

COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00111

August 20, 2025

OWNER(S): S [REDACTED] MARSHALL, 1067 Kantola Road, Greater Sudbury, ON, Canada
P3Y1H8

AGENT(S): S [REDACTED] MARSHALL, 1067 Kantola Road, Greater Sudbury, ON, Canada
P3Y1H8

LOCATION: PIN(s) 733980061, Parcel 19060 SEC SWS, Part Summer Resort Location AE 285,
Part 8, Plan SR-457, together with easement over Part 1, Plan SR-457 as in
LT212984, Township of Eden, 1067 Kantola Road, Lively P3Y 1H8

SUMMARY

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

Application: Approval to construct a detached garage on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, August 15, 2025

The purpose and effect of the application is to recognize an 83 m² accessory building with a height of 8 m, whereas the maximum height permitted for accessory buildings is 5 m.

The subject lands contain a single detached dwelling with a ground floor area of 134 m² and a height of 7.3 m, and two accessory buildings. The subject lands are serviced by an individual well and septic system and appear to be accessed by easement through Iode Street being a private road to Kantola Road.

The subject lands are designated 'Rural' within the City of Greater Sudbury Official Plan, are zoned 'R1-1' Low Density Residential One within the City of Greater Sudbury Zoning By-law, and are regulated by Conservation Sudbury (NDCA).

Surrounding uses are rural and low density residential in nature.

The accessory building is proposed to be located in the rear yard with a setback of 15 m from the rear lot line, 54 m from the front lot line abutting Long Lake, 23 m from the west interior side lot line, and 1.4 m from the east interior side lot line. The proposed accessory building will be subordinate in size in comparison to the single detached dwelling. The accessory building is proposed to be located outside of the highwater mark and shoreline areas. There is vegetation located along the interior side lot lines as well as the rear lot line, which would act as a visual buffer from the Iode Street and abutting properties.

Staff are of the opinion that the variance is considered to be minor in nature, is an appropriate use of

the land, and meets the intent of the Official Plan and Zoning By-law. It is recommended that the application be granted.

Corridor Management, August 14, 2025

No Comment Received

Ministry of Natural Resources and Forestry (MNRF), August 14, 2025

No Comment Received

Strategic and Environmental Planning, August 14, 2025

The applicant is proposing a garage approximately 80 metres from the highwater mark. As such, staff in Strategic and Environmental Planning do not oppose this application.

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.

Traffic and Transportation, August 14, 2025

No Concerns

Building Services, August 13, 2025

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

1) Building Services acknowledges the associated building permit (BP-NEW-2025-01079) for the proposed detached garage.

Owner to be advised of the following comments:

2) Our records indicate an Order to Remedy (15-0023) for the front entrance stairs & deck not built to Code and Order to Comply (17-013) for the construction of an attached rear deck without benefit of a building permit. Please contact Building Services to proceed in closing these projects.

3) Be advised that no habitable space is permitted.

Development Engineering, August 13, 2025

No Concerns

Sudbury Hydro, August 12, 2025

Please note application PL-MV-2025-00111- falls outside of our service territory, therefore we have no concerns with said application.

Hydro One, August 8, 2025

Hydro One has existing infrastructure on the property; however, there are no concerns with the proposed new build interfering with our current facilities. The new construction will be in proximity to an existing service line, but this line will be relocated when the existing service is transferred to the new building. The customer has been informed of their responsibilities and obligations to ensure

compliance with all applicable requirements.

Conservation Sudbury, August 7, 2025

No objection to MV-2025-00111 to facilitate the construction of a detached garage providing a maximum height at variance with the City of Greater Sudbury. Subject property contains areas regulated by Conservation Sudbury, including floodplain and an erosion hazard. Location of the garage is outside of these hazard.

Future development within regulated areas requires permission of Conservation Sudbury. Map attached in pronto.

Ministry of Transportation, August 7, 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 7, 2025

No Concerns

Meeting Minutes:

08/20/2025 The applicant and her father, George Marshall, appeared before Committee and provided a summary of the Application.
Committee Member Castanza advised Committee that she attended the site and commented that construction had begun and requested the applicant to explain. The applicant advised Committee that during the construction they realized the need for the height variance but continued with the construction so long as they didn't exceed the height until the variance was obtained.
Committee Members Goswell and Murray and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

S [REDACTED] MARSHALL

the owner(s) of PIN(s) 733980061, Parcel 19060 SEC SWS, Part Summer Resort Location AE 285, Part 8, Plan SR-457, together with easement over Part 1, Plan SR-457 as in LT212984, Township of Eden, 1067 Kantola Road, Lively P3Y 1H8

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 8.0m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be approved.

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



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. PL-MV-2025-00074

August 20, 2025

OWNER(S): BROOKE HOWES, 1167 Prestige Place, Sudbury, ON, Canada P3A4X1
KEN ROBINEAU, 1167 Prestige Place, Sudbury, Ontario, Canada P3A4X1

AGENT(S): CR DESIGN, 2200 lakeshore blvd west unit 3609, toronto, ON, Canada

LOCATION: PIN(s) 735810523, Firstly: Part Lot 105, Plan M-129, being Parts 2 & 3, Plan 53R-20665; Secondly: Lot 106, Plan M-129, being Part 4, Plan 53R-20665, Part Lot 2, Concession 3, Township of McKim, 51 Downing Street, Sudbury P3B 3E7

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 with covered porch and detached accessory building providing highwater mark setback and location, and height at variance to the By-law.

Comments concerning this application were submitted as follows:

Development Approvals, August 14, 2025

REVISED:

The purpose and effect of the application is to facilitate the construction of a 112 m² detached garage with a height of 8m, where the maximum height of any accessory building on a residential lot shall be 5.0m.

The subject lands contain a single detached dwelling that is intended to be demolished and replaced with a 224 m² single detached dwelling with a height of 10.7 m. The lands are serviced by a municipal water and sanitary connection. It is acknowledged that a new driveway will be proposed based on the concept plan provided, which will require an entrance permit.

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, are located in the Ramsey Lake Intake Protection Zone IV of the Source Water Protection Plan, and are regulated by Conservation Sudbury (NDCA).

Surrounding uses are low density residential in nature.

Subsequent to the public hearing, the application revised the proposed garage height from 9.1 m to 8 m, and has provided additional rationale for the proposed height.

The accessory building will be subordinate in size and height in comparison to the main use being the single detached dwelling. Staff have no concerns that the use will be accessory to the single detached dwelling. The accessory building is proposed to be located in the front yard, 23 m from the

front lot line. It is recognized that accessory buildings being located in the front yard is common for lands abutting a waterbody, and that the proposed building will adhere to all shoreline setbacks. The subject lands are flag shaped and are located towards the end of a dead end road. There are two abutting residential lots on either side of the subject lands which have one storey single detached dwellings that are located closer to the road than the proposed accessory building. Although there are no visual buffers in the form of natural vegetation or fencing between the proposed accessory building and abutting uses, staff do not anticipate negative impacts to the abutting lands as a result of the additional height. Staff are of the opinion that the reduction in height to 8 m will be less visually offensive in terms of neighbourhood character than the original 9.1 m proposal.

The potential for a future additional dwelling unit has no bearing on staff's recommendation, as the building needs to be evaluated based on the current proposed use and there is no guarantee that the additional dwelling unit will be built in the future. Should an additional dwelling unit be proposed in the future, it would need to adhere to all applicable policies at the time of building permit.

Given the reduction in height, setback from the road, and subordinate appearance in comparison to the single detached dwelling, staff recommend that the application be approved.

Building Services, August 6, 2025

REVISED - No Concerns.

Corridor Management, June 19, 2025

No Comment Received

Development Approvals, June 19, 2025

See PDF

Ministry of Natural Resources and Forestry (MNRF), June 19, 2025

No Comment Received

Strategic and Environmental Planning, June 19, 2025

The proposed development requests relief to the highwater mark setback for the construction of an existing dwelling from 30 metres to 13.0 metres, where the existing dwelling is currently 12.2 metres setback from the highwater mark. Staff acknowledge that this is 0.8 metres further from the highwater mark than the existing dwelling unit that is to be demolished. Staff rely on policy 3 of section 8.4.1 of the City's Official Plan when considering reductions to the highwater mark setback, which may permit a reduction only if:

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

Staff acknowledge that the proposed dwelling is setback further from the highwater mark and that the portion within the required shoreline buffer area is roughly equal to the existing dwelling. As such, staff are of the opinion the proposed development is consistent with policy 8.4.1 of the Official Plan.

It does appear that area outside of the highwater mark area could accommodate the proposed dwelling. Staff strongly encourage the applicant to reconsider the location of the dwelling, pushing it further east toward Downing Street.

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

Development Engineering, June 18, 2025

No Concerns

Linear Infrastructure Services, June 18, 2025

No Concerns

Source Water Protection, June 18, 2025

Proposed demo of existing house and construction of a new SFD and a new detached garage within the Ramsey Lake IPZ "3". No significant drinking water threat identified at this time.

Sudbury Hydro, June 18, 2025

No objections.

Building Services, June 17, 2025

Building Services has reviewed your application PL-MV-2025-00074 and have no concern, however applicant to be advised of the following:

- 1) Building Services acknowledges the receipt of BP-DEM-2025-00026 (Demolish existing Single Family Dwelling), BP-NEW-2025-00464 (Erect Single Family Dwelling) and BP-NEW-2025-00558 (Erect Detached Garage with Loft).
- 2) Ensure height of the proposed Single Family Dwelling does not exceed 11m. An additional minor variance would be required if the height exceeds 11m.
- 3) A driveway entrance permit is required for the new proposed driveway.

Conservation Sudbury, June 17, 2025

Conservation Sudbury has no objection to MV-2025-00074 to facilitate the construction of a dwelling with covered porch and detached accessory building providing highwater mark setback and location, and height at variance to the By-law.

Subject property contains features regulated by Conservation Sudbury pursuant to the Conservation Authorities Act including an erosion and flood hazard. A Section 28 permit from Conservation Sudbury is required at the building permit stage.

Ministry of Transportation, June 17, 2025

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

Site Plan, June 12, 2025

No Concerns

Meeting Minutes:

- 06/25/2025 The applicant, Brooke Howes and her agent, Rohit Walia, appeared before Committee. The agent provided a summary of the Application. The applicant provided some history of the property and the Minnow Lake area, their plans for the property and their reason for the proposed height of the detached garage. Committee Member Castanza advised Committee that she attended the site and clarified with the applicant what the foundation would be. Committee Member Castanza advised that her opinion was that the garage would not be out of character due to the location of the property and the topography of the property. Committee Member Murray expressed agreement with Committee Member Castanza. Committee Member Sawchuk expressed support for staff's recommendation to allow for additional information to be submitted. At the request of Committee Chair Goswell, the Secretary-Treasurer confirmed the wording of the resolution. Committee Member Sawchuk expressed both understanding of the resolution and support for staff's recommendation. Committee Member Murray suggested that the information provided by the applicant regarding buffering should be explored but would still consider a motion. Committee Chair Goswell advised the applicant and agent that Committee would not make amendments to the Application during the hearing. Committee Member Castanza expressed concern with deferring the proposed garage. Committee Member Murray advised Committee that he didn't disagree with Committee Member Castanza's opinion in that the proposed garage would not be out of character.
- 08/20/2025 The applicants appeared before Committee and provided a summary of the Application. Committee Member Castanza advised Committee that she attended the site and expressed support for the Application. Committee Members Goswell and Murray and Committee Chair Dumont expressed support for the Application and staff's recommendation.

The following decision was reached:

DECISION:

THAT the application by:

BROOKE HOWES AND KEN ROBINEAU

the owner(s) of PIN(s) 735810523, Firstly: Part Lot 105, Plan M-129, being Parts 2 & 3, Plan 53R-20665; Secondly: Lot 106, Plan M-129, being Part 4, Plan 53R-20665, Part Lot 2, Concession 3, Township of McKim, 51 Downing Street, Sudbury P3B 3E7

for relief from Part 4, Section 4.2, subsection 4.2.4 (a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 8.0m, where the maximum height of any accessory building on a residential lot shall be 5.0m, be granted.

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

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

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