



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00010

May 14, 2025

OWNER(S): MICHAEL SHANTZ, 449 Lake Point Court, Sudbury, ON, Canada

AGENT(S): PROSPEC ENGINEERING AND ARCHITECTURE, 206-2153 Armstrong Street, Sudbury, ON, Canada

LOCATION: PIN(s) 735810094 and 735810095, Parcels 833 and 834 SEC SES, Part Lot 8, Plan M-14, Part Lot 2, Concession 3, Township of McKim, 449 Lake Point Court, Sudbury P3E 6J3

SUMMARY

Zoning: The property is zoned R1-3 according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct an addition on the existing detached garage and a retaining wall providing setbacks and location to the high water mark at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, May 9, 2025

No Comment Received

Development Approvals, May 9, 2025

The purpose and effect of the application is to permit the construction of a 20.81 m² addition to an existing garage and a retaining wall with the following variances:

1. a minimum high water mark setback of 19 m for the garage addition, whereas 30 m is required;
2. a minimum high water mark setback of 17.1 m for the retaining wall, whereas 30 m is required;
- and
3. to permit a garage addition and retaining wall within 20 m of the high water mark, whereas only boathouses, docks, decks, stairs, water pumps, and saunas are permitted within 20 m of the high water mark.

The subject lands contain a single detached dwelling, two accessory buildings, and a sauna. The subject lands are serviced by lake water and a private septic system and have access from Lake Point Court.

The subject lands are designated 'Living Area I' in the City's Official Plan, are zoned 'R1-3' Low Density Residential One in the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA), and are located within the Ramsey Lake Intake Protection Zone 3 under the Source Water Protection Plan.

Surrounding uses are low density residential in nature.

The subject lands are pie shaped resulting in majority of the subject lands being located within the high water mark, including all of the existing buildings. The proposed addition would not be located any closer to the lake than the existing dwelling. The proposed addition is 20.81 m² in size and is located in an area that would preserve natural vegetation. The shoreline buffer area appears to remain predominantly in a natural vegetated state.

Strategic and Environmental Planning and Nickel District Conservation Authority has no objections to the proposed variances.

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

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

No Comment Received

Source Water Protection, May 8, 2025

No Concerns

Development Approvals, May 7, 2025

No Concerns

Development Engineering, May 7, 2025

No Concerns

Conservation Sudbury, May 6, 2025

Conservation Sudbury has no objection to Minor Variance MV-2025-00010 to facilitate the construction of an addition to an existing detached garage.

Subject property contains features regulated by Conservation Sudbury, including floodplain. See map attached. Future development in regulated areas requires permission of Conservation Sudbury.

Linear Infrastructure Services, May 6, 2025

No Concerns

Building Services, May 5, 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 separate Building Permit and documents will be required to be completed to the satisfaction of the Chief Building Official for both the retaining wall and addition to the detached garage. Owner to be aware, any retaining wall 1m or greater in height is considered a designated structure and requires a Professional Engineers design licensed in the Province of Ontario in accordance with Ontario Building Code, Division A, Part 1, Sections 1.1.2.2. (2)(c) & 1.3.1.1. (1)(a).?

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) As shown on the site plan provided, a building separation of 0.8m has been indicated between the existing single family dwelling and the proposed addition to the detached garage. Applicant/Owner to be aware, as the soffits project less than 1.2m midway between the existing single family dwelling and the garage addition, the soffits will be required to be protected using fire resistant material in accordance with the 2024 Ontario Building Code, Part 9, 9.10.14.5. (12).?

Ministry of Transportation, May 5, 2025

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

Strategic and Environmental Planning, May 5, 2025

Staff in Strategic and Environmental Planning have reviewed the proposed development against section 8.4 SURFACE WATER RESOURCES – LAKES, RIVERS AND STREAMS and chapter 9.0 Natural Environment of the City's Official Plan. Policy 3.c. of 8.4.1 General Policies permits a reduction to the highwater mark setback where the proposal is for an addition to an existing building or replacement of a leaching bed where the setback is not further reduced. The addition to the garage is not closer than the existing dwelling to the highwater mark. As such, staff do not object to the proposed 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.

Sudbury Hydro, May 5, 2025

No Concerns

Site Plan, May 2, 2025

No Concerns

Meeting Minutes:

05/14/2025 The applicant's agents, Ethan Murphy and Shayne Bol of Prospec Engineering Ltd., appeared before Committee and provided a summary of the Application. Committee Member Castanza advised Committee that she attended the site and supported staff's recommendation. Committee Member Goswell and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

MICHAEL SHANTZ

the owner of PINs 735810094 and 735810095, Parcels 833 and 834 SEC SES, Part Lot 8, Plan M-14, Part Lot 2, Concession 3, Township of McKim, 449 Lake Point Court, Sudbury P3E 6J3

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 an addition on the existing detached garage and a retaining wall providing a high water setback of 19.0m for the addition on the existing detached garage and 17.1m for the retaining wall, 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	Absent
JUSTIN SAWCHUK	Absent
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00029

May 14, 2025

OWNER(S): SARA CAMPAGNARO, 2622 Niemi Drive, Greater Sudbury, ON, Canada P3G1H5

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

LOCATION: PIN(s) 734740109, Parcel 20102 SEC SES SRO, Lot 1, Plan M-283, Part Lot 9, Concession 5, Township of Broder, 2622 Niemi Drive, Sudbury P3G 1H5

SUMMARY

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

Application: To permit the existing seasonal dwelling with eaves, existing leaching bed and existing accessory buildings and structures on the subject property providing setbacks, high water mark setbacks and locations and encroachments at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, May 9, 2025

No Comment Received

Development Approvals, May 9, 2025

The purpose and effect of the application is to recognize existing buildings and structures that are not in compliance with the zoning by-law. More specifically the applicant has applied for the following variances:

1. the existing seasonal dwelling with a rear yard setback of 6.9 m with eaves encroaching 0.46 m, where a 10 m rear yard setback is required and eaves are permitted to encroach 1.2 m into the required yard no closer than 0.6 m to the lot line;
2. the existing seasonal dwelling with an interior side yard setback of 1.8 m with eaves encroaching 0.43 m, where a 3 m interior side yard setback is required and eaves are permitted to encroach 0.6 m into the interior side yard no closer than 0.6 m to the lot line;
3. the existing seasonal dwelling setback 11 m from the high water mark, where 30 m is required and where only accessory structures set out in subsection 4.41.1, boat launches, marine railways, waterlines and heat pump loops are permitted within 20 m of the high water mark and the area permitted to be cleared of natural vegetation;
4. the existing leaching bed to be setback 19.5 m from the high water mark where 30 m is required;
5. the existing boathouse with an interior side yard setback of 0.32 m, whereas 3 m is required;
6. the existing 2.57 m tall retaining wall with a 0 m setback from the rear lot line, where 1.2 m is required;
7. the existing 1.83 m tall attached deck to encroach and have an interior side yard setback of 0.6 m, where an uncovered deck greater than 1.2 m may encroach 1.2 m into the interior side yard but no closer than 1.2 m to the interior side lot line; and
8. the existing 2.57 m tall retaining wall to be located 11.4 m from the highwater mark, where 30 m is

required and where only accessory structures set out in subsection 4.41.1, boat launches, marine railways, waterlines and heat pump loops are permitted within 20 m of the high water mark and the area permitted to be cleared of natural vegetation.

The subject lands contain a seasonal dwelling with an attached deck, a detached deck, two sheds that have been identified by the applicant as being removed, a boathouse, and retaining wall. The subject lands are serviced by lake water and a private septic system and have access Niemi Drive. 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.

The subject lands are irregularly shaped with the depth on one side being 31 m and the other side 40 m resulting in majority of the subject lands being located within the high water mark, including all of the existing buildings.

Conservation Sudbury advised of no objections to the application as the seasonal dwelling is located outside of the proxy flood hazard and the erosion hazard is negated by the presence of bedrock.

Strategic and Environmental Planning recognize that the septic system is located as far from the water as it can be and as an advisory comment encourage the owners to allow the vegetative buffer to renaturalize to improve phosphorus levels.

Given the irregular shape, limited depth, presence of bedrock, and topography of the subject lands, staff are of the opinion that the variances are considered to be minor in nature, an appropriate use of the lands, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted subject to the following conditions:

1. That a letter of tolerance and/or encroachment agreement be obtained for the retaining wall within a one year period from the date of decision.
2. That the two sheds which encroach outside of the boundaries of the subject lands be removed within a one year period from the date of decision.

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) With respect to the sheds encroaching outside of the easterly and southerly boundaries of the subject property, we acknowledge that the site plan indicates the sheds are to be removed. Should the sheds maintain their existing location, further minor variances would apply and an encroachment agreement/letter of tolerance would be required.
- 2) Applicant/Owner to be aware that Building Services acknowledges building permit (B21-2050) that will be utilized to address the as-built construction of the single family dwelling that was built beyond the scope of the issued building permit.
- 3) Owner/Applicant to be informed that an encroachment agreement/letter of tolerance is required for the retaining wall encroaching outside of the north easterly portion of the property. Building Services acknowledges a building permit application to legalize the retaining wall.

4) Applicant/Owner to be aware that the site plan provided for the Minor Variance Application differs from the site plan provided for building permit (B21-2050). Please upload the updated site plan to the associated building permit record via Pronto.

Conservation Sudbury, May 7, 2025

Conservation Sudbury has no objection to Minor Variances described in application MV-2025-00029. Property is subject to a proxy flood hazard and an erosion hazard. The seasonal dwelling is located outside of the proxy flood hazard. The erosion hazard on the property is negated by the presence of consolidated bedrock (as verified in a site visit on May 7, 2025).

Conservation Sudbury previously issued a permit for the leaching bed (Permit #2022-03). The accessory structures are exempt from O. Reg 41/24 based on their size.

Development Engineering, May 7, 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 0.43m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

Linear Infrastructure Services, May 6, 2025

No Concerns

Ministry of Transportation, May 5, 2025

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

Strategic and Environmental Planning, May 5, 2025

Staff in Strategic and Environmental Planning have reviewed the proposed development against section 8.4 SURFACE WATER RESOURCES – LAKES, RIVERS AND STREAMS and chapter 9.0 Natural Environment of the City's Official Plan. Policy 3.c. of 8.4.1 General Policies permits a reduction to the highwater mark setback where sufficient lot depth is not available. While a greater setback to the highwater mark setback is preferred, staff acknowledge that the septic system is setback as far as possible from the highwater mark setback. As such, staff do not oppose the minor variance.

Staff recommend that the owner allow the vegetative buffer to renaturalize - the vegetative buffer will stabilize the shoreline and help reduce nutrients entering the lake. Crooked Lake is identified as an a lake with phosphorus enrichment concerns and subject to enhanced management 2 policies. Allowing the vegetative buffer to be reestablished will aid in phosphorus management.

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

Sudbury Hydro, May 5, 2025

No Concerns

Site Plan, May 2, 2025

No Concerns

Meeting Minutes:

05/14/2025 The applicant's agent, Vanessa Smith of Tulloch Engineering, appeared before Committee and provided a summary of the Application. Committee Chair Dumont asked the agent if there were any objections to the one-year timeline to clear the conditions and the agent confirmed that there were no objections and that the applicants were already working on addressing the conditions. Committee Member Castanza advised Committee that she attended the site and supported the Application. Committee Member Goswell and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:
SARA CAMPAGNARO

the owner of PIN 734740109, Parcel 20102 SEC SES SRO, Lot 1, Plan M-283, Part Lot 9, Concession 5, Township of Broder, 2622 Niemi Drive, Sudbury P3G 1H5

for relief from Part 4, Section 4.2, Table 4.1 and Section 4.41, subsections 4.41.2 and 4.41.4 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, for the following: firstly, the existing seasonal dwelling to provide rear yard setback of 6.9m with eaves encroaching an additional 0.46m, where 10.0m is required and where eaves may encroach 1.2 m into the required yard but not closer than 0.6 m to the lot line; secondly, the existing seasonal dwelling to provide in interior side yard setback of 1.8m with eaves encroaching an additional 0.43m, where 3.0m is required and where eaves may encroach 0.6 m into the required yard but not closer than 0.6 m to the lot line; thirdly, the existing seasonal dwelling to provide and be located 11.0m setback from the high water mark, where 30.0m is required and where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3; fourthly, the existing leaching bed to provide a high water mark setback of 19.5m, where 30.0m is required; fifthly, the existing boathouse to provide an interior side yard setback of 0.32m, where a boathouse may be no closer than 3.0m to the interior side yard located above the high water mark; sixthly, the existing 2.57m high retaining wall to provide no (0.0m) setback from the rear lot line, where a 1.2m is required; seventhly, the existing 1.83m high attached deck on the seasonal dwelling to encroach and provide an interior side yard setback of 0.6m, where an uncovered deck greater than 1.2m in height may encroach 1.2m into the interior side yard but no closer than 1.2m to the interior side lot line; and eighthly, the existing 2.57m high retaining wall to provide and be located 11.4m setback from the high water mark, where 30.0m is required and where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3, be granted, subject to the following conditions:

1. That a letter of tolerance and/or encroachment agreement be obtained for the retaining wall within a one-year period from the date of decision to the satisfaction of the Chief Building Official.

2. That the two sheds which encroach outside of the boundaries of the subject lands be removed within a one-year period from the date of decision to the satisfaction of the Chief Building Official.

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	Absent
JUSTIN SAWCHUK	Absent
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00034

May 14, 2025

OWNER(S): LAURIE AUBERTIN, 324 Catherine Dr, Garson, ON, Canada
LARRY AUBERTIN, 324 Catherine Dr, Garson, Ontario, Canada

AGENT(S): LAURIE AUBERTIN, 324 Catherine Dr, Garson, ON, Canada

LOCATION: PIN(s) 735140201, Firstly: Location CL 10027, Part 1, Plan 53R-16233; Secondly: Part Summer Resort Location SB7, Part Lot 3, Concession 6, Township of Scadding, 116 Bayview Road, Scadding P0M 3C0

SUMMARY

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

Application: Approval to reconstruct the seasonal dwelling, to construct a detached accessory building and to permit existing accessory structures on the subject property providing high water mark setbacks and location, setbacks to lot lines, and eave encroachments at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, May 9, 2025

No Comment Received

Development Approvals, May 9, 2025

The purpose and effect of the application is to permit the reconstruction of a seasonal dwelling, the construction of a garage, and to recognize an existing office/storage shed with the following variances:

1. a minimum high water mark setback of 15 m for the seasonal dwelling, whereas 30 m is required;
2. a minimum high water mark setback of 19.8 m for the detached garage, whereas 30 m is required;
3. a minimum high water mark setback of 3 m for the office/storage shed, whereas 30 m is required;
4. to permit the seasonal dwelling, detached garage, and office/storage shed within 20 m of the high water mark, whereas only boathouses, docks, decks, stairs, water pumps, and saunas are permitted within 20 m of the high water mark;
5. a minimum rear yard setback of 1.5 m for the seasonal dwelling with eaves encroaching 0.3 m into the 1.5 m setback, whereas a rear yard setback of 7.5 m is required and eaves are permitted to encroach 1.2 m into the required rear yard no closer than 0.6 m to the lot line; and
6. a minimum front yard setback of 3 m for the office/storage shed with eaves encroaching 0.3 m into the 3 m setback, whereas a front yard setback of 10 m is required and eaves are permitted to encroach 1.2 m into the required front yard no closer than 0.6 m to the lot line.

The subject lands contain a seasonal dwelling, private cabin, gazebo, and three accessory buildings. The subject lands are serviced by lake water and a privy and holding tank. The lands appear to be accessed through 114 Bayview Road to Bayview Road.

The subject lands are designated 'Rural' in the City's Official Plan and are zoned 'RS' Rural Shoreline in the City of Greater Sudbury Zoning By-law.

Surrounding uses are rural shoreline and open space conservation in nature.

The subject lands are irregular shaped and are entirely located within the high water mark. The applicant is proposing to demolish the existing 76.8 m² seasonal dwelling and replace with a 111 m² seasonal dwelling that is proposed to be located no closer to the lake than the existing dwelling. The detached garage is proposed to be located further from the lake than the seasonal dwelling, as far from the lake as possible while maintaining interior side yard setback.

As an advisory comment, it is noted that Home Occupations are not permitted within accessory buildings and must adhere to the policies of Section 4.14 of the Zoning By-law. The lands are located outside of the jurisdiction of the Nickel District Conservation Authority (NDCA).

Strategic and Environmental Planning have no objection to the application, and as an advisory comment encourage the owner to allow the vegetative buffer to renaturalize to help improve the phosphorus levels of the lake.

Given the characteristics of the subject land, staff are of the opinion that the variances are considered to be minor in nature, and appropriate use of the lands, 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), May 9, 2025

No Comment Received

Building Services, May 7, 2025

Building Services has reviewed your application for Minor Variance related to 116 Bayview and has no concerns, however owner is to be advised of the following:

- 1) A building permit to the satisfaction of the Chief Building Official is required for the new Proposed Camp and Proposed Garage.
- 2) A building permit to the satisfaction of the Chief Building Official is required to legalize the "Office/Storage" building (4.8m x 4.8m; #2 on the provided plot plan).
- 3) Health Unit approval is required for all developments/building permits.

Development Engineering, May 7, 2025

No Concerns

Linear Infrastructure Services, May 6, 2025

No Concerns

Ministry of Transportation, May 5, 2025

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

Strategic and Environmental Planning, May 5, 2025

Staff in Strategic and Environmental Planning have reviewed the proposed development against section 8.4 SURFACE WATER RESOURCES – LAKES, RIVERS AND STREAMS and chapter 9.0 Natural Environment of the City's Official Plan. Kukagami Lake is noted as both a lake of phosphorus concern and is subject to enhanced management 2 policies, and is a lake trout lake. As the proposal is a redevelopment of an existing site and is not an intensification, policies related to enhanced management and lake trout lakes do not apply.

Policy 3.c. of 8.4.1 General Policies permits a reduction to the highwater mark setback where sufficient lot depth is not available. As such, staff do not oppose the minor variance.

Staff recommend that the owner allow the vegetative buffer to renaturalize - the vegetative buffer will stabilize the shoreline and help reduce nutrients entering the lake, aiding in reduced phosphorus loading.

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

Sudbury Hydro, May 5, 2025

No concerns - outside of our territory

Site Plan, May 2, 2025

No Concerns

Conservation Sudbury, April 30, 2025

No Concerns

Meeting Minutes:

- 05/14/2025 The applicants appeared before Committee and provided a summary of the Application. Area resident Karyn Geeza of 118 Bayview Road appeared before Committee and expressed support for the Application. Committee Member Castanza advised Committee that she attended the site and supported the Application. Committee Member Goswell and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

LAURIE AUBERTIN AND LARRY AUBERTIN

the owner(s) of PIN(s) 735140201, Firstly: Location CL 10027, Part 1, Plan 53R-16233; Secondly: Part Summer Resort Location SB7, Part Lot 3, Concession 6, Township of Scadding, 116 Bayview Road, Scadding P0M 3C0

for relief from Part 4, Section 4.2, Table 4.1 and Section 4.41, subsections 4.41.2 and 4.41.4 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 reconstruction of the seasonal dwelling, the construction of a detached garage and to permit the existing office/storage shed providing, firstly, a high water mark setback of 15.0m for the seasonal dwelling, 19.8m for the detached garage and 3.0m for the office/storage shed, where a residential building or other 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 and boat launches, marine railways, waterlines and heat pump loops, secondly, for the seasonal dwelling to provide a rear yard setback of 1.5m with eaves encroaching 0.3m into the proposed 1.5m setback, where 7.5m is required and where eaves may encroach 1.2m into the required rear yard but not closer than 0.6m to the lot line, and thirdly, to permit the existing office/storage shed to provide a front yard setback of 3.0m with an eaves encroaching 0.3m into the proposed 3.0m setback, where 10.0m is required where eaves may encroach 1.2m into the required front yard but not closer than 0.6m to the lot line, be granted.

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

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	Absent
JUSTIN SAWCHUK	Absent
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00044

May 14, 2025

OWNER(S): DOMINION PARK DEVELOPMENT, 100 RADISSON, CHELMSFORD, ON, Canada

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

LOCATION: PIN(s) 735041108, Parcel M1114-124-1 SES SRO, Lot 134, Plan M-1114, Part Lot 5, Concession 2, Township of Hanmer, 0 Vanier Avenue, #Lot 134A, Hanmer, Ontario

SUMMARY

Zoning: The property is zoned R2-2 according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a semi-detached dwelling on a proposed lot identified as Lot 134A on the Site Plan, subject of a future Consent application, providing a maximum lot coverage and rear yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, May 9, 2025

No Comment Received

Development Approvals, May 9, 2025

The purpose and effect of the application is to construct a 324 m² semi-detached dwelling (162 m²/unit) with a lot coverage of 50%, whereas the maximum lot coverage permitted is 40% and a rear yard setback of 6.5 m, where 7.5 m is required.

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

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan, are zoned 'R2-2' Low Density Residential Two within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).

Surrounding uses are low density residential and park in nature.

Staff have no concerns with the proposed lot coverage or rear yard setback deficiency as the proposed built form will result in a functional site with appropriate parking, landscaping, rear yard access, and private amenity space.

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.

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

No Comment Received

Development Engineering, May 7, 2025

No Concerns

Building Services, May 6, 2025

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

However, Owner to be informed of the following information:

- 1) The party wall on the proposed property line shall be constructed as a fire separation with a 1-hour fire resistance rating and is continuous from top of footing to the underside of the roof sheathing.
- 2) Building permit and building permit documents, to the satisfaction of the Chief Building Official, are required for the proposed construction.

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's agent, Rohit Walia, appeared before Committee and provided summaries for both Applications PL-MV-2025-00044 and PL-MV-2025-00051. Committee Members Castanza and Goswell expressed support for the Applications and staff's recommendations. Committee Chair Dumont referenced Committee's previous discussion at the April 30, 2025, Committee of Adjustment meeting regarding the number of applications required for the type of development that was being proposed and expressed support for the Applications.

The following decision was reached:

DECISION:

THAT the application by:

DOMINION PARK DEVELOPMENT

the owner of PIN 735041108, Parcel M1114-124-1 SES SRO, Lot 134, Plan M-1114, Part Lot 5, Concession 2, Township of Hanmer, 0 Vanier Avenue, #Lot 134A, Hanmer, Ontario

for relief from Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, as amended, for approval to construct a semi-detached dwelling on a proposed lot identified as Lot 134A on the Site Plan, subject of a future Consent application providing, firstly, a rear yard setback of 6.5m, where 7.5m is required, and secondly, a maximum 50% lot coverage, where a maximum 40% 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	Absent
JUSTIN SAWCHUK	Absent
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00051

May 14, 2025

OWNER(S): DOMINION PARK DEVELOPMENT, 100 RADISSON, CHELMSFORD, ON, Canada

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

LOCATION: PIN(s) 735041108, Parcel M1114-124-1 SES SRO, Lot 134, Plan M-1114, Part Lot 5, Concession 2, Township of Hanmer, 0 Vanier Avenue, #Lot 134B, Valley East, Ontario

SUMMARY

Zoning: The property is zoned R2-2 according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a semi-detached dwelling on a proposed lot identified as Lot 134B on the Site Plan, subject of a future Consent application, providing a maximum lot coverage and rear yard setback at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, May 9, 2025

No Comment Received

Development Approvals, May 9, 2025

The purpose and effect of the application is to construct a 324 m² semi-detached dwelling (162 m²/unit) with a lot coverage of 50%, whereas the maximum lot coverage permitted is 40% and a rear yard setback of 6.5 m, where 7.5 m is required.

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

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan, are zoned 'R2-2' Low Density Residential Two within the City of Greater Sudbury Zoning By-law, and are regulated by the Nickel District Conservation Authority (NDCA).

Surrounding uses are low density residential and park in nature.

Staff have no concerns with the proposed lot coverage or rear yard setback deficiency as the proposed built form will result in a functional site with appropriate parking, landscaping, rear yard access, and private amenity space.

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.

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

No Comment Received

Development Engineering, May 7, 2025

No Concerns

Building Services, May 6, 2025

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

However, Owner to be informed of the following information:

- 1) The party wall on the proposed property line shall be constructed as a fire separation with a 1-hour fire resistance rating and is continuous from top of footing to the underside of the roof sheathing.
- 2) Building permit and building permit documents, to the satisfaction of the Chief Building Official, are required for the proposed construction.

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

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Sudbury Hydro, May 5, 2025

No concerns - outside of our territory.

Site Plan, May 2, 2025

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Conservation Sudbury, April 30, 2025

No Concerns

Meeting Minutes:

05/14/2025 The applicant's agent, Rohit Walia, appeared before Committee and provided summaries for both Applications PL-MV-2025-00044 and PL-MV-2025-00051. Committee Members Castanza and Goswell expressed support for the Applications and staff's recommendations. Committee Chair Dumont referenced Committee's previous discussion at the April 30, 2025, Committee of Adjustment meeting regarding the number of applications required for the type of development that was being proposed and expressed support for the Applications.

The following decision was reached:

DECISION:

THAT the application by:

DOMINION PARK DEVELOPMENT

the owner of PIN 735041108, Parcel M1114-124-1 SES SRO, Lot 134, Plan M-1114, Part Lot 5, Concession 2, Township of Hanmer, 0 Vanier Avenue, #Lot 134B, Valley East, Ontario

for relief from Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, as amended, for approval to construct a semi-detached dwelling on a proposed lot identified as Lot 134B on the Site Plan, subject of a future Consent application providing, firstly, a rear yard setback of 6.5m, where 7.5m is required, and secondly, a maximum 50% lot coverage, where a maximum 40% 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	Absent
JUSTIN SAWCHUK	Absent
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring