



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00048

June 25, 2025

OWNER(S): PINE STREET (NO.5) INC., 1 Adelaide Street E, Toronto, ON, Canada

AGENT(S): PINE STREET (NO.5) INC., 1 Adelaide Street E, Toronto, ON, Canada

LOCATION: PIN(s) 021350219, Lot 35, Plan 3-S, Part Lot 6, Concession 4, Township of McKim, 171 Pine Street, Sudbury P3C 1X2

SUMMARY

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

Application: Approval to legalize additional dwelling units within the existing multiple dwelling providing the number of parking spaces and accessible parking spaces at variance to the By-law.

Comments concerning this application were submitted as follows:

Building Services, June 19, 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,

1. We acknowledge an associated Building Permit application (BP-NEW-2025-00170) to construct 2 dwelling units for a total of 10 dwelling units.

Corridor Management, June 19, 2025

No Comment Received

Ministry of Natural Resources and Forestry (MNR), June 19, 2025

No Comment Received

Strategic and Environmental Planning, June 19, 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.

Development Approvals, June 18, 2025

The purpose and effect of the application is to facilitate the legalization of 2 dwelling units within the existing 8-unit multiple dwelling for a total of 10 dwelling units with the following variances:

1. a minimum of 9 parking spaces, where 15 are required, and

2. 0 accessible parking spaces, where 1 is required.

The subject lands contain a two and a half storey multiple dwelling containing 8 units. The subject lands are serviced by a municipal water and sanitary connection and have access from Pine Street and Vanier Lane.

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

Surrounding uses are commercial in nature.

The lands are located within the Downtown designation of the Official Plan. Residential development is a key priority for the Downtown as a means of stimulating increased investment and business activity, reinforcing the City's urban structure and achieving more efficient pattern of development. All forms of residential development and residential intensification will be encouraged in the Downtown, provided adequate infrastructure and services are available. Compact, walkable and transit-supportive, the Downtown possesses a distinct built form that sets it apart from other urban areas, offering unique opportunities to protect, develop and sustain its role as the vibrant hub of a dynamic city.

The subject lands are located approximately 100 m to a GOVA Route (Elm Street), and are in walking distance from employment opportunities, retail needs, and Queens Athletic Field Park.

The requested relief would result in a property which maintains the character of the downtown area. Given the location and context of the site, staff have no concerns with the requested relief.

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.

Development Engineering, June 18, 2025

No Concerns

Linear Infrastructure Services, June 18, 2025

Roads

No concerns

Traffic

We have no concerns, however, it is important to note that on-street parking is not permitted on the north side of Pine St from Beatty St to College St and on the south side from Hartman to 47-meters east of Hartman. Therefore, any overflow parking that may occur from this site will affect the neighbouring property owners on Pine Street or other area roadways.

Active Transportation

No concerns

Sudbury Hydro, June 18, 2025

No Objections.

Ministry of Transportation, June 17, 2025

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

Site Plan, June 12, 2025

No Concerns

Conservation Sudbury, June 11, 2025

No Concerns

Meeting Minutes:

06/25/2025 The applicant's agent, Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the Application. The Secretary-Treasurer advised Committee that an email was received from area residents Alexander Toffoli and Jacob Gauthier of 143 Pine Street expressing no concern with the Application and confirmed with Committee their receipt of the email. At the request of Committee Chair Goswell, the Secretary-Treasurer read the email for the benefit of the agent. Committee Member Castanza advised Committee that she attended the site and asked the agent the plans for snow removal. The agent advised that excess snow would be removed when needed and would follow-up with the owner to ensure by-laws were complied with. Committee Members Murray and Sawchuk expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:
PINE STREET (NO.5) INC.
the owner(s) of PIN(s) 021350219, Lot 35, Plan 3-S, Part Lot 6, Concession 4, Township of McKim, 171 Pine Street, Sudbury P3C 1X2

for relief from Part 5, Section 5.2, subsection 5.2.3.5, Table 5.2, and Section 5.5, Table 5.5 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the legalization of 2 dwelling units within the existing 8-unit multiple dwelling for a total of 10 dwelling units providing, firstly, 9 required parking spaces, where 15 are required, and secondly, no accessible parking spaces, where 1 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.

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	Concurring
MATTHEW DUMONT	Absent
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00053

June 25, 2025

OWNER(S): JOHNNA MUINONEN, 3751 Sunvalley Ave., Sudbury, ON, Canada P3G1K3
MIKA MUINONEN, 3751 Sunvalley Ave., Sudbury, ON, Canada P3G 1K3

AGENT(S): MARK ELLIOTT ASSOCIATES, 36 PATRICIA ST UNIT 1, LIVELY, ON, Canada P3Y 1B1

LOCATION: PIN(s) 734760180, Parcel 5923 SEC SES, excepting the land covered with the waters of Long Lake within the limit of the said lands, Part Lot 5, Concession 4, Township of Broder, 3751 Sunvalley Avenue, 3751 Sunvalley Avenue, Sudbury P3G 1K3

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 high water mark setback and height at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, June 19, 2025

No Comment Received

Development Approvals, June 19, 2025

The purpose and effect of the application is to facilitate the construction of an 89 m² detached garage with the following variances:

1. a maximum height of 8.23m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, and
2. a high water mark setback of 25.2m, where no person shall erect any residential building or other accessory building or structure closer than 30.0m to the high water mark of a lake.

The subject lands contain a single detached dwelling with a ground floor area of 295 m² and a height of 7.9 m and four accessory buildings/structures. The subject lands are serviced by an individual well and septic system and appear to have access from the abutting parcel to the east to Sunvalley Avenue.

As an advisory note, staff recommend establishing legal access to Sunvalley Avenue if not already in place to ensure legal access.

The subject lands are designated 'Living Area II' within the City of Greater Sudbury Official Plan, are zoned 'R1-2' Low Density Residential One within the City of Greater Sudbury Zoning By-law, and are regulated by Conservation Sudbury (NDCA).

Surrounding uses are rural shoreline, low density residential, and open space park in nature.

The proposed detached garage will be subordinate in area in comparison to the main use being the single detached dwelling. The garage will exceed the dwelling in height by approximately 0.33 m, however due to topography, only exceeds the height of the dwelling on the lakeside of the garage where the walkout is proposed. The area surrounding the proposed building is vegetated acting as a visual buffer from abutting properties. Staff are satisfied that the proposed use of the building will be accessory to the residential use. Staff have no concerns with the requested height relief.

The applicant has advised that they wish to construct the proposed detached garage in the location of a former sleep camp with a similar building footprint to minimize removal of natural vegetation and be in an optimal location to connect to private servicing through the dwelling. The applicant has advised that due to the location of bedrock the structure cannot be located further back from the lake and moving the structure west would require removal of natural vegetation. The building is located outside of the 20 m shoreline buffer area which remains primarily in a natural vegetated state and only a portion of the building is located within the 30 m high water mark setback. Given the context of the subject lands, staff have no concerns with the requested high water mark setback for a portion of a proposed accessory building.

Conservation Sudbury (NDCA) and Strategic and Environmental Planning have no objections to the application.

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 (MNR), June 19, 2025

No Comment Received

Strategic and Environmental Planning, June 19, 2025

Staff in Strategic and Environmental Planning have reviewed the proposed development. The proposed development requests relief to the highwater mark setback for a proposed new detached garage from 30 metres to 25.2 metres. Staff rely on policy 3 of section 8.4.1 of the City's Official Plan when considering reductions to the highwater mark setback, which may permit a reduction only if:

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

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

The applicant is advised that compliance with the federal Migratory Bird Convention Act, 1994, the federal Fisheries Act, 1985, the provincial Fish and Wildlife Conservation Act, 1997, and the

provincial Endangered Species Act, 2007, is their sole responsibility.

Conservation Sudbury, June 18, 2025

Conservation Sudbury has no objection to Minor Variance application MV-2025-00053 to facilitate the construction of a detached garage at variance with the zoning by-law.

Subject property contains areas regulated by Conservation Sudbury, including flood and erosion hazard. However, location of the garage is located outside of both of these hazard. Future development in regulated areas requires permission of Conservation Sudbury.

Development Engineering, June 18, 2025

No Concerns

Linear Infrastructure Services, June 18, 2025

No Concerns

Sudbury Hydro, June 18, 2025

Contact the Engineering department if a service upgrade or disconnect is required 705-675-7536 Ext 2220.

Building Services, June 17, 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 Building Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for the proposed detached garage.
- 2) Owner to be aware that sheds greater than 15m² require a building permit in accordance with the Ontario Building Code Article 1.3.1.1. of Division C. Applicant/Owner to also be aware that with the exception of sheds, accessory buildings and structures greater than 10 m² (108 ft²) would also be subject to the Ontario Building Code and would require a building permit.
- 3) A search of our records indicates an incomplete building permit for the subject property for interior & exterior alterations (BP-NEW-2025-00238). Please contact Building Services to proceed in closing this project.

Ministry of Transportation, June 17, 2025

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

Site Plan, June 12, 2025

No Concerns

Meeting Minutes:

06/25/2025 The applicant's agent, Mark Elliott of Mark Elliott Associates, appeared before Committee and provided a summary of the Application.
Sandra Willock, representing the Long Lake Stewardship Committee, appeared before Committee and provided comments in support of the Application.
Committee Member Castanza advised Committee that she attended the site and spoke with the owner and supports the Application.
Committee Members Murray and Sawchuk expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

JOHNNA MUINONEN AND MIKA MUINONEN

the owner(s) of PIN(s) 734760180, Parcel 5923 SEC SES, excepting the land covered with the waters of Long Lake within the limit of the said lands, Part Lot 5, Concession 4, Township of Broder, 3751 Sunvalley Avenue, 3751 Sunvalley Avenue, Sudbury P3G 1K3

for relief from Part 4, Section 4.2, subsection 4.2.4 (a) and 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 construction of a detached garage providing, firstly, a max height of 8.23m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, and secondly, a high water mark setback of 25.2m, where no person shall erect any residential building or other accessory building or structure closer than 30.0m to the high water mark of a lake, be granted.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00070

June 25, 2025

OWNER(S): VINCENZO VOCATURO, 144 RINKSIDE, SUDBURY, ON, Canada

AGENT(S): CR DESIGN, 2200 Lakeshore Blvd West Unit 3609, Toronto, ON, Canada

LOCATION: PIN(s) 735880393, Parcel 7382 SEC SES, Lot 234, Plan M-128, Part Lot 8, Concession 2, Township of McKim, 60 Gutcher Avenue, Sudbury P3C 3H8

SUMMARY

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

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

Comments concerning this application were submitted as follows:

Corridor Management, June 19, 2025

No Comment Received

Ministry of Natural Resources and Forestry (MNR), June 19, 2025

No Comment Received

Strategic and Environmental Planning, June 19, 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.

Development Approvals, June 18, 2025

The purpose and effect of the application is to facilitate the construction of a 74.3 m² detached garage with the following variances:

1. a maximum accessory lot coverage of 20%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and
2. a maximum lot coverage of 51%, where 50% is permitted.

The subject lands contain a 113.9 m² single detached dwelling, a deck, and a detached garage that is to be replaced with the proposed new detached garage. The subject lands are serviced by a municipal water and sanitary connection and have access from Gutcher Avenue and 'Unnamed Lane 21'.

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

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

Surrounding uses are low density residential and park in nature.

Although the proposed accessory building would have a lot coverage of 20% which is double than permitted, it will be subordinate in area and height in comparison to the main use of the lands being the single detached dwelling and have the effect of exceeding total lot coverage of all buildings and structures by 1%. All other accessory building standards are being met and the 10% minimum landscaped area is being maintained as rear yard amenity space and front yard landscaping. Staff are satisfied that the subject lands will remain functional as a result of the variances.

Given that the applicants' intended use is for vehicle and boat storage and there is insufficient space to access the rear yard by vehicle, it is assumed that the garage will be accessed by 'Unnamed Lane 21', which is maintained rear round by the City of Greater Sudbury.

Overall, the site will not be out of character with the surrounding area comprised of narrow low density residential through lots that are reliant on 'unnamed Lanes' for access to accessory buildings and are permitted 50% lot coverage as of right within the Zoning By-law.

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.

Development Engineering, June 18, 2025

No Concerns

Linear Infrastructure Services, June 18, 2025

No Concerns

Sudbury Hydro, June 18, 2025

No objections.

Building Services, June 17, 2025

Based on the information provided, we can advise that Building Services has no concerns with this application.

Owner to be informed of the following information:

1. Building permit and building permit documents, to the satisfaction of the Chief Building Official, are required for the proposed construction.
2. In accordance with the Ontario Building Code, the exposed building face shall be considered in the design of the proposed detached garage.

Ministry of Transportation, June 17, 2025

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

Site Plan, June 12, 2025

No Concerns

Conservation Sudbury, June 11, 2025

No Concerns

Meeting Minutes:

06/25/2025 This Application was moved to the end of the agenda to allow the applicant or agent the opportunity to attend the hearing as no one was in attendance to represent the Application when it was called.
 The applicant’s agent, Rohit Walia, 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 Murray and Sawchuk expressed support for staff’s recommendation.

The following decision was reached:

DECISION:

THAT the application by:
VINCENZO VOCATURO

the owner(s) of PIN(s) 735880393, Parcel 7382 SEC SES, Lot 234, Plan M-128, Part Lot 8, Concession 2, Township of McKim, 60 Gutcher Avenue, Sudbury P3C 3H8

for relief from Part 4, Section 4.2, subsection 4.2.3 and Part 6, Section 6.3, Table 6.4 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, firstly, an accessory lot coverage of 20%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and secondly, a maximum lot coverage of 51%, where 50% is permitted 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	Concurring
MATTHEW DUMONT	Absent
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00071

June 25, 2025

OWNER(S): ANDREW FAHEY, 50 Bonin Street, Chelmsford, ON, Canada P0M1L0
LIANA HOLM, 50 Bonin Street, Chelmsford, Ontario, Canada POM 1L0

AGENT(S): ANDREW FAHEY, 50 Bonin, Chelmsford, ON, Canada P0M1L0

LOCATION: PIN(s) 733450756, Part Lot 11, Concession 4, being Part 2, Plan 53R-8555 and Part 1, Plan 53R-18487, except Part 2, Plan 53R-18487, Township of Rayside, 50 Bonin Street, 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 multiple detached accessory buildings providing accessory lot coverage and maximum lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

Building Services, June 19, 2025

For the Applicant’s information, Building permits shall be required to the satisfaction of the Chief Building Official for the proposed accessory structures . Owner to be aware that sheds greater than?15m2 require a building permit in accordance with the Ontario Building Code Article 1.3.1.1. of Division C.? Applicant/Owner to also be aware that with the exception of sheds, accessory buildings and structures greater than 10 m2 (108 ft2) are also be subject to the Ontario Building Code and would require a building permit.?

Conservation Sudbury, June 19, 2025

Conservation Sudbury has reviewed Minor Variance application MV-2025-00071 to approve the construction of multiple detached accessory structures providing maximum lot coverage at variance to the City of Greater Sudbury zoning by-law

Subject property is adjacent to a municipal drain (Sylvestre Drain B, see map attached in pronto). Municipal drain has an associated flood proxy hazard and an erosion hazard. Erosion hazard is 15m from the top of the bank of the municipal drain.

Conservation Sudbury has no objection to the lot coverage exemptions being sought, however structures over 15m square in size will require to be located outside of the erosion hazard. Please consult with Conservation Sudbury at NDCA@ConservationSudbury.ca as you move forward with building permits applications.

Corridor Management, June 19, 2025

No Comment Received

Development Approvals, June 19, 2025

The purpose and effect of the application is to facilitate the construction of a 168.4 m² storage building and a 92.88 m² gazebo with a maximum lot coverage for all buildings and structures of 16%, where 10% is permitted.

The subject lands contain a 382.8 m² single detached dwelling with a three-car garage, a pool, and a 47.5 m² detached garage. The subject lands are serviced by a municipal water connection and private septic system and have access from Bonin Street.

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, agricultural, and industrial in nature.

Staff are satisfied that the proposed storage building and gazebo will be accessory in nature to the main use being the single detached dwelling. Residential character will be maintained as a result of the proposed accessory buildings as the dwelling will remain visually predominant. The two proposed accessory buildings will remain subordinate in area in comparison to the single detached dwelling. It is noted that the maximum lot coverage for accessory buildings is being maintained as a result of the proposal, however, given the size of the dwelling, relief is required for total lot coverage. All accessory building standards are being met. The cumulative area of accessory buildings and structures on the property will not exceed the area of the single detached dwelling. Staff are of the opinion that the subject lands will remain functional as a result of the increased lot coverage and will not be out of character with surrounding area being rural in nature.

Conservation Sudbury (NDCA) has no objections to lot coverage however has advised that the north portion of the lands are located within a flood and erosion hazard associated with a municipal drain. As an advisory comment, NDCA has noted that buildings and structures greater than 15 m² will need to be relocated outside of the erosion hazard. This will be addressed through 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 (MNR), June 19, 2025

No Comment Received

Strategic and Environmental Planning, June 19, 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.

Development Engineering, June 18, 2025

No Concerns

Linear Infrastructure Services, June 18, 2025

No Concerns

Sudbury Hydro, June 18, 2025

No concerns - outside of our territory.

Ministry of Transportation, June 17, 2025

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

Site Plan, June 12, 2025

No Concerns

Meeting Minutes:

06/25/2025 The applicant, Andrew Fahey, appeared before Committee and provided a summary of the Application.
Committee Member Castanza asked the applicant to confirm that he had removed the large storage building at the rear from the application and the applicant confirmed that he had.
Committee Members Murray and Sawchuk expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

ANDREW FAHEY AND LIANA HOLM

the owner(s) of PIN(s) 733450756, Part Lot 11, Concession 4, being Part 2, Plan 53R-8555 and Part 1, Plan 53R-18487, except Part 2, Plan 53R-18487, Township of Rayside, 50 Bonin Street, Chelmsford P0M 1L0

for relief from 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 a storage building and gazebo providing a maximum lot coverage of 16%, where 10% is permitted, 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	Absent
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Absent
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00074

June 25, 2025

OWNER(S): BROOKE HOWES, 1167 Prestige Place, Sudbury, ON, Canada P3A4X1
KEN ROBINEAU, 1167 Prestige Place, Sudbury, Ontario, Canada P3A4X1

AGENT(S): CR DESIGN, 2200 Lakeshore Blvd West, Unit 3609, Toronto, ON, Canada

LOCATION: PIN(s) 735810523, Firstly: Part Lot 105, Plan M-129, being Parts 2 & 3, Plan 53R-20665; Secondly: Lot 106, Plan M-129, being Part 4, Plan 53R-20665, Part Lot 2, Concession 3, Township of McKim, 51 Downing Street, Sudbury P3B 3E7

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 dwelling with covered porch and detached accessory building providing highwater mark setback and location, and height at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, June 19, 2025

No Comment Received

Development Approvals, June 19, 2025

See PDF

Ministry of Natural Resources and Forestry (MNRF), June 19, 2025

No Comment Received

Strategic and Environmental Planning, June 19, 2025

The proposed development requests relief to the highwater mark setback for the construction of an existing dwelling from 30 metres to 13.0 metres, where the existing dwelling is currently 12.2 metres setback from the highwater mark. Staff acknowledge that this is 0.8 metres further from the highwater mark than the existing dwelling unit that is to be demolished. Staff rely on policy 3 of section 8.4.1 of the City's Official Plan when considering reductions to the highwater mark setback, which may permit a reduction only if:

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

Staff acknowledge that the proposed dwelling is setback further from the highwater mark and that the portion within the required shoreline buffer area is roughly equal to the existing dwelling. As such, staff are of the opinion the proposed development is consistent with policy 8.4.1 of the Official Plan.

It does appear that area outside of the highwater mark area could accommodate the proposed dwelling. Staff strongly encourage the applicant to reconsider the location of the dwelling, pushing it further east toward Downing Street.

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.

Development Engineering, June 18, 2025

No Concerns

Linear Infrastructure Services, June 18, 2025

No Concerns

Source Water Protection, June 18, 2025

Proposed demo of existing house and construction of a new SFD and a new detached garage within the Ramsey Lake IPZ "3". No significant drinking water threat identified at this time.

Sudbury Hydro, June 18, 2025

No objections.

Building Services, June 17, 2025

Building Services has reviewed your application PL-MV-2025-00074 and have no concern, however applicant to be advised of the following:

- 1) Building Services acknowledges the receipt of BP-DEM-2025-00026 (Demolish existing Single Family Dwelling), BP-NEW-2025-00464 (Erect Single Family Dwelling) and BP-NEW-2025-00558 (Erect Detached Garage with Loft).
- 2) Ensure height of the proposed Single Family Dwelling does not exceed 11m. An additional minor variance would be required if the height exceeds 11m.
- 3) A driveway entrance permit is required for the new proposed driveway.

Conservation Sudbury, June 17, 2025

Conservation Sudbury has no objection to MV-2025-00074 to facilitate the construction of a dwelling with covered porch and detached accessory building providing highwater mark setback and location, and height at variance to the By-law.

Subject property contains features regulated by Conservation Sudbury pursuant to the Conservation Authorities Act including an erosion and flood hazard. A Section 28 permit from Conservation Sudbury is required at the building permit stage.

Ministry of Transportation, June 17, 2025

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

Site Plan, June 12, 2025

No Concerns

Meeting Minutes:

06/25/2025 The applicant, Brooke Howes and her agent, Rohit Walia, appeared before Committee. The agent provided a summary of the Application. The applicant provided some history of the property and the Minnow Lake area, their plans for the property and their reason for the proposed height of the detached garage. Committee Member Castanza advised Committee that she attended the site and clarified with the applicant what the foundation would be. Committee Member Castanza advised that her opinion was that the garage would not be out of character due to the location of the property and the topography of the property. Committee Member Murray expressed agreement with Committee Member Castanza. Committee Member Sawchuk expressed support for staff's recommendation to allow for additional information to be submitted. At the request of Committee Chair Goswell, the Secretary-Treasurer confirmed the wording of the resolution. Committee Member Sawchuk expressed both understanding of the resolution and support for staff's recommendation. Committee Member Murray suggested that the information provided by the applicant regarding buffering should be explored but would still consider a motion. Committee Chair Goswell advised the applicant and agent that Committee would not make amendments to the Application during the hearing. Committee Member Castanza expressed concern with deferring the proposed garage. Committee Member Murray advised Committee that he didn't disagree with Committee Member Castanza's opinion in that the proposed garage would not be out of character.

The following decision was reached:

DECISION:

THAT the application by:

BROOKE HOWES AND KEN ROBINEAU

the owner(s) of PIN(s) 735810523, Firstly: Part Lot 105, Plan M-129, being Parts 2 & 3, Plan 53R-20665; Secondly: Lot 106, Plan M-129, being Part 4, Plan 53R-20665, Part Lot 2, Concession 3, Township of McKim, 51 Downing Street, Sudbury P3B 3E7

for relief from Part 4, Section 4.41, subsections 4.41.2 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a single detached dwelling with covered porch providing high water mark setbacks of 13.0m for the single detached dwelling and 18.5m for the covered porch, where accessory buildings or structures shall be no closer than 30.0m to the high water mark and where the only permitted structures within 20.0m of the high water mark are the permitted accessory structures set out in 4.41.2 of the Zoning By-law, boat launches, marine railways, waterlines and heat pump loops, be granted.

Consideration was given to Section 45(1) of the *Planning Act*, R.S.O.1990, c. P.13, as amended,

including written and oral submissions related to the Application, it is our opinion the variances are minor in nature and is desirable for the appropriate development and use of the land and Buildings. The general intent and purpose of the By-law and the Official Plan are maintained.

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

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