



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2026-00079

July 22, 2026

OWNER(S): DENIS MCKEE, 383 Albert St, Azilda, ON, Canada

AGENT(S): BORTOLUSSI SURVEYING, 144 Elm Street, SUDBURY, ON, Canada

LOCATION: PIN(s) 733460888, Parcel 27167 SEC SWS, Part Lots 40 & 41, Plan M-271, as amended by LT413884, Parts 2 & 4, 53R-8972, and Part 1, Plan 53R-14206, Part Lot 4, Concession 1, Township of Rayside, 0 Albert Street, Azilda

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 dwelling providing setbacks, encroachments, a high water mark setback and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, July 16, 2026

The purpose and effect of the application is to facilitate the construction of a single detached dwelling, with the following variances:

1. To permit a high water mark setback of 18.4m, 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 Bylaw (Section 4.41.2 of the Zoning By-law).
2. To permit a front yard setback of 2.1m, with eaves encroaching an additional 0.6m into the proposed 2.1m front yard setback, where a 6.0m front yard setback is required and where eaves may encroach 1.2m into the required yard but not closer than 0.6m to the lot line (Table 4.1 of Zoning By-law). The subject property is currently vacant, is serviced by municipal water and sanitary connection and has access from Albert Street.

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 applicant has provided that the proposed dwelling has been sited as far from the water's edge as reasonably possible, with a proposed setback of approximately 18.4m. The applicant has also noted that the reduced setback is required due to physical constraints on the property, which includes flooding which extends approximately 90.0m into the subject property.

Strategic and Environmental Planning (SEP) has no objections to the proposed application due to the

following:

1. SEP 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.

2. SEP Staff is of the opinion that the applicant has demonstrated that sufficient lot depth is not available to locate the proposed dwelling outside of the highwater mark setback. It is also recognized that full municipal servicing is available and therefore no septic system is required.

SEP Staff have also advised the applicant 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.

Conservation Sudbury (NDCA) has no objections to the proposal but provided the following:

1. Subject property contains features regulated by Conservation Sudbury, including a flood and erosion hazard. Conservation Sudbury pre-consulted on the proposed development and can accept the plot plan submitted for this Minor Variance application.

2. A Section 28 permit from Conservation Sudbury will be required prior to the building permit. Some of the requirements of the Section 28 application were indicated in previous correspondence between agent and Conservation Sudbury.

Staff are satisfied that due to the topography of the lands, the proposed dwelling cannot be located further from the high water mark. 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.

Development Engineering, July 16, 2026

Eaves Encroachment:

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be 1.5m from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

Corridor Management, July 15, 2026

No Comment Received

Development Approvals, July 15, 2026

The subject lands contain floodplain as per Schedule 6a of the City of Greater Sudbury Official Plan. Flood and erosion hazards are evaluated by Conservation Sudbury.

Staff in SEP have reviewed the proposed development to permit the construction of a single detached

dwelling within the shoreline buffer area with a highwater mark setback of 18.4 m and a front yard setback of 2.1 m. 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 are of the opinion that the applicant has demonstrated that sufficient lot depth is not available to locate the proposed dwelling outside of the highwater mark setback. Staff also recognize that the applicant is seeking relief to locate the dwelling closer to the front lot line than what is required in order to be located further from the highwater mark. It is also recognized that full municipal servicing is available and therefore no septic system is required. SEP therefore have no objections to the application.

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.

Ministry of Natural Resources and Forestry (MNRF), July 15, 2026

No Comment Received

Strategic and Environmental Planning, July 15, 2026

The subject lands contain floodplain as per Schedule 6a of the City of Greater Sudbury Official Plan. Flood and erosion hazards are evaluated by Conservation Sudbury.

Staff in SEP have reviewed the proposed development to permit the construction of a single detached dwelling within the shoreline buffer area with a highwater mark setback of 18.4 m and a front yard setback of 2.1 m. 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 are of the opinion that the applicant has demonstrated that sufficient lot depth is not available to locate the proposed dwelling outside of the highwater mark setback. Staff also recognize that the applicant is seeking relief to locate the dwelling closer to the front lot line than what is required in order to be located further from the highwater mark. It is also recognized that full municipal servicing is available and therefore no septic system is required. SEP therefore have no objections to the application.

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, July 14, 2026

Building Services has reviewed your documents and sketches for the requested minor variance and can

advise that we have no concerns with the requested variances as listed.

Applicant to be advised that a Building Permit to the satisfaction of the Chief Building Official is required for the proposed single-family dwelling.

Conservation Sudbury, July 10, 2026

Subject property contains features regulated by Conservation Sudbury including a flood and erosion hazard. Conservation Sudbury pre-consulted on the proposed development and can accept the plot plan submitted for this Minor Variance application.

Please note that a Section 28 permit from Conservation Sudbury will be required prior to the building permit. Some of the requirements of the Section 28 application were indicated in previous correspondence between agent and Conservation Sudbury.

Sudbury Hydro, July 10, 2026

Please note application PL-MV-2026-00079 falls outside of our service territory - no concerns.

Ministry of Transportation, July 9, 2026

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

Site Plan, July 9, 2026

No Concerns

Meeting Minutes:

07/22/2026 The agent, Adrian Bortolussi, appeared before Committee and provided a summary of the Application and explained how Whitewater Lake water levels got raised, flooding the land. This has resulted in an impossible building envelope that would comply with the City's Zoning by-law. Committee Member Castanza Goswell and Murray expressed support for staff's recommendation. Committee Chair Dumont commented on the support of Strategic and Environmental Planning and Conservation Sudbury. The Chair echoed support for staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:
DENIS MCKEE

the owner(s) of PIN(s) 733460888, Parcel 27167 SEC SWS, Part Lots 40 & 41, Plan M-271, as amended by LT413884, Parts 2 & 4, 53R-8972, and Part 1, Plan 53R-14206, Part Lot 4, Concession 1, Township of Rayside, 0 Albert Street, Azilda

for relief from Part 4, Section 4.2, subsection 4.2.5, Table 4.1 and Section 4.41, subsections 4.41.2 and 4.41.4

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 single detached dwelling providing, firstly, a high water mark setback of 18.4m, 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, a front yard setback of 2.1m, with eaves encroaching an additional 0.6m into the proposed 2.1m front yard setback, where a 6.0m front yard setback is required and where eaves may encroach 1.2m into the required yard but not closer than 0.6m to the lot line, be granted.

Consideration was given to Section 45(1) of the *Planning Act*, R.S.O.1990, c. P.13, as amended, including written and oral submissions related to the Application, it is our opinion the variances are minor in nature and 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
CATHY CASTANZA	Concurring
DAVID MURRAY	Concurring
JUSTIN SAWCHUK	Absent
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2026-00092

July 22, 2026

OWNER(S): OZARK HOLDINGS LTD, 568 Lake point court, Sudbury, ON, Canada

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

LOCATION: PIN(s) 735810058, Parcel 43179 SEC SES, Part Lot 11, Plan M-14, Parts 4-6, Plan 53R-6835, Part Lot 2, Concession 3, Township of McKim, 568 Lake Point Court, Sudbury P3E 6J3

SUMMARY

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

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

Comments concerning this application were submitted as follows:

Source Water Protection, July 17, 2026

No Concerns.

Development Approvals, July 16, 2026

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

1. To permit a front yard setback of 1.8m, with eaves encroaching an additional 0.6m into the proposed 1.8m front yard setback, where a 6.0m front yard setback is required and where eaves may encroach 1.2m into the required yard but not closer than 0.6m to the lot line (Table 4.1 of Zoning By-law).

The subject property is developed with a single family dwelling, is serviced by well and septic and has access from Lake Point Court. The applicant has provided that the proposed location for the detached garage is in the best location given the property dimension constraints and existing septic system and well.

The subject property is designated 'Living Area I' within the City of Greater Sudbury Official Plan, is zoned 'R1-3', Low Density Residential One within the City of Greater Sudbury Zoning By-law, is within the Ramsey Lake Intake Protection Zone, is partially within the floodplain and partially regulated by Conservation Sudbury (NDCA). Surrounding uses are low density residential in nature.

Conservation Sudbury has no objections with the proposal since the proposed location contains no features

regulated by Conservation Sudbury. Future development within areas regulated by Conservation Sudbury requires permission prior to development.

Strategic and Environmental Planning (SEP) also has no objections with the proposal but noted that the subject lands contain floodplain as per Schedule 6a of the City of Greater Sudbury Official Plan and wildland fire hazard as per Schedule 6b of the City of Greater Sudbury Official Plan. Staff also noted that the proposed accessory building appears to be located outside of the wildland fire hazard area. The applicant is also advised that wildland fire mitigation best practices can be found in provincial standards such as FireSmart.

Lastly, the applicant is also advised that compliance with the provincial Fish and Wildlife Conservation Act, 1997 and Species Conservation Act, 2025, and the federal Fisheries Act, 1985; Migratory Bird Convention Act, 1994; and Species At Risk Act, 2002 is their sole responsibility.

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.

Development Engineering, July 16, 2026

Eaves Encroachment:

The roof must be complete with eaves troughs and the variance would permit both the structure and its eaves troughs to be *0 m (0 ft) from the lot line. Downspouts must be discharged towards the interior of the property and not towards the adjacent property.

Corridor Management, July 15, 2026

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), July 15, 2026

No Comment Received

Building Services, July 10, 2026

No Concerns

Conservation Sudbury, July 10, 2026

Conservation Sudbury has no objections with the proposed Minor Variance for a detached garage with variance to front yard setback. The proposed location contains no features regulated by Conservation Sudbury. Future development within areas regulated by Conservation Sudbury requires permission prior to development.

Sudbury Hydro, July 10, 2026

Maintain proper clearance from energized apparatus and conductors as per latest edition of Ontario Electrical Safety Code. No structures shall encroach upon GHSI easements. For clarification, please contact GSHI Engineering Department.

Ministry of Transportation, July 9, 2026

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

Site Plan, July 9, 2026

No Concerns

Strategic and Environmental Planning, July 8, 2026

SEP staff have no objection to the application.

The subject lands contain floodplain as per Schedule 6a of the City of Greater Sudbury Official Plan and wildland fire hazard as per Schedule 6b of the City of Greater Sudbury Official Plan. Flood and erosion hazards are evaluated by Conservation Sudbury. The proposed accessory building appears to be located outside of the wildland fire hazard area.

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 Fisheries Act, 1985; Migratory Bird Convention Act, 1994; and, Species At Risk Act, 2002 is their sole responsibility.

Meeting Minutes:

07/22/2026 The agent, Mike Shantz, appeared before Committee and provided a summary of the Application.
Committee Member Castanza advised Committee that she attended the property to perform a site visit and expressed support for staff's recommendation.
Committee Member Goswell agreed the request was minor and expressed support for staff's recommendation.
Committee Member Murray also expressed support for staff's recommendation.
Committee Chair Dumont expressed no concerns, commented on the irregular shape of the lot and advised that he supported staff's recommendation with respect to the four tests of a minor variance.

The following decision was reached:

DECISION:

THAT the application by:
OZARK HOLDINGS LTD

the owner(s) of PIN(s) 735810058, Parcel 43179 SEC SES, Part Lot 11, Plan M-14, Parts 4-6, Plan 53R-6835, Part Lot 2, Concession 3, Township of McKim, 568 Lake Point Court, Sudbury P3E 6J3

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 detached garage providing a front yard setback of 1.8m with eaves encroaching an additional 0.6m into the proposed 1.8m setback, where 6.0m is required and where eaves may encroach 1.2m into the required front yard

but not closer than 0.6m to the lot line, be granted.

Consideration was given to Section 45(1) of the *Planning Act*, R.S.O.1990, c. P.13, as amended, including written and oral submissions related to the application, it is our opinion the 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	Concurring
JUSTIN SAWCHUK	Concurring
MATTHEW DUMONT	Concurring
RON GOSWELL	Concurring