



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00033

May 28, 2025

OWNER(S): 7055579 CANADA INC., 18 Jeanine Street, Sudbury, ON, Canada

AGENT(S): TULLOCH ENGINEERING INC., 131 Fielding Road, Lively, ON, Canada P3Y1L7

LOCATION: PIN(s) 735730201, Parcel 35323 SEC SES, Parts 1-4, Plan SR-3153, Part Lot 12, Concession 4, Township of Neelon, 281 Falconbridge Road, Sudbury P3A 5K4

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SUMMARY

Zoning: The property is zoned C2(128) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct an addition to the existing building at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, May 21, 2025

No Comment Received

Development Approvals, May 21, 2025

The purpose and effect of the application is to permit the construction of an indoor pool and amenity area addition to the existing building, whereas the only permitted uses shall be a hotel or shared housing contained within the existing building.

The subject lands contain a building for shared housing that is serviced by a municipal water and sanitary connection with access from Falconbridge Road.

The subject lands are designated 'Regional Corridor' within the City of Greater Sudbury Official Plan and are zoned 'C2(128)' General Commercial Special. Notwithstanding any other provision hereof to the contrary, within any area designated C2(128) on the Zone Maps, all provisions of the By-law applicable to C2 Zones shall apply subject to the following modifications:

- i. The only permitted uses shall be a hotel or shared housing contained within the existing building;
- ii. The location and height of the existing building shall be permitted; and
- iii. Shared housing shall be permitted on a lot abutting Falconbridge Road.

Surrounding uses are industrial and residential in nature.

The lands are subject to a Site Plan Control Application.

Staff have no concerns with the proposed addition to the building to accommodate an indoor pool and amenity area accessory to shared housing. No increase in rooms is being proposed at this time. The proposed addition will not be located any closer to the rear or interior side yard than the existing building.

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.

Development Engineering, May 21, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNRF), May 21, 2025

No Comment Received

Strategic and Environmental Planning, May 21, 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.

Sudbury Hydro, May 21, 2025

No Concerns

Linear Infrastructure Services, May 20, 2025

No Concerns

Building Services, May 16, 2025

No Concerns

Site Plan, May 16, 2025

No Concerns

Ministry of Transportation, May 15, 2025

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

Conservation Sudbury, May 14, 2025

No Concerns

Meeting Minutes:

05/28/2025 The applicant's agent, Aaron Ariganello, appeared before Committee and provided a summary of the Application.  
Dianne Soucy and Fern Soucy of 19 Elmhurst Court appeared before Committee and asked what changes were being proposed to the subject property adjacent to their property.  
The agent provided the setbacks of the building and the proposed addition and advised that the property adjacent to the concerned parties' lands would remain a grassed area and that the changes being referred to in the Application were on the opposite side of the property. Committee Chair Dumont requested the agent to contact the residents to address their questions not relating to the Application.  
Staff provided the definition of 'shared housing'.  
The Secretary-Treasurer confirmed with Committee their receipt of the email of concern received from Jennifer Cassidy of Elmhurst Court.  
The agent addressed the email of concern advising Committee that the hotel was a permitted use and that he would bring the resident's concerns regarding the construction activity to the owner's attention.  
Committee Member Castanza advised Committee that she attended the site and had no issues with the Application.  
Committee Members Goswell, Sawchuk and Murray, and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

7055579 CANADA INC.

the owner(s) of PIN(s) 735730201, Parcel 35323 SEC SES, Parts 1-4, Plan SR-3153, Part Lot 12, Concession 4, Township of Neelon, 281 Falconbridge Road, Sudbury P3A 5K4

for relief from Part 11, Section 2, subsection (2), paragraph (www), clause (i), of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the construction of an indoor pool and amenity area addition to the existing building, where the only permitted uses shall be a hotel or shared housing contained within the existing building, 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.

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

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



**COMMITTEE OF ADJUSTMENT**

SUBMISSION NO. PL-MV-2025-00045

May 28, 2025

OWNER(S): FRANCINE HOULE, 17 Cottage Lane, Skead, ON, Canada  
DENIS HOULE, 17 Cottage Lane, Skead, ON, Canada

AGENT(S): DENIS HOULE, 17 Cottage Lane, Skead, ON, Canada

LOCATION: PIN(s) 735130205, Parcel 11451 SEC SES, Part Mining Claim S28056, except Part 2, Plan 53R-11000, Part Lot 5, Concession 5, Township of MacLennan, 17 Cottage Lane, Skead P0M 2Y0

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**SUMMARY**

Zoning: The property is zoned R1-1 according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval for the proposed retained lot subject of a future Consent application providing a minimum lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

Building Services, May 21, 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,

Applicant/Owner to be aware that sheds greater than 15m<sup>2</sup> 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 m<sup>2</sup> (108 ft<sup>2</sup>) would also be subject to the Ontario Building Code and would require a building permit. If the existing sheds and sauna were built at time of applicable by-law (76-327), building permits may be required.

Ryan Russell, Plans Examiner  
Building Services

Conservation Sudbury, May 21, 2025

Conservation Sudbury has no objection to minor variance MV-2025-00045 regarding the lot frontage on the retained lot. Please note that the retained lot has shoreline along Lake Wanapitei that has an associated flood and erosion hazard. Future development near the shoreline requires permission of Conservation Sudbury.

Corridor Management, May 21, 2025

No Comment Received

## Development Approvals, May 21, 2025

The purpose and effect of the application is to permit a minimum lot frontage of 9.71m, where 45.0m is required for a future retained lot.

The subject lands contain a single detached dwelling, two accessory buildings and a sauna. The lands are serviced by a private well and septic system and have existing access from Benn Drive.

The subject lands are designated 'Living Area II' within the City of Greater Sudbury Official Plan, are zoned 'R1-1' Low Density Residential One 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 in nature.

The subject lands are irregular in shape, have a frontage of 19.42 m along Benn Drive, and a lot area of 24,200 m<sup>2</sup>. Although the proposed consent application would result in two lots that are further away from compliance with the minimum lot frontage requirements of the R1-1 Zone, both parcels will meet the minimum lot area requirements. The official plan contemplates infill development within the 'Living Area II' areas subject to appropriate site conditions. The applicant will need to demonstrate private servicing through the consent process. Lots that are irregular in shape with less than 45 m frontage are not out of character for the area.

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.

## Development Engineering, May 21, 2025

No Concerns

## Ministry of Natural Resources and Forestry (MNR), May 21, 2025

No Comment Received

## Strategic and Environmental Planning, May 21, 2025

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

## Sudbury Hydro, May 21, 2025

No concerns - outside of our service territory.

## Linear Infrastructure Services, May 20, 2025

No Concerns

## Site Plan, May 16, 2025

No Concerns

Ministry of Transportation, May 15, 2025

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

Meeting Minutes:

05/28/2025 Committee Chair Dumont requested confirmation from the Committee Members of their agreement to consider applications PL-MV-2025-00045 and PL-MV-2025-00046, at the same time as it involved the same property. Committee Members agreed. The applicants, Francine Houle and Denis Houle, appeared before Committee and provided a summary of the Applications. Committee Chair Dumont asked the applicants why there was so little frontage being requested and the applicant provided an explanation as to why. Committee Member Castanza advised Committee that she attended the site and had no issues with the Applications. Committee Members Goswell, Sawchuk and Murray, and Committee Chair Dumont expressed support for the Applications and staff's recommendations.

The following decision was reached:

DECISION:

THAT the application by:  
 FRANCINE HOULE AND DENIS HOULE  
 the owner(s) of PIN(s) 735130205, Parcel 11451 SEC SES, Part Mining Claim S28056, except Part 2, Plan 53R-11000, Part Lot 5, Concession 5, Township of MacLennan, 17 Cottage Lane, Skead P0M 2Y0 for relief from Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve a lot to be retained subject of a future Consent application, providing a minimum lot frontage of 9.71m, where 45.0m 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 variance is minor in nature and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan are maintained.

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

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00046

May 28, 2025

OWNER(S): FRANCINE HOULE, 17 Cottage Lane, Skead, ON, Canada  
DENIS HOULE, 17 Cottage Lane, Skead, ON, Canada

AGENT(S): DENIS HOULE, 17 Cottage Lane, Skead, ON, Canada

LOCATION: PIN(s) 735130205, Parcel 11451 SEC SES, Part Mining Claim S28056, except Part 2, Plan 53R-11000, Part Lot 5, Concession 5, Township of MacLennan, 17 Cottage Lane, Skead P0M 2Y0

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SUMMARY

Zoning: The property is zoned R1-1 according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval for the proposed severed lot subject of a future Consent application providing a minimum lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

Building Services, May 21, 2025

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

Ryan Russell, Plans Examiner  
Building Services

Conservation Sudbury, May 21, 2025

No Concerns

Corridor Management, May 21, 2025

No Comment Received

Development Approvals, May 21, 2025

The purpose and effect of the application is to permit a minimum lot frontage of 9.71m, where 45.0m is required for a future severed lot.

The subject lands are currently vacant of buildings and structures. The lands will be serviced by a private well and septic system and have access from Benn Drive. Benn Drive is a year round maintained local road under the jurisdiction of the City of Greater Sudbury.

The subject lands are designated 'Living Area II' within the City of Greater Sudbury Official Plan, are zoned 'R1-1' Low Density Residential One 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 in nature.

The subject lands are irregular in shape, have a frontage of 19.42 m along Benn Drive, and a lot area of 24,200 m<sup>2</sup>. Although the proposed consent application would result in two lots that are further away from compliance with the minimum lot frontage requirements of the R1-1 Zone, both parcels will meet the minimum lot area requirements. The official plan contemplates infill development within the 'Living Area II' areas subject to appropriate site conditions. The applicant will need to demonstrate private servicing through the consent process. Lots that are irregular in shape with less than 45 m frontage are not out of character for the area.

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.

Development Engineering, May 21, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNR), May 21, 2025

No Comment Received

Strategic and Environmental Planning, May 21, 2025

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

Sudbury Hydro, May 21, 2025

No concerns - outside of our service territory.

Linear Infrastructure Services, May 20, 2025

No Concerns

Site Plan, May 16, 2025

No Concerns

Ministry of Transportation, May 15, 2025

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

Meeting Minutes:

05/28/2025 Committee Chair Dumont requested confirmation from the Committee Members of their agreement to consider applications PL-MV-2025-00045 and PL-MV-2025-00046, at the same time as it involved the same property. Committee Members agreed.

The applicants, Francine Houle and Denis Houle, appeared before Committee and provided a summary of the Applications.  
Committee Chair Dumont asked the applicants why there was so little frontage being requested and the applicant provided an explanation as to why.  
Committee Member Castanza advised Committee that she attended the site and had no issues with the Applications.  
Committee Members Goswell, Sawchuk and Murray, and Committee Chair Dumont expressed support for the Applications and staff's recommendations.

The following decision was reached:

**DECISION:**

THAT the application by:

FRANCINE HOULE AND DENIS HOULE

the owner(s) of PIN(s) 735130205, Parcel 11451 SEC SES, Part Mining Claim S28056, except Part 2, Plan 53R-11000, Part Lot 5, Concession 5, Township of MacLennan, 17 Cottage Lane, Skead P0M 2Y0

for relief from Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve a lot to be severed subject of a future Consent application, providing a minimum lot frontage of 9.71m, where 45.0m 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 variance is minor in nature and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan are maintained.

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

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00050

May 28, 2025

OWNER(S): TYLER BURTON, 368 Gordon Lake Road, CHELMSFORD, ON, Canada

AGENT(S): TYLER BURTON, 368 Gordon Lake Road, CHELMSFORD, ON, Canada

LOCATION: PIN(s) 733530081, Parcel 16951 SEC SWS, Part Lot 1, Concession 2 and Part 2, Plan 53R-6415, except Part 1, 53R-5468, Township of Dowling, 368 Gordon Lake Road, Chelmsford P0M 1L0

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SUMMARY

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

Application: Approval for the proposed severed lot subject of Consent Application PL-CON-2025-00003 providing a minimum lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, May 21, 2025

No Comment Received

Development Approvals, May 21, 2025

The purpose and effect of the application is to permit a minimum lot frontage of 54.5 m, where 90.0m is required for a lot proposed to be severed (file #: PL-CON-2025-00003).

The subject lands contain a single detached dwelling and accessory building. The lands are serviced by a private well and septic system and have existing access from Gordon Lake Road.

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

It is recognized that the lands are subject to previous Consent Applications file #'s B0051/2018, B0052/2018, and B0053/2018, which received conditional approval and lapsed. The lands are currently subject to Consent Application PL-CON-2025-00003, which was conditionally approved. One of the conditions required the applicant to complete a minor variance application for deficient lot frontage.

Surrounding uses are rural in nature.

It is noted that the severed lands are considered to be a corner lot as it will abut both Gordon Lake Road and Pilon Crescent. The Zoning By-law defines the front lot line for corner lots to be the shorter of the two. Given that the consent was previously granted and the lot will maintain the rural character staff have no concerns.

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.

Development Engineering, May 21, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNRF), May 21, 2025

No Comment Received

Strategic and Environmental Planning, May 21, 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.

Sudbury Hydro, May 21, 2025

No concerns - outside of our service territory.

Linear Infrastructure Services, May 20, 2025

No Concerns

Building Services, May 16, 2025

No Concerns

Site Plan, May 16, 2025

No Concerns

Conservation Sudbury, May 15, 2025

Conservation Sudbury has no objection to MV-2025-00050 to approve a lot to be severed providing a minimum lot frontage of 54.4 m where 90m is required.

Please note, Conservation Sudbury regulates the hazards associated with natural features. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered the applicant should contact Conservation Sudbury. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

Ministry of Transportation, May 15, 2025

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

Meeting Minutes:

05/28/2025 The applicant, Tyler Burton, appeared before Committee and provided a summary of the Application.  
 Committee Chair Dumont asked the applicant what triggered the variance for frontage. The applicant advised that due to the severance, the lot became a corner lot and the frontage then applied to the shortest side not meeting the requirement.  
 Committee Member Castanza advised Committee that she attended the site, was amazed with all the growth in the area with all the homes being built and expressed pleasure with the proposed development.  
 Committee Members Goswell, Sawchuk and Murray, and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:  
TYLER BURTON

the owner(s) of PIN(s) 733530081, Parcel 16951 SEC SWS, Part Lot 1, Concession 2 and Part 2, Plan 53R-6415, except Part 1, 53R-5468, Township of Dowling, 368 Gordon Lake Road, Chelmsford P0M 1L0

for relief from Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, as amended, being the Zoning By-law for the City of Greater Sudbury, to approve a lot to be severed subject of Consent Application PL-CON-2025-00003, providing a minimum lot frontage of 54.5m, where 90.0m 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 variance is minor in nature and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan are maintained.

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

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00054

May 28, 2025

OWNER(S): DALE PERIH, 5 Cuthbertson, Lively, ON, Canada P3Y1B9

AGENT(S): DALE PERIH, 5 Cuthbertson, Lively, ON, Canada P3Y1B9

LOCATION: PIN(s) 733750968, Lot 2, Plan M-374, Part Lot 6, Concession 4, being Part 1, Plan 53R-21226, Township of Waters, 5 Cuthbertson Drive, Lively P3Y 1B9

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SUMMARY

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

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

Comments concerning this application were submitted as follows:

Corridor Management, May 21, 2025

No Comment Received

Development Approvals, May 21, 2025

The purpose and effect of the application is to construct an 133.8 m<sup>2</sup> accessory building with a height of 6.6 m, whereas the maximum height permitted for accessory buildings is 5 m.

The subject lands contain a single detached dwelling with a ground floor area of 92.9 m<sup>2</sup> and a height of 5.3 m, and two accessory buildings that have been identified by the applicant as to be demolished. The subject lands are serviced by municipal servicing and have an existing access from Cuthbertson Drive.

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

Surrounding uses are low density residential in nature.

The accessory building is proposed to be located in the rear yard with a setback of 44.9 m from the front lot line. The subject lands contain mature vegetation along the front, interior side, and rear lot lines providing a visual buffer from the proposed building. The proposed accessory building will exceed the size and height of the single detached dwelling, however, given the proposed location, staff are satisfied that it will appear accessory to the residential use.

The applicant has not provided a rationale for the requested additional height in their application submission. As an advisory comment, it is noted that the building may only be used for residential accessory purposes. No commercial business or home occupations are permitted within accessory buildings.

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.

Development Engineering, May 21, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNR), May 21, 2025

No Comment Received

Strategic and Environmental Planning, May 21, 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.

Sudbury Hydro, May 21, 2025

No concerns - outside of our service territory.

Linear Infrastructure Services, May 20, 2025

No Concerns

Building Services, May 16, 2025

No Concerns

Site Plan, May 16, 2025

No Concerns

Ministry of Transportation, May 15, 2025

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

Conservation Sudbury, May 14, 2025

No Concerns

Meeting Minutes:

05/28/2025 The applicant, Dale Perih, appeared before Committee. Committee Chair Dumont requested the applicant to provide Committee with the reason for the variance being sought and the applicant advised that the height request was for storage of equipment and a garage door height of 11 feet. Committee Members Castanza, Goswell, Sawchuk and Murray, and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

**DECISION:**

THAT the application by:  
DALE PERIH

the owner(s) of PIN(s) 733750968, Lot 2, Plan M-374, Part Lot 6, Concession 4, being Part 1, Plan 53R-21226, Township of Waters, 5 Cuthbertson Drive, Lively P3Y 1B9

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 6.6m, where the maximum height of any accessory building on a residential lot shall be 5.0m, be granted.

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

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

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00057

May 28, 2025

OWNER(S): 1000955482 ONTARIO INC, 121 DEARBORN AVE, LONDON, ON, Canada  
AGENT(S): NORTH SOUTH STUDIO, 210 fire road 2, Val Caron, Ontario, Canada P3N1P3  
LOCATION: PIN(s) 021360040, Lot 135, Plan 1-SC, Part Lot 6, Concession 4, Township of McKim, 153 Bloor Street, Sudbury P3C 2K8

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SUMMARY

Zoning: The property is zoned R2-2(6) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.  
Application: Approval for additional guest rooms within the existing shared housing building providing the number of parking spaces at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, May 23, 2025

The purpose and effect of the application is to permit the addition of 3 guest rooms within the existing 8-guest room shared housing building for a total of 11 guest rooms providing 5 parking spaces, where 7 are required.

The subject lands contain a two storey shared housing building that is serviced by a municipal water and sanitary connection with access from Bloor Street.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'R2-2(6)' Low Density Residential Two Special within the City of Greater Sudbury Zoning By-law.

Surrounding uses are low and medium density residential in nature.

The applicant is proposing to add an additional 3 guest rooms to the existing shared housing building while maintaining the existing 5 parking spaces. The subject lands are in close proximity to a transit stop on College Street +/- 150 m, as well as Heritage Park, institutional uses, as well as commercial uses on Kathleen Street.

Shared housing is defined as a building or part thereof which contains one or more guest rooms as the main use thereof which may include a shared kitchen and where accommodation, with or without meals, is provided for gain or profit, but does not include a hotel, motel, group home type 1, group home type 2, retirement home or any dwelling or institutional use.

Guest room is defined as a habitable room or suite of habitable rooms wherein accommodation, with or without meals, is provided for gain or profit to one or more persons, but which contains no facilities for cooking except where specifically permitted hereby.

As an advisory comment, overnight parking is not permitted on Bloor Street.

Development Engineering has recognized that there is an existing site plan control agreement for the subject lands and have requested as a condition of approval that the requirements within the agreement be demonstrated to comply.

Given the location and use of the subject lands, staff have no concerns with the increased number of guest rooms and maintaining 5 parking spaces where 7 are required.

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

1. That the site plan control agreement requirements be completed within one year of the date of notice of decision.

Building Services, May 22, 2025

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

Building Services acknowledges building permit application #BP-NEW-2024-01803 (to legalize 3 bedrooms in the existing boarding house).

Additionally, Building Services acknowledges the Site Plan Control Agreement that is registered on title.

Corridor Management, May 21, 2025

No Comment Received

Development Engineering, May 21, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNRF), May 21, 2025

No Comment Received

Strategic and Environmental Planning, May 21, 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.

Sudbury Hydro, May 21, 2025

No Concerns

Linear Infrastructure Services, May 20, 2025

We have some concerns regarding the reduction in the required number of parking spaces, it is important to note that only short term on-street parking (maximum of 4 hours) is available on Bloor Street (and it is forbidden overnight), therefore any overflow parking that may occur from this site will affect the neighboring property owners.

### Site Plan, May 16, 2025

A site plan control agreement was registered on title for the existing use in 1993. The City has not received confirmation that the site is in compliance with the registered site plan control agreement. The minor variance should be conditional upon the owner completing their site plan control agreement requirements.

### Ministry of Transportation, May 15, 2025

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

### Conservation Sudbury, May 14, 2025

No Concerns

### Meeting Minutes:

05/28/2025 The applicant, Brett Dillman, and the applicant's agent, Paul Pelland, appeared before Committee. Committee Chair Dumont asked the applicant if they were aware of the recommended condition that the site plan requirements be completed within one year from the date of the Notice of Decision.

The agent provided Committee with a summary of the Application and that the owner was aware of the requested condition. The agent advised that none of the building's residents would likely have vehicles. The applicant explained that the Minor Variance was triggered when they attempted to obtain a permit to add windows to the existing three rooms and discovered they were not legal and advised that the house was being used for Sudbury Transitional Care.

Chris Hendry of 147 Bloor Street appeared before Committee and expressed opposition and concerns regarding the lack of maintenance to the grounds, garbage accumulation, regular police attendances, lack of fencing and safety due to type of housing.

Chris Kruk of 130 & 152 Bloor Street appeared before Committee and expressed opposition and concerns regarding the type of housing, lack of maintenance to the property and amount of garbage on the grounds. Committee Chair Dumont provided the resident with information on contacting by-law enforcement.

Brad Ferguson of 142 Bloor Street appeared before Committee and expressed opposition and concerns regarding the management of the transitional housing and its occupants, residents of housing canvassing area residents for food, and whether this would be an ongoing issue. Committee Chair Dumont provided the resident with the process the applicant would be required to follow in relation to the development.

Don Neville of 157 Bloor Street appeared before Committee and expressed opposition and concerns regarding the intensification of units and people, noise at various hours of the evening and morning, and garbage accumulation being increased with the increase of residents.

The applicant advised Committee they had hired a company to place a bin on the property for garbage storage and collection. He advised that there were eight legally existing rooms with three more rooms being added and that the rooms would be contained within the existing building. He advised Committee that Sudbury Transitional Care managed the residents with site visits occurring three times a week.

The applicant offered contact information to area residents for direct contact to discuss their maintenance concerns.

Committee Member Castanza advised Committee that she attended the site, viewed residents being dropped off, and expressed gratitude to the owner that the property was being improved to assist people in need of transitional housing.

Committee Member Goswell expressed empathy for the residents but acknowledged that the rooms already exist and asked staff to clarify the policies in relation to increased density and staff provided clarification. Committee Member Goswell requested confirmation that the variance was for parking and staff advised that the variances were for the number of parking spaces and the number of permitted rooms. Staff advised Committee that shared housing was permitted as of right in the zoning for the property. Committee Member Goswell expressed support for the Application and support for staff's recommendation.

Committee Members Sawchuk and Murray expressed support for the Application and staff's recommendation.

Committee Chair Dumont expressed support for the Application and staff's recommendation with the condition and reminded the Applicant of the timeline to satisfy the condition.

The following decision was reached:

**DECISION:**

THAT the application by:

1000955482 ONTARIO INC

the owner(s) of PIN(s) 021360040, Lot 135, Plan 1-SC, Part Lot 6, Concession 4, Township of McKim, 153 Bloor Street, Sudbury P3C 2K8

for relief from Part 5, 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 addition of 3 guest rooms within the existing 8-guest room shared housing building for a total of 11 guest rooms providing 5 parking spaces, where 7 parking spaces are required, be granted, subject to the following condition:

1. That the site plan control agreement requirements be completed within one year of the date of notice of decision to the satisfaction of the Director of Planning Services.

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

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

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00058

May 28, 2025

OWNER(S): ANDREW MEEKS, 4789 St Michelle Drive, Hanmer, ON, Canada P3P1G9

AGENT(S): ANDREW MEEKS, 4789 St Michelle Drive, Hanmer, ON, Canada P3P1G9

LOCATION: PIN(s) 735030902, Parcel 27796 SEC SES SRO, Lot 30, Plan M-434, Part Lot 2, Concession 3, Township of Hanmer, 4789 Michelle Drive, Hanmer P3P 1G9

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SUMMARY

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

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

Comments concerning this application were submitted as follows:

Building Services, May 23, 2025

We have reviewed the above noted application for minor variance for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of detached garage providing a maximum height of 6.6m, where the maximum height of any accessory building on a residential lot shall be 5.0m.

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.

Development Approvals, May 22, 2025

The purpose and effect of the application is to construct a 111.5 m<sup>2</sup> accessory building with a height of 6.6 m, whereas the maximum height permitted for accessory buildings is 5 m.

The subject lands contain a single detached dwelling with a ground floor area of 98 m<sup>2</sup> and a height of 4.8 m, a shed that is proposed to be located and a detached garage identified by the applicant as being removed. The subject lands are serviced by a municipal water and sanitary connection and have an existing access from Michelle Drive.

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

Surrounding uses are low density residential in nature.

The accessory building is proposed to be located in the rear yard with a setback of 22.86 m from the front lot line. The neighbourhood is comprised of a mix of one and two storey residential dwellings with detached accessory structures. The applicant advised that the additional height is required to accommodate the storage of an RV and trailer. The proposed accessory building will exceed the size and height of the single detached dwelling, however, given the proposed location staff are satisfied that it will appear as accessory to the residential use.

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.

Corridor Management, May 21, 2025

No Comment Received

Development Engineering, May 21, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNRF), May 21, 2025

No Comment Received

Strategic and Environmental Planning, May 21, 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.

Sudbury Hydro, May 21, 2025

No concerns - outside of our service territory.

Linear Infrastructure Services, May 20, 2025

No Concerns

Site Plan, May 16, 2025

No Concerns

Ministry of Transportation, May 15, 2025

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

Conservation Sudbury, May 14, 2025

No Concerns

Meeting Minutes:

05/28/2025 The applicant, Andrew Meeks, appeared before Committee. Committee Chair Dumont requested the applicant to explain the reason for the height variance and the applicant advised that he was seeking the height in order to store an RV and maintenance of personal recreational vehicles. Committee Chair Dumont requested staff to explain the difference between the two height standards for this application and another application on the agenda and staff provided an explanation. Committee Members Castanza, Goswell, Sawchuk and Murray, and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

ANDREW MEEKS

the owner(s) of PIN(s) 735030902, Parcel 27796 SEC SES SRO, Lot 30, Plan M-434, Part Lot 2, Concession 3, Township of Hanmer, 4789 Michelle Drive, Hanmer P3P 1G9

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 6.6m, where the maximum height of any accessory building on a residential lot shall be 5.0m, be granted.

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

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

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00059

May 28, 2025

OWNER(S): ALAIN AUBERTIN, 455 Montée Principale, Azilda, ON, Canada P0M1B0  
VALERIE AUBERTIN, 455 Montée Principale, Azilda, Ontario, Canada P0M1B0

AGENT(S): ALAIN AUBERTIN, 455 Montée Principale, Azilda, ON, Canada P0M1B0

LOCATION: PIN(s) 735043233, Part Lot 4, Concession 3, Part 1, Plan 53R-21869, Township of Hanmer, 4774 Deschene Road, Hanmer P3P 1R3

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SUMMARY

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

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

Comments concerning this application were submitted as follows:

Building Services, May 22, 2025

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

For the applicants' information, a building permit shall be required for the construction of the detached garage, to the satisfaction of the Chief Building Official.

Additionally, applicant to ensure that the Plot Plan within the building permits for both the Single Family Dwelling and the Detached Garage match the Plot Plan for the (approved) Minor Variance.

Development Approvals, May 22, 2025

The purpose and effect of the application is to construct a 223 m<sup>2</sup> accessory building with a height of 8 m, whereas the maximum height permitted for accessory buildings is 6.5 m.

The subject lands are currently vacant of buildings or structures however, a 250 m<sup>2</sup> single detached dwelling with a height of 11 m is proposed to be constructed. The subject lands will be serviced by a municipal water connection, private septic system, and will have access from Deschene Road.

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

Surrounding uses are rural in nature.

The accessory building is proposed to be located in the rear yard, setback 106 m from the front lot line. The accessory building will be subordinate in area and height in comparison to the single detached dwelling. The subject lands are largely in a natural vegetative state, providing visual buffering from the road and surrounding properties. The applicant has advised that the additional height is requested in order to accommodate a hoist and RV storage for personal use.

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.

Corridor Management, May 21, 2025

No Comment Received

Development Engineering, May 21, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNRF), May 21, 2025

No Comment Received

Strategic and Environmental Planning, May 21, 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.

Sudbury Hydro, May 21, 2025

No concerns - outside of our service territory.

Linear Infrastructure Services, May 20, 2025

No Concerns

Site Plan, May 16, 2025

No Concerns

Ministry of Transportation, May 15, 2025

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

Conservation Sudbury, May 14, 2025

No Concerns

Meeting Minutes:

05/28/2025 The applicant, Alain Aubertin, appeared before Committee. Committee Chair Dumont requested the applicant to explain the reason for height variance and the applicant advised that he was seeking the height for RV storage and maintenance and future hoist for personal use.  
Committee Member Castanza advised Committee that she attended the site and was supportive of the Application.  
Committee Members Goswell, Sawchuk and Murray, and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

ALAIN AUBERTIN AND VALERIE AUBERTIN

the owner(s) of PIN(s) 735043233, Part Lot 4, Concession 3, Part 1, Plan 53R-21869, Township of Hanmer, 4774 Deschene Road, Hanmer P3P 1R3

for relief from Part 4, Section 4.2, subsection 4.2.4 b) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 8.0m, where the maximum height of any building or structure accessory to a residential dwelling shall be 6.5 metres, be granted.

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

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

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00060

May 28, 2025

OWNER(S): ROB MCCANN, 161 Watson Court, Garson, Ontario, Canada P3L 1K8  
GABRIELLE ROY, 161 Watson Court, Garson, ON, Canada P3L1K8

AGENT(S): ROB MCCANN, 161 Watson Court, Garson, Ontario, Canada P3L 1K8

LOCATION: PIN(s) 734940836, Lot 13, Plan 53M-1225, Part Lot 7, Concession 1, Township of Garson, 161 Watson Court, Garson P3L 1K8

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SUMMARY

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

Application: Approval to permit an accessory structure providing an encroachment at variance to the By-law.

Comments concerning this application were submitted as follows:

Building Services, May 23, 2025

**\*\*REVISED\*\***

Based on the information provided, we can advise that Building Services has the following comments for this application.

1. Building Services acknowledges the submission of building permit documents and building permit BP-NEW-2024-00661, to construct a detached deck.

Owner to be informed of the following information:

2. The submitted plot plan does not reflect the sewer/storm/water easement at the rear of the property. There is a 3m wide easement along the rear of the property which has not been identified.

Victoria Lachapelle, Plans Examiner  
Building Services

Building Services, May 23, 2025

No Comment Received

Development Approvals, May 22, 2025

The purpose and effect of the application is to permit the construction of an uncovered deck 1.82m in height to encroach 4.3m into the required rear yard providing a 3.04m setback from the rear lot line, where uncovered decks greater than 1.2m in height may encroach 3.6 m into the required rear yard but not closer than 3.0 m to the rear lot line.

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

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

Surrounding uses are low density residential and park in nature.

The lands are pie shaped and located at the end of a cul de sac. The existing dwelling is not parallel to the rear lot line. The deck is proposed to be attached to the rear of the dwelling, resulting in west corner of the proposed deck being located closer to the rear lot line than permitted, while the east corner complies. Staff are of the opinion that the setback will maintain adequate distance for access and maintenance purposes. The subject lands appear to contain rear yard fencing and abut Metcalfe Park to the rear.

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.

Corridor Management, May 21, 2025

No Comment Received

Development Engineering, May 21, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNR), May 21, 2025

No Comment Received

Strategic and Environmental Planning, May 21, 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.

Sudbury Hydro, May 21, 2025

No concerns - outside of our service territory.

Linear Infrastructure Services, May 20, 2025

No Concerns

Site Plan, May 16, 2025

No Concerns

Ministry of Transportation, May 15, 2025

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

Conservation Sudbury, May 14, 2025

No Concerns

Meeting Minutes:

05/28/2025 The applicant, Rob McCann, appeared before Committee. Committee Chair Dumont requested the applicant to explain the reason for the minor variance and the applicant advised that the house does not run parallel to the lot line and a corner of the deck was causing the need for the variance. Committee Members Castanza, Goswell, Sawchuk and Murray, and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:  
ROB MCCANN AND GABRIELLE ROY  
the owner(s) of PIN(s) 734940836, Lot 13, Plan 53M-1225, Part Lot 7, Concession 1, Township of Garson, 161 Watson Court, Garson P3L 1K8

for relief from Part 4, Section 4.2, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit the construction of an uncovered deck 1.82m in height to encroach 4.3m into the required rear yard providing a 3.04m from the rear lot line, where uncovered decks greater than 1.2m in height may encroach 3.6 m into the required rear yard but not closer than 3.0 m to the rear 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 variance is minor in nature and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan are maintained.

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

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00061

May 28, 2025

OWNER(S): TREVOR FERA, 535 Moonlight Beach Road, Greater Sudbury, ON, Canada P3B 3V7  
ALISON FERA (NEE MILLWARD), 535 Moonlight Beach Road, Sudbury, Ontario, Canada P3B 3V7

AGENT(S): TREVOR FERA, 535 Moonlight Beach Road, Greater Sudbury, ON, Canada P3B 3V7

LOCATION: PIN(s) 735590114, Parcel 44400, Part Lot 9, Concession 2, Parts 3, 4, 7 and 8, Plan 53R-7096, together with Part 1, Plan 53R-16903 as in LT919152, Township of Neelon, 535 Moonlight Beach Road, Sudbury P3B 3V7

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SUMMARY

Zoning: The property is zoned R1-1(6) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct an addition on the existing single detached dwelling on the subject property providing a setback from the high water mark and lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, May 22, 2025

The purpose and effect of the application is to permit the construction of a 17.68 m<sup>2</sup> addition to an existing single detached dwelling with the following variances:

1. a minimum high water mark setback of 27.8 m, whereas 30 m is required; and
2. a maximum lot coverage of 27%, whereas the maximum permitted for partially unserved lots is 25%.

The subject lands contain a single detached dwelling and two accessory buildings. The subject lands are serviced by lake water and a municipal sanitary connection and have access from Moonlight Beach Road.

The subject lands are designated 'Living Area II' in the City's Official Plan, are zoned 'R1-1(6)' Low Density Residential One Special in the City of Greater Sudbury Zoning By-law, 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 and park in nature.

The subject lands have a depth of +/- 45 m resulting in most of the subject lands being located within the high water mark, including the deck and single detached dwelling. The proposed addition would not be located any closer to the lake than the existing dwelling and is 17.68 m<sup>2</sup> in size. The addition

appears to replace an existing deck. The area in which the addition is proposed is already cleared of natural vegetation. The concept plan did not include a setback between the proposed addition and the existing garages, however, there appears access to the rear yard will be maintained. Staff have no concerns with the increase in lot coverage.

Strategic and Environmental Planning are satisfied that the proposed development is consistent with this Official Plan policy and do not object to the proposed addition.

The 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.

#### Building Services, May 21, 2025

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

1) Building Services acknowledges the relief requested of 27.8m for the setback from the highwater mark to the proposed addition of the existing single-family dwelling. A review of the site plan provided indicates a setback from the proposed addition to the beginning of the rock face retaining wall rather than the highwater mark. We also note the water's edge has been indicated on the plot plan rather than the "highwater mark". As the rock face retaining wall, water's edge, and highwater mark may not maintain the same line, the relief requested may require adjustment.

Applicant/Owner to be advised of the following comments:

2) We acknowledge receipt of an associated building permit (BP-NEW-2025-00396) for the proposed construction of a front entry addition with covered porch.

3) A search of our records indicates incomplete permits for the subject property: B21-1953 (for an addition under sunroom, finished basement, and attached deck) and BP-NEW-2024-01133 (detached garage with attached deck). Owner to contact Building Services to discuss the outstanding permits.

#### Corridor Management, May 21, 2025

No Comment Received

#### Development Engineering, May 21, 2025

No Concerns

#### Ministry of Natural Resources and Forestry (MNRF), May 21, 2025

No Comment Received

#### Source Water Protection, May 21, 2025

No Concerns

Strategic and Environmental Planning, May 21, 2025

Staff in Strategic and Environmental Planning have reviewed the proposed development and note that the proposed addition is not closer to the highwater mark than the existing dwelling. Policy 3 of 8.4.1 General Policies of the City's Official Plan requires a 30 metres highwater mark setback unless "...c. the proposal is for an addition to an existing building or replacement of a leaching bed where the setback is not further reduced...". Staff are satisfied that the proposed development is consistent with this Official Plan policy and do not object to the proposed addition.

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

Sudbury Hydro, May 21, 2025

No Concerns

Linear Infrastructure Services, May 20, 2025

No Concerns

Site Plan, May 16, 2025

No Concerns

Conservation Sudbury, May 15, 2025

Current dwelling was built to floodproofing standards and work has been verified and approved by Conservation Sudbury. No objection to SFD addition at variance with the high water mark setback.

Ministry of Transportation, May 15, 2025

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

Meeting Minutes:

05/28/2025 The applicant, Trevor Fera, appeared before Committee and provided a summary of the Application.  
Committee Members Castanza, Goswell, Sawchuk and Murray, and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

TREVOR FERA AND ALISON FERA (NEE MILLWARD)

the owner(s) of PIN(s) 735590114, Parcel 44400, Part Lot 9, Concession 2, Parts 3, 4, 7 and 8, Plan 53R-7096, together with Part 1, Plan 53R-16903 as in LT919152, Township of Neelon, 535 Moonlight Beach Road, Sudbury P3B 3V7

for relief from Part 4, Section 4.41, subsection 4.41.2 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an addition on the existing single detached dwelling providing, firstly, a high water mark setback of 27.8m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, and secondly, a maximum lot coverage of 27%, where a maximum lot coverage of 25% is permitted for partially or unserviced lots, be granted.

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

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

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00062

May 28, 2025

OWNER(S): ADAM WISNIEWSKI, 41 MAKADA DRIVE, LIVELY, ON, Canada  
AGENT(S): CR DESIGN, 2200 lakeshore blvd west unit 3609, toronto, ON, Canada  
LOCATION: PIN(s) 733740008, Parcel 8580 SEC SWS, Lot 19, Plan M-585, Part Lot 5, Concession 2, Township of Waters, 41 Makada Drive, Lively P3Y 1H8

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SUMMARY

Zoning: The property is zoned R1-1 according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a two-storey detached accessory building and to permit existing accessory structures on the subject property providing height and high water mark setbacks and location at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, May 23, 2025

The purpose and effect of the application is to permit the construction of a 51 m<sup>2</sup> two-storey detached garage providing a maximum height of 7.7m, where the maximum height of any accessory building on a residential lot shall be 5.0m. Additionally the applicant has requested the following relief from the waterbody provisions of the zoning by-law:

1. a minimum high water mark setback of 10.8 m for the existing shed, whereas a 30 m setback is required;
2. a minimum high water mark setback of 12.1 m for the existing sauna/storage structure, whereas 30 m is required; and
3. to permit the existing shed and sauna/storage structure within the 20 m shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted.

The subject lands contain a 169 m<sup>2</sup> single detached dwelling with a height of 8 m, an attached deck, a shed, and a sauna/storage structure. The subject lands are serviced by a well and private septic system and have access from Makada Drive.

The subject lands are designated 'Rural' in the City's Official Plan, are zoned 'R1-1' Low Density Residential One in 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 rural in nature.

The proposed detached garage will be subordinate in area and height in comparison to the single detached dwelling. The applicant advised that the second storey is intended for storage use. The building is proposed to be located in the front yard, however, may not be visible from the road due to

the elevation change and vegetative buffer along the front lot line. Staff have no concerns with the proposed height of the accessory building intended for residential storage purposes.

Staff acknowledge that the variances related to the shed and sauna/storage are to recognize existing deficiencies. The applicant did not provide a rationale for the requested waterbody provision relief.

Strategic and Environmental Planning does not have any objections to the proposed garage, however, cannot support the high water mark relief at this time as it has not been demonstrated to meet Section 8.4.1 policy 3 of the Official Plan. It was also noted that the location of the septic system was not indicated on the plan, and not enough information was provided to review compliance with the maximum clearance of 25% of the 20 m shoreline buffer.

The Nickel District Conservation Authority are not in a position to support the minor variance request until such a time that the applicant can demonstrate that the proposed development is located within a safe building envelope located outside of the erosion hazard.

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

#### Conservation Sudbury, May 22, 2025

The proposed Minor Variance is to permit the construction of a two-storey detached garage, and legalize existing accessory structures, providing height and high-water mark setbacks at variance from the By-law.

Based on the hazard delineation outlined by the MNR technical guide, the entirety of the lot is within an erosion hazard which includes a 15 m toe erosion allowance and a 3 horizontal : 1 vertical stable slope allowance. The following sections of the PPS apply to this proposal: 5.1.1, 5.2.2(b).

The limits of the erosion hazard may be reduced through a site-specific study completed by a qualified professional consistent with Provincial guidance (specifically the MNR Technical Guide for River and Stream Systems: Erosion Hazard Limits). It must be demonstrated that all development is located outside of the erosion hazard and will not aggravate the hazards.

Additionally, a permit pursuant to S28 of the CA Act will be required for any development on this parcel. The proponent is encouraged to reach out directly to Conservation Sudbury to understand the requirements for complete application.

Conservation Sudbury cannot support the Minor Variance until such time that the applicant can demonstrate that the proposed development is located within a safe building envelope located outside of the erosion hazard, and therefore that the proposal is consistent with both the PPS and the CA Act.

#### Building Services, May 21, 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. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the proposed detached garage.

2. The proposed detached garage shall not be used as “Habitable Living Space”, as per CGS Zoning By-law 2010-100Z, 4.2 Accessory Buildings, Structures and Uses, unless an approved Secondary Unit Building Permit is issued and occupancy granted.

3. Based on a search of our records there are no building permits for the shed or sauna/storage structure. Our research indicates that building permits may be required for these structures. Applicant/owner to be aware that structures constructed after the applicable by-law 76-327 (December 22, 1976) require a building permit.

Corridor Management, May 21, 2025

No Comment Received

Development Engineering, May 21, 2025

No Concerns

Ministry of Natural Resources and Forestry (MNR), May 21, 2025

No Comment Received

Strategic and Environmental Planning, May 21, 2025

Staff in Strategic and Environmental Planning have reviewed the proposed development. Staff do not have any concerns with the proposed garage.

Rationale has not been provided for why the existing shed and existing sauna/storage cannot comply with the 30 metres highwater mark; staff presume that it is because they are existing and the applicant does not wish to move the structures. Staff rely on policy 3 of section 8.4.1 General Policies of the City's Official Plan when reviewing applications for reduced highwater mark setback. Policy 3 prohibits development within 30 metres of the highwater mark setback. However, it allows consideration of a lesser setback in the following circumstances:

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

Staff are not satisfied that the request for relief from the highwater mark meets any of the above noted criteria and cannot support the requested highwater mark relief at this time.

Staff note that the septic system was not identified on any of the provided drawings. The applicant is advised that septic systems are required to comply with Zoning By-law 2010-100Z, including setbacks to the highwater mark.

Staff advise the proponent that only 25% of the required 20 metres vegetated buffer area can be cleared. Including the existing shed and sauna/storage the area cleared is approximately 22%.

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

Sudbury Hydro, May 21, 2025

No concerns - outside of our service territory.

Linear Infrastructure Services, May 20, 2025

No Concerns

Site Plan, May 16, 2025

No Concerns

Ministry of Transportation, May 15, 2025

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

Meeting Minutes:

05/28/2025 The applicant's agent, Rohit Walia, appeared before Committee. Committee Chair Dumont noted comments from Conservation Sudbury and Strategic and Environmental Planning, resulting in a recommendation to defer, and requested the agent to expand on the description of the proposal.

The agent advised Committee that he spoke with Conservation Sudbury and wished to proceed with the Application to hear Committees comments prior to spending money for technical reports. The agent believed there were no erosion hazards on the property as the water levels have decreased over the years, does not have any wave rush, and the house is closer to the water than the garage and the house would be at risk before the garage. The agent further explained that the erosion has had no effect on the house which has existed since 1980 and the sauna and shed built shortly thereafter.

The owner of the property, Adam Wisniewski, advised Committee that he spoke with neighbouring property owners who confirmed that the water height has been consistent for the last 40 years as the water is a lake, not a river with a current.

Committee Member Castanza advised Committee that she attended the site and agreed that due to the proposed location of the garage, the house would be affected by erosion before the garage would be. She expressed support for the Application.

Committee Member Goswell asked staff to clarify the deferral recommendation and staff advised that rationale and justification were not provided in the Application and staff's comments were based on information in the Application. Staff advised Committee that the information provided verbally at the meeting was new and did not have the benefit of being circulated to other departments for comment. Committee Member Goswell expressed support for the Application.

Committee Member Sawchuk asked staff to clarify the comments relating to erosion and what the benefit of an erosion study would provide. Staff advised Committee that they could not speak to Conservation Sudbury's comments and confirmed that the variance for the garage was for the height which Development Approvals had no concerns. Staff advised that Strategic and Environmental Planning noted that no rationale was provided for the location of the existing shed and sauna that were built without the benefit of a building permit nor was there enough information provided to determine whether there was compliance with the 25% clearance requirement of the zoning by-law or the location of the septic system.

Committee Member Murray explained to the applicant that a deferral allows the applicant to identify all variances required and not have to pay for a separate

Application if additional variances were in fact needed, but if they were comfortable moving forward despite this, he could support the Application.

The agent advised they were not concerned with the need for further variances. Committee Chair Dumont expressed support for the Application and frustration that there was no staff from Conservation Sudbury and Strategic and Environmental Planning in attendance at the meeting to speak to their comments. Committee Chair Dumont believed that the request for technical reports appeared excessive for a detached garage.

Staff advised the agent and applicant that Building Services had no record of a building permit for the sauna and shed and if the applicant seeks to rectify that, there may be additional variances due to the clearance of the natural shoreline.

The agent requested clarification of the variances sought. Staff confirmed the variances were for the location of the structures in relation to the high water mark, not with respect to the shoreline buffer clearance. The applicant advised that their plan sets out that only 22% of the shoreline buffer was cleared.

05/28/2025 Committee Member Goswell put forward a motion to amend the resolution to approve the Application. Committee Member Castanza seconded the motion. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

ADAM WISNIEWSKI

the owner(s) of PIN(s) 733740008, Parcel 8580 SEC SWS, Lot 19, Plan M-585, Part Lot 5, Concession 2, Township of Waters, 41 Makada Drive, Lively P3Y 1H8

for relief from Part 4, Section 4.2, subsection 4.2.4 a) and 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 allow firstly, the construction of a two-storey detached garage providing a maximum height of 7.7m, where the maximum height of any accessory building on a residential lot shall be 5.0m, and secondly, a high water mark setback of 10.8m for the existing shed and 12.1m for the existing sauna/storage structure, 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, boat launches, marine railways, waterlines and heat pump loops, be approved.

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

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

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring

DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00007

May 28, 2025

OWNER(S): PETER EINARSON, 851 Prete Street, Sudbury, ON, Canada P3E 3X9  
KIMBERLY EINARSON, 851 Prete Street, Sudbury, Ontario, Canada P3E 3X9

AGENT(S): PETER EINARSON, 851 Prete Street, Sudbury, ON, Canada

LOCATION: PIN(s) 733800072, Parcel 12242 SEC SWS, Summer Resort Lot 9, Plan M-223, Lot 7, Concession 1, Township of Graham, 357 McCharles Lake Road, Naughton POM 2M0

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SUMMARY

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

Application: Approval to construct a seasonal dwelling and accessory structures providing setbacks to the high water mark at variance to the By-law, and a private cabin to provide an increased gross floor area at variance to the By-law.

Comments concerning this application were submitted as follows:

Strategic and Environmental Planning, May 27, 2025

REVISED MAY 27, 2025

Staff have reviewed the additional information circulated on May 27, 2025 to address previous comments from Strategic and Environmental Planning. The applicant is requesting relief from the highwater mark setback to permit the construction of a seasonal dwelling. The intent of the highwater mark setback is to support lake health, ecosystem diversity, and habitat enhancement which leads to reduced nutrient loading, healthier water systems, and potentially fewer cyanobacteria (blue-green algae) blooms. Staff had previously identified the criteria used to review requests for relief to the highwater mark setback, being policy 3 of section 8.4.1 General Policies of the City's Official Plan. This policy allows staff to consider a reduction to the 30 metres highwater mark setback in the following circumstances:

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

The applicant has attempted to demonstrate the need for relief based on provision b. above. However, the site history provided so far is inconsistent: in previous submissions the northern portion of the site is identified as a location that once as an aggregate crushing site for a nearby gravel pit, while the most recent submission states the subject lands was the location of the gravel

pit. There is a critical difference in hosting a crusher compared to having a large portion of the site dug up for aggregate. The submitted photos and staff review of historical aerial photography did not provide any clarity to the historical use of the property. Given that the historical details are not clear, and that a disturbance does not necessarily signify unstable soils, staff are unable to accept this as rationale for relief from the highwater mark setback.

However, it is understood that a geotechnical expert is attending the site; if a geotechnical professional can provide an opinion that the northern portion of the site is inappropriate for development due to unstable soils, staff would be able to support the proposed location of the dwelling unit. In that case staff would agree that provision b. is met and relief from the highwater mark is warranted.

For clarity, staff offer the following:

The applicant's agent has noted that the septic and field bed is required to be located 40 metres from the highwater mark and relocating the proposed dwelling further north on the property would limit the ability to achieve the 40 metres setback. The required setback is 30 metres from the highwater mark setback per Zoning By-law 2010-100Z.

In the most recent resubmission, the applicant has stated that the northern portion of the property has been rehabilitated and includes mature trees and suggests that the loss of trees should be avoided. Staff encourage the re-establishment of native vegetation throughout the site. However, the proposed septic system is located on that same portion, requiring the removal of trees and vegetation. Of greater interest to Strategic and Environmental Planning is the protection of existing mature vegetation near and within the required 20-metre Shoreline Buffer Area, some of which would require removal to accommodate the proposed dwelling.

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 Approvals, May 23, 2025

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

1. a minimum high water mark setback of 20.98 m for a proposed pergola, whereas 30 m is required;
2. a minimum high water mark setback of 23.78 m for a proposed covered deck, whereas 30 m is required;
3. a minimum high water mark setback of 22.78 m for a proposed seasonal dwelling, whereas 30 m is required; and
4. a private cabin with a maximum gross floor area of 88.06 m<sup>2</sup>, whereas a maximum size of 30 m<sup>2</sup> is permitted.

The subject lands contain a seasonal dwelling that is intended to be converted to a private cabin and four accessory buildings. The subject lands are serviced by an individual well and a private septic system and have access from an unopened road allowance.

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

Surrounding uses are rural shoreline and rural in nature.

Subsequent to the public meeting, the applicant has provided additional information including a topographic survey, an updated site plan with additional details such as the location of septic systems, site photos, and a response letter advising how staff comments have been addressed. The applicant has advised that there may be potential unstable soils towards the rear of the lot, however, has not yet completed the geotechnical study that will be required for building permit. The applicant has also advised that they have submitted a Section 28 permit with Conservation Sudbury and have been working with them in order to obtain a permit.

Building Services and Conservation Sudbury have no objections to the requested variances as a result of the additional information provided, however, Strategic and Environmental Planning remain of the opinion that conformity with the Official Plan has not yet been demonstrated.

It is recommended that the application be deferred to allow the applicant an opportunity to complete the geotechnical investigation and demonstrate that terrain and soil conditions exist which prevent the new seasonal dwelling from being located further from the high water mark.

Development Engineering, May 23, 2025

No objection. Consider revising the dwelling to a more suitable location.

Strategic and Environmental Planning, May 22, 2025

REVISED

Staff in Strategic and Environmental Planning (SEP) have reviewed the additional submitted information and discussed the information with experts in other departments. Staff rely on policy 3 of section 8.4.1 General Policies of the City's Official Plan when reviewing applications for reduced highwater mark setback. Policy 3 prohibits development within 30 metres of the highwater mark setback. However, it allows consideration of a lesser setback in the following circumstances:

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

The applicant has stated that the land on the northern portion of the property is not suitable for development due to historical activities, making the need for geotechnical work a limiting factor. However, after reviewing the application in concert with Building Services, SEP staff are aware of the need for geotechnical work regardless of the location of the proposed dwelling on-site. This is confirmed in comments from Building Services. As such, staff are of the opinion that the proposed relief has not met any of the circumstances outline in policy 3, section 8.4.1 of the Official Plan.

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.

Building Services, May 21, 2025

**\*\*REVISED\*\***

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

1) Building Services acknowledges the note associated with tarp shed #4 indicating the shed is to be removed as it is encroaching into the neighboring property. Applicant/Owner to be aware that with the exclusion of shed #4, our calculations indicate a total lot coverage of 10% where a maximum lot coverage of 10% is permitted. Should additional structures be constructed in future, an additional minor variance may be required for total lot coverage.

Applicant/Owner to be aware that sheds greater than 15m<sup>2</sup> 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 m<sup>2</sup> (108 ft<sup>2</sup>) would also be subject to the Ontario Building Code and would require a building permit. If the existing 3 tarp sheds were built at time of applicable by-law (83-303), building permits may be required.

2) Building Services acknowledges a building permit application for the new seasonal dwelling, attached garage, pergola, & covered deck (BP-NEW-2025-00174) as well as a change of use permit (without construction) for the existing seasonal dwelling converting to a cabin (BP-NEW-2025-00326).

The associated building permit applications are to be updated accordingly with any revisions to the site plan and/or drawings as a result of this minor variance application and concurrent Section 28 permit with Conservation Sudbury. Further to the response letter you provided for the 2nd submission comments for this minor variance application, we acknowledge your intention to submit sealed designs and Commitment Certificates from a Professional Structural Engineer and Geotechnical Engineer for all structural and geotechnical elements required for the building permit.

Krista Deredin, Plans Examiner  
Building Services

Conservation Sudbury, May 15, 2025

No objections to minor variance. The application has submitted a Section 28 application, and is working with Conservation Sudbury through that process to ensure the development is safe from the hazards and will not aggravate the hazards. The owner has been made aware of the additional supporting information required as a part of that process.

Conservation Sudbury, April 10, 2025

Based on a review of available information, it appears that the seasonal dwelling may be located within a natural hazard, specifically an erosion hazard associated with McCharles Lake. The following sections of the PPS apply to this proposal: 5.1.1, 5.2.2(b). Furthermore, residential development within an erosion hazard is not consistent with the Conservation Authorities Act.

The proposed Minor Variance is to permit the construction of a seasonal dwelling with reduced setbacks to the high water mark. It is premature to issue permission in support of development prior to confirming that there is a safe building envelope on the property, consistent with both the PPS and the CA Act, and its location. Landowners have recently applied for a permit from Conservation Sudbury and it currently under review.

Note: Pre-consultation was completed specific to original plans to raise the existing dwelling. At that location the erosion hazard was noted to be 24 m. It was further noted that the erosion hazard would be greater if elevations are raised. The proponent was encouraged to reapproach Conservation Sudbury should the intended building location change. The ground elevations at the currently proposed building location are approximately 1.5 m higher than that of the originally proposed location.

Corridor Management, April 10, 2025

No Comment Received

Development Approvals, April 10, 2025

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

1. a minimum high water mark setback of 20.98 m for a proposed pergola, whereas 30 m is required;
2. a minimum high water mark setback of 23.78 m for a proposed covered deck, whereas 30 m is required;
3. a minimum high water mark setback of 22.78 m for a proposed seasonal dwelling, whereas 30 m is required; and
4. a private cabin with a maximum gross floor area of 88.06 m<sup>2</sup>, whereas a maximum size of 30 m<sup>2</sup> is permitted.

The subject lands contain a seasonal dwelling that is intended to be converted to a private cabin and four accessory buildings. The subject lands are serviced by an individual well and a private septic system and have access from an unopened road allowance.

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

Surrounding uses are rural shoreline and rural in nature.

Building Services has identified concerns with the location of the high water mark, which could result in additional relief.

Conservation Sudbury identified that the new proposed seasonal dwelling may be located in the erosion hazard of McCharles Lake and that the variance is considered premature without identifying a safe building envelope.

Strategic and Environmental Planning has requested that the application be deferred and additional rationale for the location of the new seasonal dwelling be provided. Additionally, the location of the septic system(s) and well should be added to the plan to gain an understanding on their compliance with shoreline policies.

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

Ministry of Natural Resources and Forestry (MNR), April 10, 2025

No Comment Received

Building Services, April 9, 2025

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

1) Building Services acknowledges the relief requested for the setback from the highwater mark from the proposed seasonal dwelling, pergola, and covered deck. A review of the site plan provided indicates a setback from the “present water’s edge” rather than the “highwater mark”. As the “present water’s edge” and the “highwater mark” may not maintain the same line, the relief requested may require adjustment.

2) Building Services acknowledges the note associated with tarp shed #4 indicating the shed is to be removed as it is encroaching into the neighboring property. Applicant/Owner to be aware that with the exclusion of shed #4, our calculations indicate a total lot coverage of 10% where a maximum lot coverage of 10% is permitted. Should additional structures be constructed in future, an additional minor variance may be required for total lot coverage.

Applicant/Owner to be aware that sheds greater than 15m<sup>2</sup> 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 m<sup>2</sup> (108 ft<sup>2</sup>) would also be subject to the Ontario Building Code and would require a building permit. If the existing 3 tarp sheds were built at time of applicable by-law (83-303), building permits may be required.

3) Building Services acknowledges a building permit application for the new seasonal dwelling, attached garage, pergola, & covered deck (BP-NEW-2025-00174) as well as a change of use permit (without construction) for the existing seasonal dwelling converting to a cabin (BP-NEW-2025-00326).

Linear Infrastructure Services, April 9, 2025

No Concerns

Development Engineering, April 8, 2025

No Concerns

Strategic and Environmental Planning, April 8, 2025

The Strategic and Environmental Planning (SEP) Section has reviewed the proposed development at 357 McCharles Lake Road (PL-MV-2025-000007). As a technical commenting group, staff have reviewed this application against policies of the Official Plan related specifically to natural heritage features (Section 9.2 Significant Natural Features and Areas) and shoreline development (8.4 Surface Water Resources – Lakes, Rivers and Streams) only.

The proposed development requests relief to the highwater mark setback for a proposed new seasonal dwelling from 30 metres to 20.98 metres. It is noted that the proposed seasonal dwelling is outside of the required 20 metres vegetative buffer. Staff would expect that the existing septic system may require enlargement to address the additional capacity of the new seasonal dwelling, however, the septic system is not shown on any drawing. The applicant is advised that the leaching bed of a septic system is also required to be located a minimum of 30 metres from the highwater mark setback per 4.41.2 c) of Zoning By-law 2010-100Z.

With regards to the requested relief, staff are unaware of any rationale provided for why the applicant cannot comply with the required minimum 30 metres highwater mark setback. Staff have reviewed the submitted topographic survey and note that the subject lands are sloped, with grade changes more pronounced toward the water. However, the entire parcel is sloped, and areas toward the road have a gentler slope than the proposed build site. 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

It does not appear that the proposed development meets any of these tests and that there is sufficient area beyond the 30 metres highwater mark setback to allow for the proposed seasonal dwelling. As such, staff of SEP are requesting the application be deferred to address the comments above. Additionally, staff in SEP would request that the location of the leaching bed be identified. If an enlargement and/or replacement is required, please note that on the plan.

Finally, 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, April 7, 2025

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, April 7, 2025

Please note the following fall outside our territory, therefore we have no concerns.

Site Plan, April 3, 2025

No Concerns

Meeting Minutes:

- 04/16/2025 The applicants and their agent, Dan Guillemette of Centreline Architecture, appeared before Committee and provided a summary of the Application, specifically addressing staff's comments. The applicant, Kimberly Einarson, provided Committee with a history of the property and surrounding area and the history of their development process. The Secretary-Treasurer advised Committee that a letter of support was received from, Crystal Kusinskis, a resident of McCharles Lake, and Committee acknowledged receipt of the letter. Committee Members Castanza, Goswell and Murray expressed support for staff's recommendation.

Committee Member Sawchuk asked the applicant if the dwelling could be situated opposite the hydro line due to the soil and the agent advised Committee of the elevation difference and the impact of existing rock and soil. Committee Member Sawchuk asked staff if this was taken into consideration and staff confirmed it had been and suggested that the Application was premature at this time. Committee Member Sawchuk expressed support for staff's recommendation. Committee Chair Dumont expressed appreciation for staff's comments and provided next steps to the applicants.

05/28/2025

The applicants, Kimberly Einarson and Peter Einarson, and their agent, Dan Guillemette of Centreline Architecture, appeared before Committee. Committee Chair Dumont noted the recommendation for a deferral and comments from Strategic and Environmental Planning.

The agent advised Committee that multiple meetings took place with the City after the last deferral. He advised that upon receipt of the comments they sought a geotechnical report which provided evidence as to why the building could not be constructed further into the lot which was submitted to the City the morning of the meeting. He further advised Committee of the information and communication that occurred with Conservation Sudbury regarding erosion and Section 28 requirements.

The Secretary-Treasurer advised Committee that a letter of support and an email of support were received from two area residents. The first from Crystal Kusinskis, a resident of McCharles Lake, and the second from Carol and Alain Larocque of 359 McCharles Lake Road. Committee acknowledged receipt of the comments.

Kimberly Einarson asked Committee if they were in receipt of the geotechnical report and Committee Chair Dumont confirmed receipt.

Committee Member Castanza advised Committee that she attended the site a second time and expressed support for the Application.

Committee Member Goswell asked staff if they had an opportunity to review the geotechnical report. Staff advised that due to the timing of the submission of the geotechnical report, staff did not have adequate time to complete a technical review prior to the meeting. Committee Member Goswell asked staff if they had any reason to doubt the expert opinion by a professional engineer.

Committee Chair Dumont requested the agent to explain the timing of the report. The Agent advised that they provided information to the City prior to obtaining the report and were never advised that what was provided was inadequate. He advised that they were only aware of the deferral recommendation when the comments were provided.

Kimberly Einarson commented on the timing, the cost and the stress of the process. Committee Chair Dumont explained the comments from Strategic and Environmental Planning.

Committee Member Goswell asked staff if the geotechnical report was meant to address all the issues raised in the comments from the departments. Staff advised Committee that the recommendation to defer was to allow time to explore the geotechnical report as staff did not have the time to complete a review and revise comments.

Committee Member Sawchuk expressed support for staff's recommendation as he required further information to assist in his decision.

Committee Member Murray advised that the expert opinion was sufficient for him to provide support for the Application.

Committee Chair Dumont expressed support for staff's recommendation and was of opinion that the departments needed adequate time to review the report. He also requested that staff from Strategic and Environmental Planning and Conservation Sudbury attend the meeting in support of their comments.

The applicants explained that they met with staff, and they were not advised that a geotechnical report was required. The agent clarified that the original request for a geotechnical report was from Conservation Sudbury. He stated that if the City was not satisfied with the report, they were questioning the credibility of the expert. Committee Chair Dumont reviewed Strategic and Environmental Planning's comments dated April 8 and May 22. The agent and applicants advised that the City did not request a geotechnical report. Kimberly Einarson advised that due to power lines, driveway and topography, there is no other place to put the building.

05/28/2025 Staff confirmed that several meetings took place after the initial deferral but with the second submission it came to light that there were unstable soil levels, which then resulted in the need for the geotechnical report.

Committee Chair Dumont expressed support for the Application.

Committee Member Murray advised that an explanation was requested at the last hearing, which was now provided. He believed that if a geotechnical report was needed, it should have been requested previously and would like to approve the Application.

Committee Member Goswell expressed support for the Application.

Committee Member Murray put forward a motion to amend the resolution to approve the Application. Committee Member Castanza seconded the motion. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

PETER EINARSON AND KIMBERLY EINARSON

the owner(s) of PIN(s) 733800072, Parcel 12242 SEC SWS, Summer Resort Lot 9, Plan M-223, Lot 7, Concession 1, Township of Graham, 357 McCharles Lake Road, Naughton P0M 2M0

for relief from Part 4, Section 4.41, subsection 4.41.2 and Part 9, Section 9.2, Table 9.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a seasonal dwelling with attached covered deck and pergola and to permit the conversion of the existing seasonal dwelling to a private cabin providing, firstly, high water mark setbacks of 20.98m for the pergola, 23.78m for the covered deck and 22.76m for the seasonal dwelling, where accessory buildings or structures shall be no closer than 30.0m to the high water mark, and secondly, for the private cabin to provide a gross floor area of 88.06sq. m, where the maximum gross floor area of 30.0sq. m on any lot accessory to a permitted seasonal dwelling is permitted, be approved.

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.

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00017

May 28, 2025

OWNER(S): SIMON DUBE, 2270 Hwy 535, St-Charles, ON, Canada

AGENT(S): SIMON DUBE, 2270 Hwy 535, St-Charles, ON, Canada

LOCATION: PIN(s) 735670271, Parcel 22140 SEC SES SRO, South half of Lot 16, Plan M-287, Part Lot 12, Concession 6, Township of Neelon, 1258 Paquette Street, Sudbury P3A 3Y2

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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 increase parking providing reduced landscaped open space and location of outdoor parking areas at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, May 23, 2025

The purpose and effect of the application is to recognize a minimum landscaped open space area in the front yard of 20%, whereas 50% is required, and to recognize parking in the front yard with a maximum width of 80% (12.2 m) of the minimum lot frontage, whereas parking areas in the front yard are required to be the lesser of either a maximum of 50% of the width of the minimum lot frontage (9 m/unit) or the maximum driveway width (6.3 m).

The subject lands contain a semi-detached building and an accessory building. The subject lands are serviced by a municipal water and sanitary connection and have existing accesses from Paquette Street.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'R2-2' Low Density Residential Two within the City of Greater Sudbury Zoning By-law.

Surrounding uses are low density residential in nature.

Subsequent to receiving comments, the applicant submitted an updated sketch which addressed the road departments concerns of parking on City owned lands. Additionally, the applicant has provided a written letter and photo documentation demonstrating in their opinion compatibility with the neighbourhood.

It is noted that the semi-detached dwelling has two existing driveways, one per unit, and that the Zoning By-law only requires 1 parking space per unit for semi-detached dwellings. Based on the concept plan provided there appears to be room to accommodate two parking spaces within the existing driveways and potential for extending the eastern existing driveway into the rear yard for additional rear yard parking. The proposed three parking spaces per semi-detached building

exceeds the minimum standards and removes required landscaping area, which would result in a front yard comprising of predominantly parking area. The intent of minimum landscaped areas and parking areas in the front yard is to maintain residential character. Staff acknowledge that there may be existing properties in the area that do not conform to the zoning by-law requirements, however, are not supportive of the reduction of landscaped open space and increase in parking area in the front yard as it would further alter the residential character of the neighborhood. It is recommended that the application be denied.

Development Approvals, April 29, 2025

REVISED- Subsequent to receiving comments, the applicant submitted an updated sketch which addressed the road departments concerns of parking on City owned lands.

It is noted that the semi-detached dwelling has two existing driveways, one per unit, and that the Zoning By-law only requires 1 parking space per unit for semi-detached dwellings. Based on the concept plan provided there appears to be room to accommodate two parking spaces within the existing driveways and potential for extending the eastern existing driveway into the rear yard for additional rear yard parking. The proposed three parking spaces per semi-detached building exceeds the minimum standards and removes required landscaping area, which would result in a front yard comprising of predominantly parking area. The intent of minimum landscaped areas and parking areas in the front yard is to maintain residential character.

Staff are not supportive of the reduction of landscaped open space and increase in parking area in the front yard as it would alter the residential character of the neighborhood. It is recommended that the application be deferred to allow the applicant an opportunity to address staff comments.

Ministry of Transportation, April 29, 2025

REVISED

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. Please don't hesitate to contact me if there are any questions or concerns.

Linear Infrastructure Services, April 28, 2025

REVISED

No concerns.

Corridor Management, April 25, 2025

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), April 25, 2025

No Comment Received

Ministry of Transportation, April 25, 2025

No Comment Received

Development Approvals, April 24, 2025

The purpose and effect of the application is to recognize a minimum landscaped open space area in the front yard of 20%, whereas 50% is required, and to recognize parking in the front yard with a

maximum width of 80% (12.2 m) of the minimum lot frontage, whereas parking areas in the front yard are required to be the lesser of either a maximum of 50% of the width of the minimum lot frontage (9 m/unit) or the maximum driveway width (6.3 m).

The subject lands contain a semi-detached building and an accessory building. The subject lands are serviced by a municipal water and sanitary connection and have existing accesses from Paquette Street.

The subject lands are designated 'Living Area I' within the City of Greater Sudbury Official Plan and are zoned 'R2-2' Low Density Residential Two within the City of Greater Sudbury Zoning By-law.

Surrounding uses are low density residential in nature.

It is noted that the semi-detached dwelling has two existing driveways, one per unit, and that the Zoning By-law only requires 1 parking space per unit for semi-detached dwellings. Based on the concept plan provided there appears to be room to accommodate two parking spaces within the existing driveway, pending consultation with roads. The intent of minimum landscaped areas and parking areas in the front yard is to maintain residential character. It is however recognized that there are other multiple dwelling units with front yard parking in the area.

Roads has advised that they are unable to support the requested minor variances as it would result in parking on the City's right of way, which isn't permitted.

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

Building Services, April 23, 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:

Modifications have been made to the front entrance stairs and landing without benefit of permit and appear to be non-compliant with Ontario Building Code requirements. Please contact Building Services for further review.

Development Engineering, April 23, 2025

No Concerns

Development Engineering, April 23, 2025

No Concerns

Linear Infrastructure Services, April 22, 2025

The staff can not support this application since two additional parking spots are within the city's right of way. The city does not permit any private parking within the city's right of way.

Site Plan, April 22, 2025

No Concerns

Strategic and Environmental Planning, April 22, 2025

No Concerns

Sudbury Hydro, April 17, 2025

No Concerns

Conservation Sudbury, April 16, 2025

No Concerns

Meeting Minutes:

- 04/30/2025 This application was deferred by the applicant prior to the meeting of April 30, 2025. This application did not go through public hearing.
- 05/28/2025 The applicant, Simon Dube, appeared before Committee. Committee Chair Dumont confirmed the recommendation to defer with staff. The Applicant provided a summary of the Application and the reasons for the variances being requested. The Secretary-Treasurer advised Committee that an email in opposition of the Application was received from Lyse Dionne of 1251 Paquette Street, which was circulated to Committee prior to the hearing. The applicant explained that the number of vehicles on the property would not be increased, just how they were situated. Committee Member Castanza advised Committee that she attended the site and expressed her lack of support for the Application due to the parking conditions seen during the visit. Committee Member Goswell wondered whether future parking amendments may alleviate the need for this variance but expressed support of staff's recommendation. Committee Member Sawchuk advised he would be supportive of a deferral. Committee Member Murray advised Committee that he attended the site and expressed his lack of support for the Application due to the current parking situation on the property and expressed support for staff's recommendation. Committee Chair Dumont expressed support for staff's recommendation to deny of the Application. The applicant commented on the difficulties surrounding rentals. Committee Member Goswell asked if the Committee wanted to further discuss the option of deferring the Application. Committee decided there was no appetite for further discussion unless the resolution to deny was lost. Staff advised that they were not aware of any future policy changes amending the parking standards with respect to landscaping and driveway width, and the changes would likely be limited to number of required parking spaces in relation to additional dwelling units only.

The following decision was reached:

**DECISION:**

THAT the application by:

SIMON DUBE

the owner(s) of PIN(s) 735670271, Parcel 22140 SEC SES SRO, South half of Lot 16, Plan M-287, Part Lot 12, Concession 6, Township of Neelon, 1258 Paquette Street, Sudbury P3A 3Y2

for relief from Part 4, Section 4.15, subsection 4.15.2 and Part 5, Section 5.4, subsection 5.4.2 d) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the increased parking on the subject property, firstly, providing a minimum of 20% landscaped open space, where a minimum of 50% of all required front yards shall be maintained as landscaped open space in Low Density Residential Two (R2) zones; and secondly, to permit the outdoor parking area in the required front yard to be a maximum width of 12.2m (80%) of the width of the minimum lot frontage, where outdoor parking areas are permitted in the required front yard to a maximum of 50% of the width of the minimum lot frontage, or the maximum driveway width established by this by-law, whichever is lesser, in all Residential Zones, be denied.

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 not minor in nature and are not 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 would not be maintained.

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

<b>Member</b>	<b>Status</b>
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring