



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00107

September 3, 2025

OWNER(S): BRIAN MACLEAN, 25 Ursa Court, Sudbury, ON, Canada
KATHLEEN STOKES, 25 Ursa Court, Sudbury, Ontario, Canada P3E 6B8

AGENT(S): NORTH SOUTH STUDIO, 31 Rio Road, Sudbury, ON, Canada

LOCATION: PIN(s) 735940052, Parcel 8570 SEC SES, Lot 28, Plan M-143, Part Lot 5, Concession 1, Township of McKim, 200 Maki Avenue, Sudbury P3E 2P2

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 convert an existing detached accessory building to an additional dwelling unit providing location and parking at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, August 29, 2025

The purpose and effect of the application is to permit the conversion of an existing accessory building to an additional dwelling unit with the following variances:

1. to permit the location of the additional dwelling unit within the front yard, where an additional dwelling unit located in a building accessory to a main building is only permitted within the rear and/or interior side yards; and
2. a minimum of 0 parking spaces, where 1 parking space is required for the singled detached dwelling, and 1 parking space is required for the additional dwelling unit.

The subject lands contain a 60 m² single detached dwelling and a 32 m² accessory building. The lands are serviced by a municipal water and sanitary connection as well as lake water and are accessed by an existing driveway off Maki Avenue.

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

Surrounding uses are low density residential in nature.

The accessory building proposed to be converted into an additional dwelling unit is located in the front yard with a 0 m setback from the front lot line. No parking spaces are available on the subject lands. Vehicles currently park in the City right-of-way, which is not permitted. No on street parking is permitted on Maki Avenue.

While additional dwelling units are permitted as of right, not every property is suitable to

accommodate additional dwellings. Staff are of the opinion that the request to establish an additional dwelling unit without any provided on-site parking, or the ability for on-street parking, is not an appropriate use of the land. Staff recognize that parking has historically occurred on the City's right of way and have concerns with permitted an additional dwelling unit exacerbating the existing parking situation. The lands do not abut a GOVA route. The nearest bus stop is +/- 500 m on Paris Street. Staff maintain the position that no less than 1 parking space per unit is considered to be appropriate in the Living Area I designation.

It is recommended that the application be denied.

Corridor Management, August 28, 2025

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), August 28, 2025

No Comment Received

Building Services, August 27, 2025

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

However, Owner to be informed of the following information:

- 1) Building permit and building permit documents, to the satisfaction of the Chief Building Official, are required for the proposed construction.
- 2) Due to the proximity of the existing detached garage to the lot lines, design considerations in relation to exposing building face, unprotected openings, and construction requirements shall be in accordance with the Ontario Building Code.

Conservation Sudbury, August 27, 2025

Conservation Sudbury has no objection to Minor Variance application MV-2025-00107.

Please note that subject property contains areas regulated by Conservation Sudbury, including floodplain. See map attached in pronto. Future development in regulated areas requires permission of Conservation Sudbury.

Development Engineering, August 27, 2025

We have some concerns regards to the reduction in the required number of parking spaces, it is important to note that on-street parking is not permitted on Maki Avenue, therefore any overflow parking that may occur from this site will affect the neighbouring property owners on Maki Avenue.

Strategic and Environmental Planning, August 27, 2025

Staff in SEP have reviewed the proposed addition of a dwelling unit within the existing detached garage. Staff have the following comments:

Lake Nepahwin is noted as an Enhanced Management 2 lake within the City of Greater Sudbury's Official Plan. Policy 7 of 8.4.2 Lakes with Phosphorus Enrichment Concerns states that "For lakes listed in Appendix B, lot creation or land use changes that result in a more intensive use may only

proceed on shoreline lots where a site-specific assessment demonstrates that the development will not negatively impact water quality and outlines the circumstances under which development should occur. Specific development requirements identified through the assessment will be implemented through site plan control." Staff note that the proposed dwelling unit is to be located within an existing structure and that there are municipal water and wastewater serving this site. As such, staff are of the opinion that, although this development represents an intensification of use, a site-specific assessment is not required.

Staff note that the existing garage is outside of the 30 metre highwater mark setback and no relief is required from those provisions.

As an advisory comment, the applicant should be aware that Zoning By-law 2010-100Z requires the maintenance of a naturally vegetated shoreline buffer area to a depth of 20.0 metres from the highwater mark of Lake Nepahwin, with an allowable clearance of 25% of the width of the lot, or 276 square metres, whichever is less. Staff recommend allowing as much of the required shoreline buffer area to re-naturalize as possible.

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, August 27, 2025

No objections.

Ministry of Transportation, August 22, 2025

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

Site Plan, August 20, 2025

No Concerns

Meeting Minutes:

09/03/2025 The applicant, Brian MacLean, appeared before Committee and provided a summary of the Application.
Committee Chair Dumont explained to the applicant the requirements of the development to adhere to current standards. Committee Chair Dumont confirmed with the applicant that there was no parking shown on the site plan.
Committee Members Castanza, Goswell and Sawchuk expressed support for staff's recommendation.
Committee Chair Dumont explained to the applicant the four tests of a minor variance and commented on the lack of rationale in the application and the requirements for additional dwelling units. Committee Chair Dumont expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

BRIAN MACLEAN AND KATHLEEN STOKES

the owner(s) of PIN(s) 735940052, Parcel 8570 SEC SES, Lot 28, Plan M-143, Part Lot 5, Concession 1, Township of McKim, 200 Maki Avenue, Sudbury P3E 2P2

for relief from Part 4, Section 4.2, subsections 4.2.10.3 (e) and (i) and 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 permit the conversion of the existing detached garage to an additional dwelling unit providing, firstly, the location of the additional dwelling unit within the front yard, where an additional dwelling unit located in a building accessory to a main building is only permitted within the rear and/or interior side yards, and secondly, no parking for the additional dwelling unit or existing single detached dwelling, where an additional dwelling unit located in a building accessory to a main building shall provide one additional parking space per additional dwelling unit that what would have been required on the property and where 1 parking space is required per unit, 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.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00110

September 3, 2025

OWNER(S): CATHERINE DUPUIS, 2209 Couture Street, Chelmsford, ON, Canada

AGENT(S): CATHY DUPUIS, 2209 Couture Street, Chelmsford, ON, Canada

LOCATION: PIN(s) 735860052, Part Lot 22, Plan 29-SB as in S70552, Part Lot 7, Concession 3, Township of McKim, 579 Elm Street, Sudbury P3C 1W7

SUMMARY

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

Application: Approval to construct a duplex dwelling with attached uncovered deck on the subject property providing setbacks, encroachments, landscaped area, landscaped open space, parking area, parking spaces, lot frontage and lot area at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, August 29, 2025

See PDF

Corridor Management, August 28, 2025

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), August 28, 2025

No Comment Received

Building Services, August 27, 2025

No Concerns

Strategic and Environmental Planning, August 27, 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, August 27, 2025

No objections.

Ministry of Transportation, August 22, 2025

We have determined 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, August 20, 2025

No Concerns

Development Engineering, August 20, 2025

We have some concerns regards to the reduction in the required number of parking spaces, it is important to note that on-street parking is not permitted on Elm Street, therefore any overflow parking that may occur from this site will affect the neighbouring property owners on Elm Street or other area roadways.

Site Plan, August 20, 2025

No Concerns

Meeting Minutes:

09/03/2025 The applicant's agent, Ray Dupuis, appeared before Committee and provided a summary of the Application.
The Secretary-Treasurer advised Committee that an email of concern was received from an area resident, Phil Belanger of 581 Elm Street, and confirmed that Committee had received a copy of the email for their consideration.
Committee Member Castanza confirmed with the agent that they were utilizing the existing foundation then asked if there was any opportunity to shift the building back in the lot and the agent advised that the building would not meet setback requirements either way.
Committee Member Goswell requested staff to explain their comments regarding the partial approval and staff advised that the partial approval would allow the applicant to proceed with the development but would limit them to a single detached dwelling.
Committee Member Goswell expressed support for staff's recommendation.
Committee Member Sawchuk expressed support for staff's recommendation.
Committee Chair Dumont requested staff to comment on the non-conformity of the existing building and staff advised that due to an addition being built without the benefit of a building permit, the applicant could not rely on the dwelling being legal non-conforming. Committee Chair Dumont commented on the agent's detailed plan, the size of the lot and the challenges that represents and expressed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

CATHERINE DUPUIS

the owner(s) of PIN(s) 735860052, Part Lot 22, Plan 29-SB as in S70552, Part Lot 7, Concession 3, Township of McKim, 579 Elm Street, Sudbury P3C 1W7

for relief from Part 4, Section 4.2, Table 4.1, Section 4.15, subsections 4.15.1 (e) and 4.15.2, Section 4.25, subsection 4.25.1, Part 5, Section 5.4, subsection 5.4.2 (d), and Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a dwelling on existing footings with an attached uncovered deck providing, firstly, an uncovered deck 2.9m in height to encroach into the rear yard providing a 3.0m setback from the rear lot line and to encroach into the interior side yard providing a 0.9m setback from the interior side 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 and 1.2 m into the required interior yard but no closer than 1.2 m to the interior side lot line, secondly, no landscaped area adjacent to Elm Street, where a 3.0m-wide landscaped area adjacent to the full length of a lot line shall be required abutting all public roads having a width greater than 10.0m in all Zones, thirdly, no landscaped open space in the required front yard, where a minimum of 50% of all required front yards shall be maintained as landscaped open space, fourthly, the required parking area in the required front yard to be a maximum width of 11.938m (100% 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, fifthly, a minimum lot frontage of 11.9m, where 15.0m is required, sixthly, a minimum front yard setback of 3.0, where 15.0m is required, seventhly, a minimum rear yard setback of 6.4, where 7.5m is required, eighthly, a minimum west interior side yard setback of 0.9m, where 1.8m is required, and ninthly, a minimum east interior side yard setback of 1.2m, where 1.8m is required, be granted.

AND THAT the relief from Part 5, Section 5.5, Table 5.5 and Part 6, Section 6.3, Table 6.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to permit 1 parking space, where 2 parking spaces are required, and a minimum lot area of 100.0 sq. m per unit, where 230.0 sq. m per unit is required, 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 is desirable for the appropriate development and use of the land and Buildings. The general intent and purpose of the By-law and the Official Plan are maintained.

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00112

September 3, 2025

OWNER(S): NICOLE ROBICHAUD, 1076 Pine, Hanmer, ON, Canada
BERNARD ROBICHAUD, 1076 Pine, Hanmer, ON, Canada

AGENT(S): BERNARD ROBICHAUD, 1076 Pine, Hanmer, ON, Canada

LOCATION: PIN(s) 735041487, Parcel 37694 SEC SES SRO, Part Lot 284, Plan M-641, Part 3, Plan 53R-6936, Part Lot 5, Concession 2, Township of Hanmer, 1076 Pine Court, Hanmer P3P 1S1

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 setbacks, eaves encroaching, landscaped area and landscaped open space at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, September 3, 2025

REVISED

Subsequent to providing comments, it was brought to staff's attention that the applicant did include the proposed location of the driveway/vehicular entrance on the north side of the building, however, the information was not visible on the scanned drawing due to it being in pencil. It was also confirmed that the requested reduced landscaping took into consideration the location of the proposed driveway.

Staff are supportive of the requested variances as residential character will be maintained.

Corridor Management, August 28, 2025

No Comment Received

Development Approvals, August 28, 2025

The purpose and effect of the application is to facilitate the construction of a 53 m² detached garage with the following variances:

1. a front yard setback of 2.4 m, where 6 m is required;
2. an eaves encroachment of 0.51 m into the proposed 2.4 m setback, where eaves may encroach 1.2 m into the required front yard no closer than 0.6 m to the lot line;
3. a 2.4 m wide open space adjacent to the full length of the lot line abutting Pine Court, where 3 m is required; and
4. a minimum of 36% landscaped open space in the front yard, where 50% is required.

The subject lands contain a 98 m² single detached dwelling, a shed, and a detached garage that has been identified to be removed. The lands are serviced by a municipal water and sanitary connection and are accessed by an existing driveway off Pine 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 in nature.

The subject lands are a corner lot with two lot lines abutting Pine Court. The east lot line being the shorter of the two is considered to be the front lot line and the southern lot line is considered to be the exterior side lot line. The dwelling is oriented towards the southern lot line abutting Pine Court, functioning as the front yard.

The applicant advised the placement of the proposed garage is to increase pedestrian accessibility from the garage to the dwelling. The applicant has been made aware that a new driveway/vehicular access will not be permitted through the site triangle. In response the applicants have identified a man door only on the concept plan labelled 'door'. A private garage is defined as 'a fully enclosed building designed and used for the storage of one or more motor vehicles.'

Staff have concerns with supporting the location of a proposed garage without an identified means of vehicular entrance. Having vehicular entrance to the north at the proposed location will require permission from the gas company and would further decrease the requested % of landscaped open area.

Staff recommend that the application be deferred to allow the applicants an opportunity to identify a means of vehicular access and make any required amendments to the requested relief that are applicable.

Ministry of Natural Resources and Forestry (MNRF), August 28, 2025

No Comment Received

Building Services, August 27, 2025

Building Services has no objections to the proposed minor variances.

Owner to be aware that a Building Permit is required for the proposed garage as well as a demolition permit to remove the existing garage, both to the satisfaction of the Chief Building Official.

Development Engineering, August 27, 2025

Driveway to new garage to be created through the existing approved entrance location and proposed garage door entry to face north, joining to the existing driveway.

No driveway, parking, vehicular access permitted in the sight triangle.

Strategic and Environmental Planning, August 27, 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, August 27, 2025

The following application falls outside of our service territory, therefore we have no concerns.

Ministry of Transportation, August 22, 2025

We have determined 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, August 20, 2025

No Concerns

Site Plan, August 20, 2025

No Concerns

Meeting Minutes:

09/03/2025 The applicants appeared before Committee and provided a summary of the Application. Committee Members and the Committee Chair expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

NICOLE ROBICHAUD AND BERNARD ROBICHAUD

the owner(s) of PIN(s) 735041487, Parcel 37694 SEC SES SRO, Part Lot 284, Plan M-641, Part 3, Plan 53R-6936, Part Lot 5, Concession 2, Township of Hanmer, 1076 Pine Court, Hanmer P3P 1S1

for relief from Part 4, Section 4.2, Table 4.1, Section 4.15, subsections 4.15.1 (e) and 4.15.2 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 detached garage providing, firstly, a front yard setback of 2.43m with eaves encroaching 0.51m into the proposed 2.43m front yard, where a 6.0m front yard setback is required and where eaves may encroach 1.2m into the required front yard but not closer than 0.6m to the lot line, secondly, a 2.4m wide landscaped open space adjacent to the full length of the lot line abutting Pine Court, where a 3.0m wide landscaped area adjacent to the full length of the lot line shall be required abutting all public roads having a width greater than 10.0m, and thirdly, a minimum of 36% landscaped open space, where a minimum of 50% of all required front yards shall be maintained as landscaped open space in low density residential one zones, be granted.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00114

September 3, 2025

OWNER(S): CHRIS MORGAN, 60 Marcel Street, Dowling, ON, Canada
NICOLE MORGAN, 60 Marcel Street, Dowling, Ontario, Canada P0M 1R0

AGENT(S): KOMRI ENGINEERING, 166 Douglas St, Sudbury, ON, Canada P3E1G1

LOCATION: PIN(s) 733520720, Parcel 25660 SEC SWS SRO, Lot 17, Plan M-1041, Part Lot 2, Concession 4, Township of Dowling, 60 Marcel Street, Dowling, Ontario P0M 1R0

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 containing an additional dwelling unit providing accessory lot coverage and location at variance to the By-law.

Comments concerning this application were submitted as follows:

Building Services, August 28, 2025

Building Services has reviewed the application and has the following comments:

We have no concerns with the requested relief for the building location.

A Building Permit is required for the proposed garage and additional dwelling unit, to the satisfaction of the Chief Building Official. Location of the proposed field bed will require Health Unit approval at time of application.

Corridor Management, August 28, 2025

No Comment Received

Development Approvals, August 28, 2025

See PDF

Ministry of Natural Resources and Forestry (MNRF), August 28, 2025

No Comment Received

Conservation Sudbury, August 27, 2025

No Concerns

Development Engineering, August 27, 2025

No Concerns

Strategic and Environmental Planning, August 27, 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, August 27, 2025

The following application falls outside of our service territory, therefore we have no concerns.

Ministry of Transportation, August 22, 2025

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

Site Plan, August 20, 2025

No Concerns

Meeting Minutes:

09/03/2025 The applicant, Chris Morgan, and his agent, Dylan Parent of Komri Engineering, appeared before Committee and provided a summary of the Application. Committee Member Castanza confirmed the location of the proposed septic system and existing well with the applicant and agent. The applicant explained that the existing septic system failed the previous year and an application with the Health Unit was already in process with the additional dwelling unit being considered in the same. Committee Member Goswell expressed support for staff's recommendation. Committee Member Sawchuk expressed support for staff's recommendation. Committee Chair Dumont asked staff if there were still concerns with the new information the applicant provided and staff confirmed that there were. Committee Chair Dumont discussed the Health Unit submission and the site plan with the agent, emphasized the condition that was going to be imposed and confirmed the required distance between and well and septic system with the agent. The applicant requested clarification on what would be needed to clear the condition and staff advised what they would require.

The following decision was reached:

DECISION:

THAT the application by:

CHRIS MORGAN AND NICOLE MORGAN

the owner(s) of PIN(s) 733520720, Parcel 25660 SEC SWS SRO, Lot 17, Plan M-1041, Part Lot 2, Concession 4, Township of Dowling, 60 Marcel Street, Dowling, Ontario P0M 1R0

for relief from Part 4, Section 4.2, subsections 4.2.3, and 4.2.10.3 (e) of Bylaw 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached accessory building containing a 67.0 sq. m. additional dwelling unit setback 17.0 m from the exterior side lot line providing, firstly, an accessory lot coverage of 18%, where the total lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and secondly, the location of the detached accessory building within the exterior yard, where an additional dwelling unit located in a building accessory to a main building is only permitted within the rear and/or interior side yards, be granted, subject to the following condition:

1. That the applicant demonstrates the site is capable of private servicing for both the existing dwelling and additional dwelling unit in accordance with the Ontario Building Code, to the satisfaction of Planning Services, within one year of the date of decision.

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

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

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00118

September 3, 2025

OWNER(S): JOSEE ROBERT, 4176 Municipal Road 35, Greater Sudbury, ON, Canada
JAMES ROBERT, 4176 Municipal Road 35, Greater Sudbury, ON, Canada

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

LOCATION: PIN(s) 733471440, 733471438, SRO, Part Lot 10, Concession 3, as in LT5771 and LT19549, except LT17713, LT60738, LT125350, LT128292, LT146628, Parts 1-3, Plan 53R-5475, Parts 1-4, Plan 53R-8389, Parts 1-7, Plan 53R-18049, Township of Rayside, 4176 Municipal Road 35, Chelmsford P0M1L0

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 garage on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

Corridor Management, August 28, 2025

No Comment Received

Development Approvals, August 28, 2025

The purpose and effect of the application is to facilitate the construction of a 557.5 m² detached garage with a height of 8m, where the maximum height of any accessory building on a residential lot shall be 6.5 m.

The subject lands are currently vacant of buildings and structures. The applicant is proposing to construct a 347 m² single detached dwelling with an additional dwelling unit with a height of 7 m. Both the dwelling and the garage are proposed to be serviced by their own septic system and well water, with access proposed by one driveway off Municipal Road 35.

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

Surrounding uses are low density residential, rural, and agricultural in nature.

The applicant advised that the accessory building is proposed to be used for general storage and the additional height is being requested in order to accommodate the parking of a personal semi-truck cab. Staff acknowledge that the proposed building complies with lot coverage requirements for accessory buildings, but do have concerns with the proposed use exceeding what is appropriate for

a residential accessory building. As an advisory comment, no commercial uses, home occupation, home industry, contractors yard, or business is permitted in an accessory building in the rural area. It is also noted, no additional dwelling unit will be permitted in the accessory building since there is one proposed in the single detached dwelling and only a total of two dwelling units are permitted.

The accessory building will be larger in ground floor area and height in comparison to the single detached dwelling. The accessory building is proposed to be located further from the road than the dwelling, setback 200 m from the front lot line. The subject lands contain natural vegetation along the western lot line abutting lower residential area.

Staff are of the opinion that so long as the use of the accessory building is for residential accessory use, that the variance 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.

Hydro One, August 28, 2025

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), August 28, 2025

No Comment Received

Development Engineering, August 27, 2025

No Concerns

Strategic and Environmental Planning, August 27, 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, August 27, 2025

The following application falls outside of our service territory, therefore we have no concerns.

Building Services, August 26, 2025

Building Services has no objections to the proposed minor variance.

Owner to be advised of the following:

We acknowledge Building Permit BP-NEW-2025-01086 for the proposed garage, however the application is missing required drawings and documentation.

Ministry of Transportation, August 22, 2025

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

Site Plan, August 20, 2025

No Concerns

Meeting Minutes:

09/03/2025 The applicant's agent, Aaron Ariganello of Tulloch Engineering, appeared before Committee and provided a summary of the Application. Committee Members and the Committee Chair expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

JOSEE ROBERT AND JAMES ROBERT

the owner(s) of PIN(s) 733471440, 733471438, SRO, Part Lot 10, Concession 3, as in LT5771 and LT19549, except LT17713, LT60738, LT125350, LT128292, LT146628, Parts 1-3, Plan 53R-5475, Parts 1-4, Plan 53R-8389, Parts 1-7, Plan 53R-18049, Township of Rayside, 4176 Municipal Road 35, Chelmsford P0M1L0

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 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.

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