dwelling unit in an accessory building providing, firstly, a 59.0m setback from the main building, where an additional dwelling unit shall be located no more than 30.0m from the main building at its closest in the Rural (RU) Zones, and secondly, no frontage on an assumed road and a minimum lot frontage of 0.0m, whereas no person shall erect any building on any lot that does not have frontage on an assumed road and where a minimum lot frontage of 90.0m is required, be granted, subject to the following condition:

1. That an access easement be established and/or legal access confirmed within two years from the date of decision to the satisfaction of the Director of Planning.

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.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00066

June 11, 2025

OWNER(S): BRANDON DIGBY, 3 Randolph Road, Lively, ON, Canada

AGENT(S): BRANDON DIGBY, 3 Randolph Road, Lively, ON, Canada

LOCATION: PIN(s) 733820873, SRO, Lots 15 & 16, Plan M-425, save and except Part 1, Plan 53R-16392, Part Lot 6, Concession 1, Township of Denison, 3 Randolph Road, Whitefish P0M 3E0

SUMMARY

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

Application: Approval to construct a detached accessory building providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, June 5, 2025

The purpose and effect of the application is to construct a 119 m2 accessory building with a height of 6.7 m, whereas the maximum height permitted for accessory buildings is 5 m.

The subject lands are currently two separate distinct parcels within a Plan of Subdivision being Lots 15 & 16 on Plan M-425. Lot 16 contains an existing 138 m2 single detached dwelling with a height of 6.4 m. The owner advised that they would like to be able to construct a detached garage on Lot 15. The owner would be unable to build accessory buildings on Lot 15 as a separate lot distinct lot on a plan of subdivision, as accessory structures cannot be constructed on a lot without a main use. Therefore, the lands are in the process of being deemed not to be within the Plan of Subdivision, which would have the effect of merging the lots on title. Planning Committee passed a resolution to that effect on May 26th 2025 and the by-law was passed by Council on May 27th 2025. There is a 20-day waiting period that needs to be completed prior to legal services registering the by-law on title, which would be the final step in the process.

The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan and are zoned 'R1-2' Low Density Residential One within the City of Greater Sudbury Zoning By-law.

Surrounding uses are low density residential and Rural in nature.

The accessory building is proposed to be located in the rear yard with a setback of 38 m from the front lot line. The subject lands contain mature vegetation along the rear, interior side, and part of external side lot lines providing a visual buffer from the proposed building. The proposed accessory building will be subordinate in size in comparison to the single detached dwelling but exceed the height of the single detached dwelling by 0.3 m. The applicant advised that the additional height is being sought in order to accommodate the storage of a backhoe, boat, and RV camper. Staff are satisfied that the building is considered to be accessory in nature.

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 subject to the following condition:

1. That the deeming by-law be registered on title within one year from the date of decision, to the satisfaction of the Director of Planning Services.

Building Services, June 4, 2025

Building Services has reviewed your documents and sketches for the requested minor variance and can advise that we have the following comments:

We have no concerns with the requested variance as listed.

We acknowledge receipt of a Building Permit Submission (BP-NEW-2025-00262) for the proposed construction.

Corridor Management, June 4, 2025

No Comment Received

Development Engineering, June 4, 2025

No Concerns

Linear Infrastructure Services, June 4, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNR), June 4, 2025

No Comment Received

Sudbury Hydro, June 2, 2025

No concerns - outside of our territory

Conservation Sudbury, May 30, 2025

No Concerns

Site Plan, May 30, 2025

No Concerns

Strategic and Environmental Planning, May 30, 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 29, 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.

Meeting Minutes:

06/11/2025 The applicant, Brandon Digby, appeared before Committee and provided a summary of the Application.
Committee Member Castanza requested staff to explain the condition and staff advised Committee what the deeming by-law was. Committee Member Castanza asked staff if the lots would merge after 2-years, and staff explained the provisions under the Planning Act relating to whole lots within a plan of subdivision.
Committee Members Goswell and Murray expressed support for staff's recommendation.
Committee Chair Dumont confirmed the deeming by-law process with staff.

The following decision was reached:

DECISION:

THAT the application by:
BRANDON DIGBY

the owner(s) of PIN(s) 733820873, SRO, Lots 15 & 16, Plan M-425, save and except Part 1, Plan 53R-16392, Part Lot 6, Concession 1, Township of Denison, 3 Randolph Road, Whitefish P0M 3E0

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 6.7m, where the maximum height of any accessory building on a residential lot shall be 5.0m, be granted, subject to the following condition:

1. That the deeming by-law be registered on title within one year from the date of decision, to the satisfaction of the Director of Planning Services.

Consideration was given to Section 45(1) of the *Planning Act*, R.S.O.1990, c. P.13, as amended, including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan are maintained.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00067

June 11, 2025

OWNER(S): MARCEL HOULE, 2850 Highway 144, Chelmsford, ON, Canada
TRACEY HOULE, 2850 Highway 144, Chelmsford, ON, Canada

AGENT(S): NORTEC BUILDING CONSULTANTS, 18-1771 Maley Drive, Sudbury, ON, Canada
P3A4R7

LOCATION: PIN(s) 733500265, Parcel 26812 SEC SWS, Part Lot 5, Concession 3, Part 1, Plan
SR-1942, Township of Balfour, 2850 Highway 144, Chelmsford P0M 1L0

SUMMARY

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

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

Comments concerning this application were submitted as follows:

Development Approvals, June 5, 2025

The purpose and effect of the application is to construct a 96.49 m² accessory building with a height of 7.93 m, whereas the maximum height permitted for accessory buildings is 6.5 m.

The subject lands contain a single detached dwelling with a ground floor area of 302.81 m² and a height of 8.53 m, a pool shed, gazebo, and pool. The subject lands are serviced by a private well and septic system, and have an existing access from Highway 144.

The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan, are zoned 'RU' Rural within the City of Greater Sudbury Zoning By-law, and are regulated by Conservation Sudbury (NDCA).

Surrounding uses are rural and agricultural in nature.

The accessory building is proposed to be located in the rear yard with a setback of 90.25 m from the front lot line. The proposed accessory building will be subordinate in area and height in comparison to the single detached dwelling. The applicant advised that the addition height being sought is to accommodate a tractor as well as a storage loft. Vegetative buffer exists along the eastern interior lot line.

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.

Building Services, June 4, 2025

Building Services has reviewed your documents and sketches for the requested minor variance and can advise that we have the following comments:

We have no concerns with the requested Minor Variance as listed.

Our records indicate Building Permits for the single-family dwelling and pool that have not been closed. Please contact Building Services to arrange for required inspections.

Based on our records, the Gazebo was constructed without benefit of permit. Please submit a Building Permit application to the satisfaction of the Chief Building Official.

A Building Permit to the satisfaction of the Chief Building Official will be required for the proposed garage.

Corridor Management, June 4, 2025

No Comment Received

Development Engineering, June 4, 2025

No Concerns

Linear Infrastructure Services, June 4, 2025

Roads
No concerns

Traffic
No concerns

Active Transportation
No concerns

Ministry of Natural Resources and Forestry (MNRF), June 4, 2025

No Comment Received

Sudbury Hydro, June 2, 2025

No concerns - outside of our territory.

Conservation Sudbury, May 30, 2025

Conservation Sudbury has no objection to Minor Variance MV-2022-00067 to facilitate the construction of a detached garage providing a maximum height at variance with the zoning by-law.

Please note that the subject property contains some features regulated by Conservation Sudbury. See map attached in pronto. Development is located sufficiently far from the watercourse and its regulated buffer.

Site Plan, May 30, 2025

No Concerns

Strategic and Environmental Planning, May 30, 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 29, 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.

Meeting Minutes:

06/11/2025 The applicant's agent, Leo Chaloux, appeared before Committee and provided a summary of the Application.
Committee Member Castanza advised Committee that she attended the site and expressed support for the Application.
Committee Members Goswell and Murray and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

MARCEL HOULE AND TRACEY HOULE

the owner(s) of PIN(s) 733500265, Parcel 26812 SEC SWS, Part Lot 5, Concession 3, Part 1, Plan SR-1942, Township of Balfour, 2850 Highway 144, Chelmsford P0M 1L0

for relief from Part 4, Section 4.2, subsection 4.2.4 b) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 7.93m, where the height of any building or structure accessory to a residential dwelling shall be 6.5 metres, be granted.

Consideration was given to Section 45(1) of the *Planning Act*, R.S.O.1990, c. P.13, as amended, including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan are maintained.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00068

June 11, 2025

OWNER(S): SUDBURY APARTMENT RENTALS LIMITED, 219 O'Neill Drive East, Greater Sudbury, ON, Canada

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

LOCATION: PIN(s) 021310156, Lots 161-163, Plan 18-SB, Part Lot 5, Concession 4, Township of McKim, 220 King Street, Sudbury P3C 2W1, 222 King Street, Sudbury, ON

SUMMARY

Zoning: The property is zoned R2-3 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 use of the existing lot, including the building, to increase the number of dwelling units within the existing building providing reduced lot area per unit.

Comments concerning this application were submitted as follows:

Development Approvals, June 6, 2025

The purpose and effect of the application is to permit the expansion of a legal non-conforming use being a multiple dwelling containing 12 units to 16 dwelling units, providing a minimum lot area of 80.0 sq. m per dwelling unit under Section 45(2) of the Planning Act.

The subject lands contain a three-storey multiple dwelling containing 12 units. The subject lands are serviced by a municipal water and sanitary connection and have an existing access from King Street.

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 low density residential and commercial in nature.

The lands are subject to Minor Variance Application A0036/1987 to construct a 29.6 by 13.1m (97.11 x 42.97') 3-storey, 12 unit apartment building on the subject property, all as shown on plans submitted with the application providing a minimum front yard (to proposed balconies which may be considered covered) of 3.77m (12.4') where 5.97m (19.6') are required; 15 parking spaces where 18 spaces would be required and further, where the lot area is 1,282.02m² (13,800 sq.ft.) where a lot area of 1,296m² (13,950.48 sq.ft.) is required for 12 apartment units, each containing more than 3 rooms.

The applicants have applied under Section 45(2) of the Planning Act for the expansion of a legal non-conforming use by proposing to add an additional four dwelling units in the basement of the existing basement with a minimum lot area of 80 m² per dwelling unit.

The applicants are proposing an additional 5 parking spaces in order to comply with today's parking standards for the new units (4 units x 1.5 spaces – 10% GOVA reduction = 5 spaces). The Site Plan Control Engineer advised in their comments that the proposed new parking spaces closest to the existing building do not appear to have sufficient depth at the end of the parking aisles to allow vehicles to exit the stalls.

It is recommended that the application be deferred to allow the applicant an opportunity to submit a revised concept plan which demonstrates that the new parking spaces are functional, or that the application be amended to seek additional relief for a reduction in parking spaces.

Building Services, June 4, 2025

Building Services has reviewed your documents and sketches for the requested minor variance and can advise that we have the following comments:

We have no concerns with the requested Minor Variance as listed.

We have a submitted Building Permit application (B21-0067) for the construction of the additional 4 dwelling units. Please note that all previously submitted plans will need to be revised to ensure compliance with current 2024 Ontario Building Code.

Corridor Management, June 4, 2025

No Comment Received

Development Engineering, June 4, 2025

No Concerns

Linear Infrastructure Services, June 4, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNRF), June 4, 2025

No Comment Received

Sudbury Hydro, June 2, 2025

No objections.

Site Plan, May 30, 2025

The proposed parking layout does not appear to have a sufficiently deep bump out at the ends of the parking aisles to allow vehicles to exit the stalls. The plans must be updated to show how vehicles can exit and enter the site in a forward motion.

A site plan amendment is not required for the proposed changes.

Strategic and Environmental Planning, May 30, 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 29, 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.

Conservation Sudbury, May 28, 2025

No Concerns

Meeting Minutes:

06/11/2025 The applicant, Paul Charbonneau and his agent, Vanessa Smith of Tulloch Engineering, appeared for Committee and provided a summary of the Application. The agent addressed the auto-turn analysis plans submitted to Committee in response to staff's comments at the request of Committee Chair Dumont. Committee Chair Dumont asked the agent if the plans were for two different types of vehicles and the agent advised that the two plans depicted a forward motion vehicle and reversing motion vehicle. The applicant advised Committee that the property was previously subject to a rezoning which was now expired but which approved the same site plan. Committee Member Castanza advised Committee that she attended the site and had no issues maneuvering her vehicle around the parking lot and expressed support for the Application. Committee Member Goswell requested staff to speak to the previously approved rezoning and staff advised that they did not have the previous site plan available to compare. Committee Member Goswell asked staff for their opinion on the new information provided by the agent and staff advised that there was no changes as they did not have an opportunity to review the revised plans. Committee Member Goswell expressed support for the Application. Committee Member Murray expressed support for the Application and motion to approve. Committee Chair Dumont requested the Secretary-Treasurer to confirm the recommendation. The Secretary-Treasurer advised Committee that the recommendation was to defer, and a motion would be required if Committee wanted to change the resolution. Committee Member Goswell put forward a motion that was seconded by Committee Member Castanza to grant the Application. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

SUDBURY APARTMENT RENTALS LIMITED

the owner(s) of PIN(s) 021310156, Lots 161-163, Plan 18-SB, Part Lot 5, Concession 4, Township of McKim, 220 King Street, Sudbury P3C 2W1, 222 King Street, Sudbury, ON

for permission under Section 45(2) of the Planning Act, R.S.O. 1990, c. P.13 to expand the legal non-conforming use of the existing building from 12 dwelling units to 16 dwelling units, providing a minimum lot area of 80.0m² per dwelling unit, be approved

Consideration was given to Sections 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.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00069

June 11, 2025

OWNER(S): PATRICK BROUZES, 2570 South Shore Road, Sudbury, ON, Canada

AGENT(S): PATRICK BROUZES, 2570 South Shore Road, Sudbury, ON, Canada

LOCATION: PIN(s) 734720124, Parcel 27188 SEC SES SRO, Lot 26, Plan M-480, Part Lot 12, Concession 2, Township of Broder, 2570 South Shore Road, Sudbury P3G 1M3

SUMMARY

Zoning: The property is zoned R1-1 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 Approvals, June 5, 2025

The purpose and effect of the application is to construct a 113.71 m² accessory building with a height of 7.76 m, whereas the maximum height permitted for accessory buildings 5 m.

The subject lands contain a single detached dwelling with a ground floor area of 222.5 m² and a height of 6 m, a shed, gazebo, and sauna. The subject lands are serviced by lake water and a private septic system, and have an existing access from South Shore Road.

The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan, are zoned 'R1-1' Residential Low Density One within the City of Greater Sudbury Zoning By-law, and are regulated by Conservation Sudbury (NDCA).

Surrounding uses are rural and low density residential in nature.

The accessory building is proposed to be located in the front yard with a setback of 7.6 m from the front lot line. The proposed accessory building will be subordinate in area in comparison to the single detached dwelling but exceed the height of the single detached dwelling by 1.76 m. The applicant advised that the addition height being sought is to accommodate storage. Vegetative buffer exists along the front lot line and interior side lot lines. Staff are of the opinion that the use will be accessory in nature, larger accessory structures are not uncommon in the rural area designation, and the property contains natural vegetation which acts as a visual buffer from the proposed structure.

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.

Building Services, June 4, 2025

Building Services has reviewed your documents and sketches for the requested minor variance and can advise that we have the following comments:

We have no concerns with the requested Minor Variance as listed.

Our records indicate that the Building Permit for the single-family dwelling (B09-0560) has not been closed. Please contact Building Services to arrange the required inspections to complete the project.

We acknowledge Building Permit submission BP-NEW-2025-0489 for the construction of the garage.

Corridor Management, June 4, 2025

No Comment Received

Development Engineering, June 4, 2025

No Concerns

Linear Infrastructure Services, June 4, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNRF), June 4, 2025

No Comment Received

Sudbury Hydro, June 2, 2025

No objections.

Conservation Sudbury, May 30, 2025

Conservation Sudbury has no objection to minor variance MV-2025-00069 to facilitate the construction of a detached garage providing a maximum height at variance with the zoning by-law.

Please note that subject property contains some features regulated by Conservation Sudbury, including floodplain. Any future development in these areas requires permission of Conservation Sudbury. See map attached in pronto.

Site Plan, May 30, 2025

No Concerns

Strategic and Environmental Planning, May 30, 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 29, 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.

Meeting Minutes:

06/11/2025 Committee Member Castanza advised Committee that she attended the site and expressed support for the Application.
Committee Members Goswell and Murray and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

PATRICK BROUZES

the owner(s) of PIN(s) 734720124, Parcel 27188 SEC SES SRO, Lot 26, Plan M-480, Part Lot 12, Concession 2, Township of Broder, 2570 South Shore Road, Sudbury P3G 1M3

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 7.76m, 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.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00041

June 11, 2025

OWNER(S): ADAM MARTEL, 5403 Desmerais Rd, Hanmer, ON, Canada P3P 1R7

AGENT(S): ADAM MARTEL, 5403 Desmerais Rd, Hanmer, ON, Canada P3P 1R7

LOCATION: PIN(s) 735080509, Parcel 32620 SEC SES SRO, Lot 20, Plan M-476, Part Lot 12, Concession 2, Township of Capreol, 4317 Odile Street, Hanmer P3P 1L6

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 main dwelling with three additional dwelling units providing reduced setback with balconies and eaves encroachments at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, June 5, 2025

REVISED:

The purpose and effect of the application is to permit the construction of a single detached dwelling with three additional dwelling units with the following variances:

1. a minimum rear yard setback of 4.6 m, whereas 7.5 m is required;
2. an eave encroachment of 0.5 m into the 4.6 m rear yard setback, whereas eaves may encroach 1.2 m into the required 7.5 m rear yard no closer than 0.6 m to the lot line; and
3. permit the balconies to encroach 2.9 m into the required rear yard and provide a setback of 4.6 m, where balconies may only encroach 1.8 m into the required 7.5 m rear yard.

The lands are subject to Consent Application B0106/2024 which has been conditionally granted, but no certificate issued. The proposed variances are for the severed lot of file B0106/2024.

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 Odile Street.

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 the Pharand (G) Wellhead Protection Area.

Surrounding uses are low density residential in nature.

Subsequent to the first public hearing, the applicant has revised the concept plan to adhere to the minimum parking and landscaped standards, and has increased the rear yard setback.

Staff are supportive of the revisions to the concept plan as it would better maintain the residential character of the area, while providing appropriate parking and rear yard amenity space.

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

Building Services, June 3, 2025

Based on the information provided, Building Services has no concerns with the relief requested.

However, Applicant/Owner to be advised of the following comments:

1) Building Services acknowledges the building area of (242.2m²) and lot area of (625.86m²) provided on the site plan. Based on the information provided, we note a lot coverage calculation of 39%. In review of the associated drawings provided with this application, it appears the foundation footprint (252.2m²) is greater than the building area (242.2m²) noted on the site plan. Applicant/Owner to be aware that this discrepancy would result in a lot coverage calculation of 41%, which exceeds the permitted maximum lot coverage of 40%. Applicant/Owner to ensure related drawings are adjusted accordingly to reflect the building area indicated on the site plan. An exceedance in lot coverage would result in further minor variance.

Building services acknowledges the related building permit application for the proposed single family dwelling with 3 additional dwelling units (BP-NEW-2025-00316). Building Services also acknowledges a revised site plan and drawings provided for the building permit that aligns with this Minor Variance application. As per the above comment, drawings to be adjusted accordingly and uploaded to the building permit via Pronto.

Krista Deredin, Plans Examiner
Building Services

Corridor Management, May 9, 2025

No Comment Received

Development Approvals, May 9, 2025

The purpose and effect of the application is to permit the construction of a single detached dwelling with three additional dwelling units with the following variances:

1. permit parking in the front yard to be 100% of the width (18.3 m), whereas parking is permitted in the front yard to a maximum of 50% of the width of the minimum lot frontage, or the maximum driveway width, whichever is lesser;
2. a minimum 27% landscaped open space in the required front yard, where a minimum of 50% of all required front yards shall be maintained as landscaped open space in R1 zones;
3. a minimum rear yard setback of 3.9 m, whereas 7.5 m is required;
4. an eave encroachment of 0.5 m into the 3.9 m rear yard setback, whereas eaves may encroach 1.2 m into the required 7.5 m rear yard no closer than 0.6 m to the lot line; and
5. permit the balconies to encroach into the required rear yard and provide a setback of 3.9 m, where balconies may only encroach 1.8 m into the required 7.5 m rear yard.

The lands are subject to Consent Application B0106/2024 which has been conditionally granted, but no certificate issued. The proposed variances are for the severed lot of file B0106/2024.

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 Odile Street.

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 the Pharand (G) Wellhead Protection Area within the Source Water Protection Plan.

Surrounding uses are low density residential in nature.

Building Services has advised that the proposed building exceeds the maximum lot coverage of 40%, requiring an additional variance.

Staff have some concerns given the cumulative relief requested that the proposed building footprint may be considered over development for the size of the lot. It is noted that tandem parking is permitted on residential driveways, which may provide an alternative parking arrangement that is closer to conforming to the zoning by-law policies for parking in the front yard and landscaping.

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

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

No Comment Received

Building Services, May 8, 2025

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

1) A review of the drawings provided with this application indicates an additional minor variance will be required for maximum lot coverage. Applicant/Owner to be aware that in accordance with Part 6, Table 6.2 of Zoning By-Law 2010-100z, the maximum lot coverage permitted in an R1-5 zone is 40%. Based on our calculations, the maximum permit lot coverage of 40% has been exceeded.

2) Building services acknowledges the related building permit application for the proposed single family dwelling with 3 additional dwelling units (BP-NEW-2025-00316). Applicant/Owner to be aware that the site plan provided for the Minor Variance Application is to be uploaded to the related building permit application via Pronto.

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.

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 appeared before Committee and provided a summary of the Application. Committee Member Castanza advised Committee that she attended the site and requested the applicant to clarify where the green space was being proposed. The applicant explained to Committee what type of landscaping was proposed and where it would be located. Committee Member Goswell requested staff to clarify the lot coverage comments from Building Services and staff explained the comments and what would be required to address them. The Committee Member confirmed with staff that the lot area was being evaluated on the proposed severed lot and asked staff if the development was minor, and staff provided him with their opinion. The Committee Member expressed support for staff's recommendation. Committee Chair Dumont provided the applicant with information regarding lot coverage, the deferral process, public notice and the minor variance process. The Chair reviewed the comments, emphasizing Building Services and Development Approval's and expressed support for staff's recommendation. The applicant advised Committee how many renderings were done as part of the Application and the different parking options that were submitted to staff. The applicant asked Committee what the total permitted lot coverage was, and staff advised what the permitted lot coverage was for an R1 zoned property. For the benefit of Committee, staff advised that the City was in the process of reviewing parking standards.
- 06/11/2025 The applicant, Adam Martel, appeared before Committee and provided a summary of the revised Application. The Secretary-Treasurer advised Committee that an email outlining opposition to the Application was received from area resident, Julie Doust, which also enclosed a petition signed by other area residents. The Secretary-Treasurer confirmed with Committee their receipt of the email and petition. The applicant responded to the email and petition and advised Committee that he spoke with the neighbours, reduced the size of the building and explained that the height was permitted and that there was sufficient area to store snow. Committee Member Castanza referred the applicant to Building Services' comments regarding the lot coverage. The applicant advised Committee that the lot coverage was addressed, and that the building was under the permitted allowance under the Zoning By-law.

Committee Chair Dumont requested staff to clarify Building Services' comments and staff advised Committee that the concept plan confirmed compliance, but the foundation plan did not. Staff advised that the comments were advisory comments for the applicant.

Committee Member Castanza expressed support for the Application.

Committee Member Goswell acknowledge the area residents petition but advised that the intensification had already been adopted by all level of governments. Committee Member Goswell asked staff if there was a response from Councillor Lapierre who was cc'd on the email and the Secretary-Treasurer advised that staff did not receive any correspondence from the Councillor.

Committee Member Murray expressed discomfort with the provinces' intensification policies and support for the Application as it met the four tests of a minor variance.

Committee Chair Dumont acknowledged the applicant for addressing Committee's concerns from the previous hearing and cautioned him that the foundation plan needed to be corrected.

The following decision was reached:

DECISION:

THAT the application by:

ADAM MARTEL

the owner(s) of PIN(s) 735080509, Parcel 32620 SEC SES SRO, Lot 20, Plan M-476, Part Lot 12, Concession 2, Township of Capreol, 4317 Odile Street, Hanmer P3P 1L6

for relief from Part 4, Section 4.2, Table 4.1 and Part 6, Section 6.3, Table 6.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a main dwelling with three additional dwelling units on the proposed lot, subject to Consent Application B0106/2024, providing firstly, a rear yard setback of 4.6m with eaves encroaching an additional 0.5m, where 7.5m is required and where eaves may encroach 1.2m into the required 7.5m rear yard but not closer than 0.6 m to the lot line, and secondly, for the balconies to encroach 2.9m into the required rear yard and provide a setback of 4.6m from the rear lot line, where balconies may only encroach 1.8m into the required 7.5m rear 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 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.

Public comment has been received and considered and had no effect on Committee of Adjustment's decision as the application represents good planning.

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