



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00004

March 5, 2025

OWNER(S): BAILEY EMOND, 4100 Theresa Ave, Hanker, ON, Canada
TIFFANY SABOURIN, 4100 Theresa Avenue, Hanmer, Ontario, Canada P3P 1N7

AGENT(S): BAILEY EMOND, 4100 Theresa Ave, Hanker, ON, Canada

LOCATION: PIN(s) 735080453, Parcel 36699 SEC SES SRO, Lot 73, Plan M-490, Part Lot 12, Concession 2, Township of Capreol, 4100 Theresa Avenue, Hanmer P3P 1N7

SUMMARY

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

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

Comments concerning this application were submitted as follows:

Corridor Management, February 27, 2025

No Comment Received

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

No Comment Received

Building Services, February 26, 2025

Based on the information provided, Building Services has no concerns with this application, however, the owner is to be advised of the following comments:

1) From our records, it appears there may be structures placed/constructed on the property without the benefit of a building permit (Shed with Lean-to). A building permit shall be required for the construction of any structure that is greater than 15 m² (160 ft²), for storage purposes only. A building permit application and building permit documents are to be submitted to the satisfaction on the Chief Building Official. Please contact the Building Services Department for more information on the building permit process.

Linear Infrastructure Services, February 26, 2025

No Concerns

Development Approvals, February 25, 2025

The purpose and effect of the application is to permit an 110 m² accessory building with a height of 5.5 m, whereas the maximum permitted is 5 m and a maximum total lot coverage for accessory buildings of 11%, where a maximum of 10% is permitted.

The subject lands contain a 81.4 m² single detached dwelling with a height of 5.5 m and an accessory building. The subject lands are serviced by a municipal water and sanitary connection and have access from Theresa Avenue.

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

Surrounding uses are residential in nature.

Accessory is defined within the Zoning By-law as "a use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot."

The accessory building is proposed to be located in the rear yard, 36.3 m from the front lot line and will not exceed the height of the main use being the single detached dwelling. Although the size of the accessory building will exceed the single detached dwelling, staff are satisfied that the use will be accessory to the residential dwelling as the applicant has indicated its intended use is for storage and a car lift. Overall, staff are satisfied that the building will appear and function accessory to the main residential use.

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

Development Engineering, February 25, 2025

No Concerns

Strategic and Environmental Planning, February 24, 2025

No Concerns

Sudbury Hydro, February 24, 2025

No Concerns

Site Plan, February 21, 2025

No Concerns

Ministry of Transportation, February 19, 2025

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

Conservation Sudbury, February 18, 2025

No Concerns

Meeting Minutes:

03/05/2025 The applicant, Bailey Emond, appeared virtually before the Committee and provided a summary of the Application.
The Committee Members and Chair expressed support for the Application and staff recommendation.

The following decision was reached:

DECISION:

THAT the application by:

BAILEY EMOND AND TIFFANY SABOURIN

the owner(s) of PIN(s) 735080453, Parcel 36699 SEC SES SRO, Lot 73, Plan M-490, Part Lot 12, Concession 2, Township of Capreol, 4100 Theresa Avenue, Hanmer P3P 1N7

for relief from Part 4, Section 4.2, subsections 4.2.3 and 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, firstly, accessory lot coverage of 11%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and secondly, a maximum height of 5.5m, 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 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
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00005

March 5, 2025

OWNER(S): BEAU FRESCURA, 3140 SouthShore rd, Sudbury, ON, Canada
AMY FRESCURA, 3140 South Shore Road, Sudbury, Ontario, Canada P3G 1M2

AGENT(S): BEAU FRESCURA, 3140 South Shore Road, Sudbury, Ontario, Canada P3G 1M2

LOCATION: PIN(s) 734720161, Parcel 22576 SEC SES SRO, Lot 57, Plan M-480; and Part Lot 12, Concession 1, Broder Location DE 146 Part 3, Plan 53R-9720, Township of Broder, 3140 South Shore Road, Sudbury P3G 1M2

SUMMARY

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

Application: Approval to construct a single detached dwelling and leaching bed providing setbacks, eaves encroachments and high water mark setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, February 27, 2025

No Comment Received

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

No Comment Received

Sudbury Hydro, February 27, 2025

If breaking soil surface, locates would be required, contact: Ontario One Call at 1-800-400-2255.

Linear Infrastructure Services, February 26, 2025

No Concerns

Building Services, February 25, 2025

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

1) Only a Seasonal Dwelling is a permitted use on a property zoned SLS.

Owner to be informed of the following comments:

2) A Building Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for proposed construction. Additional relief may be requested at that time.

3) A Demolition Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for demolition of the existing seasonal dwelling.

4) Our research indicates that the existing lakehouse appears to have been built after 1995 without benefit of a building permit. Please contact Building Services if assistance is required for permit application.

Development Approvals, February 25, 2025

The purpose and effect of the application is to permit the construction of a 195.25 m² seasonal dwelling with the following variances:

1. a minimum north interior side yard setback of 2.42 m, whereas 3 m is required;
2. an eave encroachment of 1.01 m into the northern interior side yard setback of 2.42 m, whereas a 0.6 m encroachment is permitted in the required 3 m interior side yard setback, no closer than 0.6 m to the lot line;
3. a minimum south interior side yard setback of 1.53 m, whereas 3 m is required;
4. an eave encroachment of 0.73 m into the southern interior side yard setback of 1.53 m, whereas a 0.6 m encroachment is permitted in the required 3 m interior side yard setback, no closer than 0.6 m to the lot line; and
5. a minimum high water mark setback of 21 m for a leaching bed, whereas 30 m is required.

The subject lands contain a seasonal dwelling that is intended to be demolished and replaced and accessory buildings. The subject lands are serviced by lake water and a private septic system and have access from South Shore Road.

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

Surrounding uses are seasonal limited service and rural in nature.

A seasonal dwelling is permitted within this zone category and is defined as a single detached dwelling or mobile home dwelling erected and used as a secondary place of residence for seasonal vacations and recreational purposes and not as the principal residence of the owner or occupant thereof. It is also noted that an additional dwelling unit is not permitted in seasonal dwellings.

Subsequent to the January 22nd 2025 Committee of Adjustment meeting, the applicant increased the proposed setback of the septic system from 12 m from the high water mark to 21 m from the high water mark. Staff's previous concerns have been addressed as the septic system will be located outside of the natural vegetative buffer area. Additionally, the applicant has provided supplementary information on the type of proposed septic system, which is designed to "digest 99% of wastewater contaminants, recycling clean water into the environment."

Staff do not have a concern with the requested interior side yard setback and eaves variances as adequate space will be maintained for access and maintenance purposes.

It is recommended that the application be granted.

Development Engineering, February 25, 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 0.6 m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

Conservation Sudbury, February 24, 2025

Conservation Sudbury has no objection to MV-2025-00005. Some fill has to be placed within the floodplain to facilitate the septic system. No additional fill is to be placed within the floodplain.

Conservation Sudbury has not issued a permit for the “lake house”, as shown on the plot plan. Habitable structures are generally not permitted within the flood hazard. The landowners are encouraged to contact our office (Sarah Woods, sarah.woods@conservationsudbury.ca, 705-674-5249 ext 201) to bring the site into compliance with the Conservation Authorities Act.

Site Plan, February 21, 2025

No Concerns

Strategic and Environmental Planning, February 20, 2025

No Concerns

Ministry of Transportation, February 19, 2025

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

Meeting Minutes:

01/22/2025 The applicant, Beau Frescura, appeared before Committee and at the direction of the Chair provided a focused summary around the variance for the leaching bed. Philip Zylberberg appeared before Committee on behalf of the Long Lake Stewardship Committee and summarized the Stewardship’s position and concerns with the Application, specifically the variances for the leaching bed. He provided comments relating to a redesign and support for Strategic and Environmental Planning’s comments. The applicant advised Committee that Conservation Sudbury had no objections to the Application, and they approved the septic in the past. He advised Committee that the septic permit was still active, his septic system contractor suggested the system and supports the proposed location. Committee Member Castanza advised that she attended the site. She acknowledged the septic system contractor’s expertise,

expressed concern with the Stewardship's suggestion of a holding tank and expressed support for the Application. Committee Member Goswell expressed support for a deferral. He disagreed with Committee Member Castanza's comments regarding holding tanks and made reference to regulations around gas stations. He strongly opposed the leaching bed being so close to Long Lake. Committee Member Sawchuk requested staff to clarify their recommendation and if there was room to improve the setback of the field bed to the lake. Staff advised that a deferral would provide an opportunity for the applicant to work towards a solution and reduce the impact on Long Lake. He asked the applicant to clarify the location of the wells and the applicant explained the reasoning for the two proposed locations. He asked the applicant what the minimum distance requirement was for a well and field bed, the applicant believed that it was 30.0 feet. Staff provided the required distance. He expressed appreciation for the applicant's efforts and asked him if there was room for improvement. The applicant advised that the house plan was final, and the septic system was recommended by his septic system contractor. The applicant expressed opposition to holding tanks and explained that the system is what was suggested. Committee Member Sawchuk expressed support for staff's recommendation to allow the applicant an opportunity to make adjustments to the development. Committee Member Murray asked staff what an approved septic permit entails and if it was active. Staff advised that the Health Unit has authority to issue septic permits and a copy of the permit was included in the submission materials, however zoning compliance was still required. Staff advised that Building Services would look to ensure compliance when issuing a building permit. He asked staff if the Health Unit looks at different criteria to issue permits and not at zoning compliance and staff confirmed that was correct. He expressed support for staff's recommendation as he required more information. Committee Chair Dumont expressed support for staff's recommendation. He noted problems with the submission in relation to the zoning standards and the preliminary conversations that, in his opinion, the applicant should have had. He suggested that the applicant advise the septic system contractor as to the zoning requirements and that there should be some compromise. He advised the applicant that staff's comments need to be addressed and that he should possibly hire a professional planner to assist him. The applicant advised that he had engaged a professional planner and was aware of the Official Plan policy. He advised that the lot size is insufficient to allow for the desired development, and that the terrain and soil condition impact where it can go. The applicant advised that if they were to keep their existing home, the existing septic system could not remain in its current location. He explained that the only available location is where it was being proposed and that it would be the same proposed size to allow for expansion.

03/05/2025 The applicant, Beau Frescura, appeared before Committee and provided a summary of the Application addressing the changes to the Application since the January 22, 2025, Committee of Adjustment meeting.

Committee Chair Dumont requested the applicant to address the Long Lake Stewardship Committee's question posed in their letter to Committee regarding the location of the dwelling, and the applicant provided Committee with the reasons why the dwelling is in the location proposed in the Application.

Philip Zylberberg appeared before Committee on behalf of the Long Lake Stewardship Committee and summarized the Stewardship's comments and position on the Application.

Committee Member Castanza had no concerns with the Application. Committee Member Goswell commended the applicant for their efforts to address staffs and Committee's concerns. Committee Member Sawchuk expressed support for staff's recommendation and commended the applicant for addressing the deficiencies. Committee Chair Dumont expressed appreciation to staff and the applicant for their efforts to address Committee's concerns.

The following decision was reached:

DECISION:

THAT the application by:

BEAU FRESCURA AND AMY FRESCURA

the owner(s) of PIN(s) 734720161, Parcel 22576 SEC SES SRO, Lot 57, Plan M-480; and Part Lot 12, Concession 1, Broder Location DE 146 Part 3, Plan 53R-9720, Township of Broder, 3140 South Shore Road, Sudbury P3G 1M2

For relief from Part 4, Section 4.2, Table 4.1 and Section 4.41, subsection 4.41.2 (c) and Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to facilitate the following, firstly, the construction of a single detached dwelling providing a north interior side yard setback of 2.42m with eaves encroaching 1.01m into the proposed 2.42m setback and a south interior side yard setback of 1.53m with eaves encroaching 0.73m into the proposed 1.53m setback, where a minimum 3.0m interior side yard setback is required and where eaves may encroach 0.6 m into the required interior yard but not closer than 0.6 m to the lot line, and secondly, a leaching bed providing a 21.0m setback from the high water mark, where no person shall construct a leaching bed closer than 30.0 m from 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
Justin Sawchuk	Concurring
Matthew Dumont	Concurring
Ron Goswell	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00006

March 5, 2025

OWNER(S): 920067 ONTARIO LIMITED, 366 Bodson Drive Box 21, Hanmer, ON, Canada

AGENT(S): 749459 ONTARIO LTD - KATMIC CONSTRUCTION, 366 Bodson Dr, Box 21, Hanmer, ON, Canada P3P 1S9

LOCATION: PIN(s) 735031612, Part Lot 1, Concession 3, Part 1, Plan 53R-15318 and Part 3, Plan 53R-16043, except Part 37, Plan 53R-19125, 53M-1299, 53M-1339, 53M-1378 and 53M-1406, together with an easement over Part 2, Plan 53R-16043, Township of Hanmer, 0 Serenna Drive, Hanmer, Ontario

SUMMARY

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

Application: Approval to construct a single detached dwelling on the subject property providing no frontage onto an assumed road at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, February 27, 2025

No Comment Received

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

No Comment Received

Development Approvals, February 26, 2025

The purpose and effect of the application is to permit the construction of a single detached dwelling without frontage on a public road, whereas no person shall construct any dwelling on a lot without frontage onto an assumed public road.

The subject lands are currently vacant of buildings and structures. The single detached dwelling will be serviced with a private well and septic system. The lands are accessed from a 20 m wide easement across the lands to the north to Gravel Drive.

The subject lands are designated 'Living Area I' in the City's Official Plan and are zoned 'FD' Future Development within the City of Greater Sudbury Zoning By-law.

Surrounding uses are rural, residential, and future development in nature.

The lands are subject to two previous consent applications (B0361/1994 & B0107/1997) which had the effect of creating the subject lands and the 20 m wide access easement for future development purposes. A single detached dwelling is a permitted use in the 'FD' Zone. In order to ensure that the proposed single detached dwelling does not compromise future development of the lands, staff have specified within the resolution that the dwelling will be a minimum of 26 m from the eastern interior side lot line in order to provide sufficient setback should the 20 m wide road be constructed in the future. As an advisory comment, it is also strongly recommended that the proposed well and septic system be in a location that would not compromise the future development of the lands.

Given that the 20 m wide access easement is existing and was contemplated as a form of access at the time of the severance application, staff have no additional concerns with the variance to allow a single detached dwelling without frontage on an assumed public road.

It is recommended that relief from Part 4, Section 4.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, in order to facilitate the construction of a single detached dwelling with a minimum east interior side yard setback of 26.0m, providing no frontage onto an assumed road, whereas no person shall erect any building on any lot that does not have frontage on an assumed road, be granted.

Linear Infrastructure Services, February 26, 2025

Roads

Staff can not support this application because it is not clear for the staff where is the access from road for this property and application.

Traffic

No concerns

Active Transportation

No concerns

Building Services, February 25, 2025

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

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 proposed construction. Additional relief may be requested at that time.

Development Engineering, February 25, 2025

No Concerns

Sudbury Hydro, February 24, 2025

No Concerns

Site Plan, February 21, 2025

No Concerns

Strategic and Environmental Planning, February 20, 2025

No Concerns

Ministry of Transportation, February 19, 2025

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

Conservation Sudbury, February 18, 2025

No Concerns

Meeting Minutes:

03/05/2025 The applicant's authorized representative, Matthew Brule, appeared before Committee and provided a summary of the Application. Committee Member Castanza asked the applicant where the access was, and the applicant advised that it was on Gravel Drive. Committee Members Goswell and Sawchuk expressed support for the Application and staff's recommendation. Committee Chair Dumont requested clarification from staff regarding the 26.0m setback to the east lot line for the dwelling and staff provided clarification. Committee Chair Dumont had no objections with the Application and was supportive.

The following decision was reached:

DECISION:

THAT the application by:
920067 ONTARIO LIMITED
the owner(s) of PIN(s) 735031612, Part Lot 1, Concession 3, Part 1, Plan 53R-15318 and Part 3, Plan 53R-16043, except Part 37, Plan 53R-19125, 53M-1299, 53M-1339, 53M-1378 and 53M-1406, together with an easement over Part 2, Plan 53R-16043, Township of Hanmer, 0 Serenna Drive, Hanmer, Ontario

for relief from Part 4, Section 4.3 of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, in order to facilitate the construction of a single detached dwelling with a minimum east interior side yard setback of 26.0m, providing no frontage onto an assumed road, whereas no person shall erect any building on any lot that does not have frontage on an assumed road, be granted.

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

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

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