



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2026-00122

October 1, 2026

OWNER(S): ROBERT CHURCH, 1317 North Shore Drive, Sudbury, ON, Canada
MELISSA WILL, 1317 North Shore Drive, Sudbury, ON, Canada

AGENT(S): ROBERT CHURCH, 1317 North Shore Drive, Sudbury, ON, Canada

LOCATION: PIN(s) 735810024, Parcel 53266 SEC SES, Part Lot 2, Concession 3, as in LT85182, and Part 1, Plan 53R-4670, Township of McKim, 1317 North Shore Drive, Sudbury P3B 1E7

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 accessory structures providing setbacks, encroachments, high water mark setback, shoreline structure and shoreline buffer at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, September 24, 2026

Development Approvals Staff is recommending a partial approval. See PDF document attached for comments.

Strategic and Environmental Planning, September 24, 2026

Strategic and Environmental Planning staff have reviewed the proposed development to legalize an existing accessory structure (covered bar) within the shoreline buffer area and with a high water mark setback of 8.6 m, and permit the construction of a sauna with deficient setbacks from the interior side lot line resulting in a shoreline buffer clearance of 47% (178.87 sq. m) for building and structures.

Staff rely on policy 3 of section 8.4.1 of the City's Official Plan when considering reductions to highwater mark setback, which may permit a reduction if only if:

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

Staff recognize that the lot is irregular in shape and at its greatest point of depth is +/-25 m. Staff also recognize that the majority of the dwelling is located within the shoreline buffer area and at its closest point is

+/-1.5 m from the front lot line. It is acknowledged that there is insufficient lot depth to accommodate accessory buildings outside of the high water mark and shoreline buffer area.

Staff, however, are not supportive of the request to further increase the clearance area within the shoreline buffer. A Shoreline Buffer Area is an area of open land, abutting a shoreline, maintained in a naturally vegetated self-sustaining state including natural rock formations and for purposes of clarity does not include an area which is maintained as a lawn. Shoreline buffers help filter sediment and other pollutants (such as fertilizers and pesticides) from runoff that flows from the land into waterways, thus protecting the waters from nearby land uses. The shoreline area also provides critical habitat for aquatic insects, microorganisms, fish, and other animals, thereby helping to maintain a balance in sensitive aquatic ecosystems. The subject lands currently exceed shoreline clearance requirements. Staff do not support the request to further increase permissions for buildings and structures within the shoreline area beyond what exists today as it greatly reduces the opportunity for re-vegetation to a natural state. It is noted that the shoreline area is largely comprised of manicured grass. Staff encourage re-vegetation to a natural state where possible.

Building Services, September 22, 2026

For relief from Part 4, Section 4.2, subsection 4.2.5, Table 4.1 and Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury as amended, for the following, firstly, to permit an existing accessory structure being the covered bar providing a high water mark setback of 8.6m, where no person shall erect any residential building or other accessory building or structure closer than 30.0m to the high water mark of a lake and where the only permitted structures within 20.0m of the high water mark of a lake 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, secondly, the shoreline buffer to be cleared to a maximum of 47% (178.87 sq. m), where on any residential lot the shoreline buffer area is permitted to be cleared of natural vegetation to a maximum of 25%, but in no case shall exceed a maximum of 276.0 sq. m, thirdly, to facilitate the construction of a sauna providing western interior side yard setback of 0.6m with eaves projecting 0.3m into the proposed 0.6m interior side yard setback, where accessory buildings and structures greater than 2.5m in height may be no closer than 1.2m from the side lot line and where eaves may encroach 0.6m into the required yard but not closer than 0.6m to the lot line.

Building Services has no objections to the proposed minor variances.

Owner to be advised that a building permit is required for the proposed sauna, to the satisfaction of the Chief Building Official.

Comments provided by A.Dittrich, Plans Examiner

Source Water Protection, September 22, 2026

Proposed construction of a Sauna with attached change room. Parcel located in Ramsey Lake IPZ "3". No significant drinking water threat identified at this time.

Sudbury Hydro, September 21, 2026

No objection.

Conservation Sudbury, September 18, 2026

Conservation Sudbury has no objection to the setbacks described in Minor Variance application MV-2026-00122.

Please note that property contains natural hazards regulated by Conservation Sudbury including a flood hazard and erosion hazard. Development is directed outside of these hazards. Our regulation exempts non-habitable structures less than 15m² in size.

The proposed sauna will require a permit from Conservation Sudbury prior to the issuance of the building permit. Please note that location may need to be altered to be located outside of the hazards, or its size reduced to fall within the exemption listed above. For further information please email NDCA@ConservationSudbury.ca

Corridor Management, September 18, 2026

No Comment Received

Development Engineering, September 18, 2026

No Concerns

Ministry of Natural Resources and Forestry (MNRF), September 18, 2026

No Comment Received

Site Plan, September 18, 2026

No Concerns

Ministry of Transportation, September 17, 2026

This is confirmation that the subject lands are not within the MTO's Permit Control Area; therefore, there are no comments to provide.

Meeting Minutes:

10/01/2026 The owner, Robert Church, appeared before Committee and provided a summary of the Application.

Brian Martin appeared before Committee and expressed opposition to the Application. His concerns related to non-compliance of the required setback, flooding and fire risk. The Chair clarified Mr. Martin's comments regarding the hedge and confirmed that the hedge was on the subject property.

The Secretary-Treasurer advised Committee that emails were received from Brian and Norma Martin of 1311 North Shore Drive objecting to the Application, Christopher Narozanski of 1323 North Shore Drive in support of the Application, and Alana and Matthew Giornofelice of 1290 North Shore Drive in support of the Application, and confirmed Committee's receipt of the emails prior to the hearing.

The owner acknowledged Brian Martin's comments and advised Committee that he contacted Conservation Sudbury regarding the flood zone, would be constructing the sauna away from the neighbour's house and is hoping to construct the sauna a few inches further into his lot.

Committee Member Sawchuk expressed support for staff's recommendation.

Committee Member Murray asked staff if the sauna was permitted in the setback and staff provided the Member with an explanation as to the recommendation. The Member asked staff to clarify their comments relating to the shoreline buffer and staff provided the Member with an explanation of the impacts and requirements of the shoreline buffer. The Member, referring to variance #2, asked staff if it would be required if the sauna met setbacks and staff explained that the recommendation was to accept what exists and not further reduce the shoreline buffer. The Chair asked staff if the 43% shoreline buffer clearance represented what currently exists and staff confirmed that it was. Committee Member Murray expressed support for a deferral.

Committee Chair Dumont asked staff to comment on permit requirements in relation to the square metre area of a structure and staff referred to Conservation Sudbury's comments as to when a permit was required. The Chair asked staff if variances were required if a permit was not required and staff advised that the development would still have to comply with Zoning. The Chair confirmed with staff the percentage of shoreline buffer that would be cleared if the sauna was permitted. The Chair remarked on the shoreline buffer of the abutting property, the difference of clearance being requested and what exists, and advised Committee that he attended the property for a site visit and was supportive of the Application.

Committee Member Sawchuk commented that the sauna could be placed in another location and Committee Chair Dumont requested the Member to clarify. The Member and the Chair requested staff to clarify the setback requirements and staff provided clarity on the Application and the recommendation. The Chair advised Committee that compliance with the setback would still require a variance to the shoreline buffer. The Member expressed support for staff's recommendation.

The owner explained to Committee that he could remove the dock and deck at the shoreline to allow for revegetation. The owner explained that the house previously met zoning requirements and asked if he removed the dock and deck if that would assist Committee in their decision and advised Committee that he wanted a decision rather than a deferral. The Chair advised the owner that Committee would not negotiate at a hearing, and a deferral would be more appropriate.

10/01/2026 Committee Member Murray expressed support for a deferral for variance #3 and support for the variance #2 at 47%. The Chair clarified the Member's position in relation to variance #2. The Chair suggested to the owner that they should comply with the setback requirements and that based on the Member's comments the Committee would be supportive of the buffer clearance. Committee Member Murray advised that Committee could approve the variances requested in #1 and #2 and the owner would be required to comply with the setback. Staff confirmed that variances #1 and #2 were related and that variance #3 was for the side yard setback. The Secretary-Treasurer confirmed Committee's proposal to approve variance #1 and amend variance #2 to allow for the sauna to be constructed within the shoreline buffer and deny variance #3. Committee Member Murray put forward a motion to amend the resolution to reflect the applicants request of 47% (178.87 sq. m) shoreline buffer clearance and Committee Chair Dumont seconded the motion. The motion was supported and carried.

The following decision was reached:

DECISION:

THAT the application by:

ROBERT CHURCH AND MELISSA WILL

the owner(s) of PIN(s) 735810024, Parcel 53266 SEC SES, Part Lot 2, Concession 3, as in LT85182, and Part 1, Plan 53R-4670, Township of McKim, 1317 North Shore Drive, Sudbury P3B 1E7

for relief from Part 4, Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury as amended, for the following, firstly, to permit an existing accessory structure being the covered bar providing a high water mark setback of 8.6m, where no person shall erect any residential building or other accessory building or structure closer than 30.0m to the high water mark of a lake and where the only permitted structures within 20.0m of the high water mark of a lake 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, and secondly, the shoreline buffer to be cleared to a maximum of 47% (178.87 sq. m), where on any residential lot the shoreline buffer area is permitted to be cleared of natural vegetation to a maximum of 25%, but in no case shall exceed a maximum of 276.0 sq. m, be granted.

AND THAT relief from Part 4, Section 4.2, subsection 4.2.5, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury as amended, to facilitate the construction of a sauna providing western interior side yard setback of 0.6m with eaves projecting 0.3m into the proposed 0.6m interior side yard setback, where accessory buildings and structures greater than 2.5m in height may be no closer than 1.2m from the side lot line and where eaves may encroach 0.6m into the required yard but not closer than 0.6m to the lot line, 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 minor in nature and are desirable for the appropriate development and use of the land and Buildings. The general intent and purpose of the By-law and the Official Plan are maintained.

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

Member	Status
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Non-Concurring
MATTHEW DUMONT	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2026-00123

October 1, 2026

OWNER(S): 1558680 ONTARIO INC., 157 Silpaa Street, Sudbury, Ontario, Canada P3B 3E5

AGENT(S): YALLOWEGA ARCHITECTURE INC., 157 Silpaa Street, Sudbury, ON, Canada P3B3E5

LOCATION: PIN(s) 735900299, Parcel 27690 SEC SES SRO, Part Lot 6, Concession 2, as in LT177434, Township of McKim, 888 Crown Street, Sudbury P3E 3R3

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 an accessory structure providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, September 24, 2026

The purpose and effect of the application is to facilitate the construction of a gazebo with attached covered access, providing a maximum height of 6.1m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m. (Section 4.2.4 of Zoning By-law 2010-100Z).

The property currently contains a single detached dwelling. The applicant is proposing to construct a three season room/gazebo in the rear yard. The agent has provided that relief for the proposed height is required due to the existing building height and slope of the property.

The lands are serviced by municipal water and sewer and are accessed via an existing easement from Crown Street, a municipal road maintained year round.

The subject property is designated 'Living Area 1' within the City of Greater Sudbury Official Plan and is zoned 'R1-5', Low Density Residential One. Surrounding use are a mix of low density residential, public parks, and institutional uses. Staff is of the opinion that the proposed minor 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.

Sudbury Hydro, September 24, 2026

No objections.

Building Services, September 23, 2026

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

However, Applicant/Owner to be aware of the following information:

1) Building Services acknowledges an associated building permit application (BP-NEW-2026-01343) for the Gazebo.

Based on our review of the plot plan submitted with the building permit application and its comparison to the plot plan provided for the minor variance application, we have identified a discrepancy in the setbacks shown for the proposed three-season sunroom/gazebo.

Although the proposed setbacks remain compliant in either case, the Applicant/Owner is requested to ensure that the plot plan submitted in support of the minor variance application is consistent with the plot plan associated with the building permit application. Please provide an updated plot plan for the building permit application that accurately reflects the proposed setbacks and aligns with the minor variance submission.

2) A search of our records indicates that there is an issued permit with outstanding inspections?

BP-NEW-2024-01036 – Addition (Full Permit Issued)

Please contact Building Services at 705-674-4455 x 4278 to schedule the required Inspection and close this project.

Strategic and Environmental Planning, September 23, 2026

SEP staff have no objection to the application.

Advisory comments:

The applicant is advised that compliance with the provincial Fish and Wildlife Conservation Act, 1997 and Species Conservation Act, 2025, and the federal Migratory Bird Convention Act, 1994 and Species At Risk Act, 2002, is their sole responsibility.

Corridor Management, September 18, 2026

No Comment Received

Development Engineering, September 18, 2026

No Concerns

Ministry of Natural Resources and Forestry (MNRF), September 18, 2026

No Comment Received

Site Plan, September 18, 2026

No Concerns

Ministry of Transportation, September 17, 2026

This is confirmation that the subject lands are not within the MTO's Permit Control Area; therefore, there are no comments to provide.

Conservation Sudbury, September 16, 2026

No Concerns

Meeting Minutes:

10/01/2026 The owner's authorized representative, Rick Yallowega of Yallowega Architecture, appeared before Committee and provided a summary of the Application. The Committee Members and the Chair had no questions and expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:
1558680 ONTARIO INC.

the owner(s) of PIN(s) 735900299, Parcel 27690 SEC SES SRO, Part Lot 6, Concession 2, as in LT177434, Township of McKim, 888 Crown Street, Sudbury P3E 3R3

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 gazebo with attached covered access providing a maximum height of 6.1m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

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

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

Member	Status
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2026-00125

October 1, 2026

OWNER(S): J CORSI DEVELOPMENTS INC., 1360 Kelly Lake Road #5, Sudbury, ON, Canada

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

LOCATION: PIN(s) 735881161, Part Lot 8, Concession 2, Block 9, Plan 53M-1444, Township of McKim, 568 Corsi Hill, Sudbury

SUMMARY

Zoning: The property is zoned R3(97) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit an increase in dwelling units at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, September 24, 2026

The purpose and effect of the application is to permit a total of twenty seven (27) dwelling units, where the Committee of Adjustment had previously granted a variance to permit a total of twenty six (26) dwelling units through Minor Variance application PL-MV-2026-00025. The development is proposed to be in the form of twenty six (26) semi detached dwelling units and one (1) single detached dwelling unit. The subject lands are currently vacant of any buildings and/or structures.

The lands form a block on a plan of subdivision and are subject to site plan control. The applicant has advised that subsequent to the completion of site plan control, they intend to apply for a plan of condominium. The lands will be serviced by a municipal water and sanitary connection and will be accessed from Corsi Hill.

The subject lands are designated 'Parks and Open Space' within the City of Greater Sudbury Official Plan, are subject to the Comprehensive Planned Unit Development Policies, and are zoned 'R3'(97), Medium Density Residential Special within the City of Greater Sudbury Zoning By-law. Surrounding uses are predominantly low density residential in nature.

Staff have no concerns with the additional one (1) dwelling unit as the applicant has advised that all other zone standards are capable of being met. Staff is 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.

Strategic and Environmental Planning, September 23, 2026

SEP staff have no objection to the application.

Advisory comments:

The subject lands contain wildland fire hazards as per Schedule 6b of the City of Greater Sudbury Official Plan. The applicant is advised that wildland fire mitigation best practices can be found in provincial standards such as FireSmart.

The applicant is advised that compliance with the provincial Fish and Wildlife Conservation Act, 1997 and Species Conservation Act, 2025, and the federal Migratory Bird Convention Act, 1994 and Species At Risk Act, 2002, is their sole responsibility.

Building Services, September 21, 2026

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

Please be advised that future construction will require a Building Permit to the satisfaction of the Chief Building Official.

Comments provided by Amanda Dittrich, Plans Examiner

Sudbury Hydro, September 21, 2026

No objection.

Corridor Management, September 18, 2026

No Comment Received

Development Engineering, September 18, 2026

No Concerns

Ministry of Natural Resources and Forestry (MNRF), September 18, 2026

No Comment Received

Site Plan, September 18, 2026

No Concerns

Ministry of Transportation, September 17, 2026

This is confirmation that the subject lands are not within the MTO's Permit Control Area; therefore, there are no comments to provide.

Conservation Sudbury, September 16, 2026

No Concerns

Meeting Minutes:

10/01/2026 The owner's agent, Vanessa Smith of Tulloch Engineering, appeared before Committee and provided a summary of the Application.
The Committee Members and the Chair had no questions and expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

J CORSI DEVELOPMENTS INC.

the owner(s) of PIN(s) 735881161, Part Lot 8, Concession 2, Block 9, Plan 53M-1444, Township of McKim, 568 Corsi Hill, Sudbury

for relief from Part 11, Section 1, subsection 10, paragraph (ssss), clause (i) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit 27 dwelling units, where Committee of Adjustment granted a variance to permit 26 dwelling units under Minor Variance Application PL-MV-2026-00025, be granted.

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

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

Member	Status
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2026-00126

October 1, 2026

OWNER(S): 2269139 ONTARIO INC, 21 Killarney Road, Sault Ste. Marie, ON, Canada

AGENT(S): YELLOWEGA ARCHITECTURE INC., 157 Silpaa Street, Sudbury, ON, Canada P3B3E5

LOCATION: PIN(s) 735851176; 735851175; 735851181, Firstly: Part Lot 6, Concession 3, Part 1, Plan 53R-20640, Township of McKim; Secondly: Lots 88 and 89, Plan 31-SA, Part 2, Plan 53R-20640, Part Lot 6, Concession 3, Township of McKim; and Thirdly: Part of Alder Street, Plan 31SA, Parts 2 and 3, 53R-22342, Township of McKim, 185 Lorne Street, Sudbury P3C 4P6

SUMMARY

Zoning: The property is zoned H53R3-1(33) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit a planting strip and landscaped open space at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, September 24, 2026

The purpose and effect of the application is to facilitate the construction of a non-residential use, with the following relief:

1. Permit a 1.1m wide planting strip, containing a 1.8m high opaque fence abutting lot 90, Plan 31SA, where the Committee of Adjustment granted a variance to permit a 1.3m wide planting strip abutting Lot 90, Plan 31SA under Minor Variance PL-MV-2025-00172. (Subsections 4.15.4 a) and 4.15.4 b) of Zoning By-law 2010-100Z).
2. Permit a minimum 15% landscaped open space, where the Committee of Adjustment previously granted a variance to permit a minimum of 25% landscaped open space, under Minor Variance application PL-MV-2025-00172. (Part 11, subsection 11, paragraph (gg), clause vii of Zoning By-law 2010-100Z).

The subject lands are currently developed with a commercial building. The lands are serviced by a municipal water and sanitary connection and have proposed entrances from Alder Street. The subject lands are designated 'Downtown' within the City of Greater Sudbury Official Plan and are zoned 'H53R3-1(33)', Medium Density Special with a Holding Provision within the City of Greater Sudbury Zoning By-law. The applicant has provided that the requested reductions would have the effect of allowing additional parking spaces on the property.

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

Building Services, September 23, 2026

Building Services has reviewed the application and has no concerns with the relief requested.

Applicant / Owner to be advised of the following:

- 1) Building Services acknowledges the submission of building permit documents and an associated building permit (BP-NEW-2026-00777 - proposing a change of use and building addition to convert the existing structure to a commercial occupancy, Wacky Wings).
- 2) With respect to additional considerations related to this development, Building Services reserves further comment until the time of Building Permit Application and Plans Examination.

Site Plan, September 23, 2026

An application for site plan control agreement has been received for the proposed development (CGS File PL-SPC-2026-00010). The applicant is advised that should any retaining walls exceed 1.0 m in height (design pending), that setback requirements as per Table 4.1 of the Zoning By-law will apply.
Wendy Kaufman, Senior Planner

Strategic and Environmental Planning, September 23, 2026

SEP staff have no objection to the application.

Advisory comment:

The applicant is advised that compliance with the provincial Fish and Wildlife Conservation Act, 1997 and Species Conservation Act, 2025, and the federal Migratory Bird Convention Act, 1994 and Species At Risk Act, 2002, is their sole responsibility.

Sudbury Hydro, September 21, 2026

No objection.

Corridor Management, September 18, 2026

No Comment Received

Development Engineering, September 18, 2026

Please refer to Site Plan Control comments for this application.

Ministry of Natural Resources and Forestry (MNRF), September 18, 2026

No Comment Received

Ministry of Transportation, September 17, 2026

This is confirmation that the subject lands are not within the MTO's Permit Control Area; therefore, there are no comments to provide.

Conservation Sudbury, September 16, 2026

No Concerns

CP, September 16, 2026

CPKC is generally not opposed to Commercial/Industrial type developments adjacent to our right of way. Notwithstanding that statement, commercial developments should still meet certain recommendations based upon site specific conditions and intended use.

CPKC is not in favour of residential uses that are not compatible with rail operations as the safety and welfare of residents can be adversely affected by rail operations. CPKC freight trains operate 24/7 and schedules/volumes are subject to change.

CPKC's approach to any development or expansion in the vicinity of rail operations is encapsulated by the recommended 2013 Proximity Guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. CPKC continues to recommend that all proposed developments (whether residential, commercial, or industrial) follow the 2013 Proximity Guidelines. It is incumbent upon the developer to incorporate these safety measures to a degree that satisfies the requirements of the relevant agencies issuing building and development permits. The 2013 Proximity Guidelines can be found here: <https://www.proximityinitiative.ca/>

CPKC's drainage infrastructure, including ditches and culverts, is designed exclusively to manage railway stormwater. These systems are not engineered to accommodate flows from adjacent developments. Developers must not incorporate or rely on CPKC drainage systems as part of their stormwater management plans, all stormwater management strategies must remain fully independent of CPKC property.

In addition, all construction, continued maintenance, access, and egress must be done without entering the railroad right of way. This includes but is not limited to maintenance of any equipment, lawn care, snow plowing and emergency exits via windows or doors.

CPKC recommends that the below conditions be inserted in all property and tenancy agreements or future offers of purchase and sale for all dwelling units in the proposed building(s):

"CPKC and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, CPKC will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard."

Meeting Minutes:

10/01/2026 The owner's agents, Denver Farquhar and Rick Yallowega of Yallowega Architecture, appeared before Committee and provided an explanation as to why the variances were being sought, advising that the purchase of a portion of Alder Street altered the lot area and the owner wanted to provide more on-site parking.
The Committee Members and the Chair had no questions and expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

2269139 ONTARIO INC

the owner(s) of PIN(s) 735851176; 735851175; 735851181, Firstly: Part Lot 6, Concession 3, Part 1, Plan 53R-20640, Township of McKim; Secondly: Lots 88 and 89, Plan 31-SA, Part 2, Plan 53R-20640, Part Lot 6, Concession 3, Township of McKim; and Thirdly: Part of Alder Street, Plan 31SA, Parts 2 and 3, 53R-22342, Township of McKim, 185 Lorne Street, Sudbury P3C 4P6

for relief from Part 4, Section 4.15, subsection 4.15.4 a) and 4.15.4 b) and Part 11, Section 1, subsection 11, paragraph (gg), clause (viii) of By-law 2010-100Z, being the By-law for the City of Greater Sudbury, as amended, to facilitate the development of the subject lands for a non-residential use providing, firstly, a 1.1m-wide planting strip containing a 1.8m high opaque fence abutting Lot 90, Plan 31SA, where Committee of Adjustment granted a variance to permit a 1.3m-wide planting strip abutting Lot 90, Plan 31SA under Minor Variance Application PL-MV-2025-00172, and secondly, a minimum 15% landscaped open space, where Committee of Adjustment granted a variance to permit a minimum 25% landscaped open space under Minor Variance Application PL-MV-2025-00172, 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 are desirable for the appropriate development and use of the land and Buildings. The general intent and purpose of the By-law and the Official Plan are maintained.

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

Member	Status
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2026-00127

October 1, 2026

OWNER(S): TERRY HERAULT, 1744 Yorkshire, Val Caron, ON, Canada
LISE HERAULT, 1744 Yorkshire, Val Caron, ON, Canada

AGENT(S): TERRY HERAULT, 1744 Yorkshire, Val Caron, ON, Canada

LOCATION: PIN(s) 735051022, Part Lot 7, Concession 1, Parts 1 and 2, Plan 53R-19685, Township of Hanmer, 1744 Yorkshire Drive, Val Caron P3N 1R9

SUMMARY

Zoning: The property is zoned R1-4 according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit an opaque fence providing setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, September 24, 2026

The purpose and effect of the application is to permit an existing 1.8m high opaque fence, located within the required front yard, providing a 0.13m setback from the front lot line, where fences more than 1.0m in height are not permitted in the required front yard and where a 6.0m setback is required. (Table 4.1 and Table 6.2 of Zoning By-law 2010-100Z).

The property currently contains a single detached dwelling, gazebo, garage and shed. The applicant has provided the explanation that the existing fence was installed within the front yard to try to mitigate the amount of debris and leaves which are blown onto the subject lands from trees in the area.

The lands are serviced by municipal water and sewer and are accessed by an existing driveway on Yorkshire Drive, a municipal road maintained year round.

The subject property is designated 'Living Area 1' within the City of Greater Sudbury Official Plan and is zoned 'R1-4', Low Density Residential One. Surrounding use are a mix of low density residential, and rural zoned lands.

No traffic safety issues have been identified by Development Engineering Staff.

Staff is of the opinion that the proposed minor 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, September 24, 2026

No Concerns

Building Services, September 23, 2026

Building Services has no objections to the proposed minor variances.

However, based on the information submitted on the plot plan, the Applicant/Owner should be aware of the following:

With respect to the shed (3.45m x 6.2m) shown on the site plan, Applicant/Owner to be aware that sheds greater than 15 m² require a building permit in accordance with Article 1.3.1.1. of Division C of the Ontario Building Code. Accessory buildings and structures constructed after the applicable by-law came into effect are required to comply with the applicable building permit requirements.

Strategic and Environmental Planning, September 23, 2026

SEP staff have no objection to the application.

Advisory comment:

The applicant is advised that compliance with the provincial Fish and Wildlife Conservation Act, 1997 and Species Conservation Act, 2025, and the federal Migratory Bird Convention Act, 1994 and Species At Risk Act, 2002, is their sole responsibility.

Sudbury Hydro, September 21, 2026

The following application falls outside of our service territory.

Corridor Management, September 18, 2026

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), September 18, 2026

No Comment Received

Site Plan, September 18, 2026

No Concerns

Ministry of Transportation, September 17, 2026

This is confirmation that the subject lands are not within the MTO's Permit Control Area; therefore, there are no comments to provide.

Conservation Sudbury, September 16, 2026

No Concerns

Meeting Minutes:

10/01/2026 The owner, Terry Herault, appeared before Committee and provided a summary of the Application.
The Secretary-Treasurer advised Committee that an email of opposition was received from Cathy and Eddy Frenette of 1750 Yorkshire Drive and confirmed Committee's receipt of the email prior to the hearing.
Committee Member Sawchuk asked staff if the recommendation considered the sight lines and staff advised that Development Engineering had no concerns with the development. Committee Member Sawchuk expressed support for staff's recommendation.
Committee Member Murray acknowledged that Development Engineering had no concerns, commented on the email of opposition and expressed support for staff's recommendation.
Committee Chair Dumont, referring to the owner's summary remarks, explained the importance of clarifying staff's comments when looking to development. The Chair expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

TERRY HERAULT AND LISE HERAULT

the owner(s) of PIN(s) 735051022, Part Lot 7, Concession 1, Parts 1 and 2, Plan 53R-19685, Township of Hanmer, 1744 Yorkshire Drive, Val Caron P3N 1R9

for relief from Part 4, Section 4.2, subsection 4.2.5, Table 4.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit an existing 1.8m high opaque fence to be located in required front yard providing a 0.13m setback from the front lot line, where fences more than 1.0m in height are not permitted in the required front yard and where a 6.0m setback 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.

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

Member	Status
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2026-00128

October 1, 2026

OWNER(S): YVONNE MORELLI, 837 Moonrock Ave, Sudbury, ON, Canada
JOSEPH MORELLI, 390 Maki Ave, Sudbury, ON, Canada

AGENT(S): JOSEPH MORELLI, 837 Moonrock Ave, Sudbury, ON, Canada

LOCATION: PIN(s) 735970824, Lot 7, Plan 53M-1449, Part Lot 8, Concession 1, Township of McKim,
837 Moonrock Avenue, Sudbury P3E 0B3

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 an opaque fence providing setbacks at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, September 24, 2026

The purpose and effect of the application is to facilitate the construction of a 2.0m high opaque fence to be located in the required corner side yard, providing no setback from the corner side lot line and a 26.0m setback from the front lot line, where fences more than 1.0m in height are not permitted in the required corner side yard and where a 4.5m setback is required. (Table 4.1 and Table 6.1 of Zoning By-law 2010-100Z).

The property currently contains a single detached dwelling. The applicant is proposing to construct a 2.0m wooden privacy fence around the rear yard and portions of the interior and exterior side yards. The lands are serviced by municipal water and sewer and are accessed by an existing driveway on Moonrock Avenue, a municipal road maintained year round.

The subject property is designated 'Living Area 1' within the City of Greater Sudbury Official Plan and is zoned 'R1-5', Low Density Residential One. Surrounding use are low density residential.

No traffic safety issues have been noted or identified by Development Engineering staff through the circulation process. Staff is of the opinion that the proposed minor variance is considered to be minor in nature, is an appropriate use of the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

Building Services, September 23, 2026

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

Development Engineering, September 23, 2026

No Concerns

Strategic and Environmental Planning, September 23, 2026

SEP staff have no objection to the application.

Advisory comment:

The applicant is advised that compliance with the provincial Fish and Wildlife Conservation Act, 1997 and Species Conservation Act, 2025, and the federal Migratory Bird Convention Act, 1994 and Species At Risk Act, 2002, is their sole responsibility.

Sudbury Hydro, September 21, 2026

No objection.

Corridor Management, September 18, 2026

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), September 18, 2026

No Comment Received

Site Plan, September 18, 2026

No Concerns

Ministry of Transportation, September 17, 2026

This is confirmation that the subject lands are not within the MTO's Permit Control Area; therefore, there are no comments to provide.

Conservation Sudbury, September 16, 2026

No Concerns

Meeting Minutes:

10/01/2026 The owners, Yvonne and Jospeh Morelli, appeared before Committee and provided a summary of the Application.
The Committee Members and the Chair had no questions and expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

YVONNE MORELLI AND JOSEPH MORELLI

the owner(s) of PIN(s) 735970824, Lot 7, Plan 53M-1449, Part Lot 8, Concession 1, Township of McKim, 837 Moonrock Avenue, Sudbury P3E 0B3

for relief from Part 4, Section 4.2, subsection 4.2.5, Table 4.1 and Part 6, Section 6.3, Table 6.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a 2.0m high opaque fence to be located in required corner side yard providing no setback from the corner side lot line and a 26.0m setback from the front lot line, where fences more than 1.0m in height are not permitted in the required corner side yard and where a 4.5m setback 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.

Member	Status
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring