

**NOTICE OF APPLICATION  
FOR CONSENT  
PURSUANT TO SECTION 53(5)(a) OF THE PLANNING ACT,  
R.S.O. 1990, CHAPTER P.13**

Respecting an application for consent by Leon and Cindy Tryon  
to the Sudbury East Planning Board  
Part of Lot 1, Concession 2  
in the Township of Haddo  
now in the Municipality of French River  
Territorial District of Sudbury  
Parcel 18927 Sudbury East Section  
(Roll No. 5201-060-000-553-00)  
(SEPB File No. B/23/17/FR)

**THE PURPOSE AND EFFECT** of the application is to revise the existing lot line (boundary) between two lots known as 7953C and 7953D on a private road which has a registered right-of-way from Highway 64. At present the applicant gives permission to the neighboring property to the west to park their vehicles on lot 7953 C. The revised lot line will ensure sufficient lot area is available for parking for the neighboring property to the west.

**TAKE NOTICE THAT** the Sudbury East Planning Board will analyze and discuss Application B/23/17/FR at its meeting on **October 12<sup>th</sup>, 2017 at 5:30 p.m. at the Sudbury East Planning Board Office, 39 Lafontaine Street, Unit 4, Warren, Ontario.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION** of the Sudbury East Planning Board in respect of the proposed consent, you must make a written request to the **Sudbury East Planning Board, 39 Lafontaine Street, Unit 4, P.O. Box 250, Warren, Ontario, P0H 2N0.**

**IF A PERSON OR PUBLIC BODY THAT FILES AN APPEAL** of a decision of the Sudbury East Planning Board in respect of the proposed consent does not make written submissions to the Sudbury East Planning Board before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal.

**ADDITIONAL INFORMATION** is available for public review or a written copy of this Notice can be obtained Monday to Friday (8:30 a.m. to 4:00 p.m.) at the Sudbury East Planning Board Office.

Dated at Warren, this 28<sup>th</sup> day of September, 2017.

Matthew Dumont, MCIP, RPP  
Secretary-Treasurer

39 Lafontaine Street, Unit 4, P.O. Box 250 Warren, Ontario P0H 2N0  
Telephone: (705) 967-2174 Fax: (705) 967-2177 Watts: 1-877-540-7372  
[www.sepb.org](http://www.sepb.org)



**KEY MAP**

Consent Application  
(Leon and Cindy Tryon)  
Part of Lot 1, Concession 2  
in the Township of Haddo  
now in the Municipality of French River  
Territorial District of Sudbury  
Parcel 18927  
(Roll No. 5201-060-000-553-00)  
(SEPB File No. B/23/17/FR)



**AERIAL PHOTOGRAPHY**

Consent Application  
(Leon and Cindy Tryon)  
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in the Township of Haddo  
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Territorial District of Sudbury  
Parcel 18927  
(Roll No.5201-060-000-553-00)  
(SEPB File No. B/23/17/FR)



**Planning Report:** APPLICATION FOR CONSENT  
**Report To:** SUDBURY EAST PLANNING BOARD  
**Meeting Date:** October 12<sup>th</sup>, 2017  
**Report Date:** September 25<sup>th</sup>, 2017

**Applicant(s)/Owners:** Leon and Cindy Tryon  
**Agent/Solicitor:** Paul Hess  
**File Number:** B/23/17/FR  
**Property Description:** Part of Lot 1, Concession 2  
in the Township of Haddo  
now in the Municipality of French River  
Territorial District of Sudbury  
Parcel 18927 Sudbury East Section  
(Roll No.5201-060-000-553-00)  
7953 C HWY 64

**APPLICATION:**

The purpose of the Application for Consent is to sever 0.12 hectares from a private road which has a registered right-of-way and to add such lands to the property to the immediate west (7953D Highway 64).

The owners of lot 7953 D presently park their vehicles at the northwest corner of the applicant’s property (7953 C Highway 64). The current application proposes to revise the lot line to ensure sufficient area is available to the owners of 7953 D in order to facilitate parking legally on their property. Lot 7953 C presently contains a single detached dwelling and accessory buildings including a detached garage, shed and a boathouse. The benefitting lands contain a single-detached dwelling and two (2) wood sheds.

An existing lot should generally not be further reduced, unless there is some extenuating circumstance such as the correction of the encroachment of parking, therefore a minor variance application will not be required.

**SUBJECT LANDS:**

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
Severed Lot	0.12 hectares	0 metres
Retained Lot	0.29 hectares	55.0 metres
Enlarged Lot	0.46 hectares	49.0 metres
<b>Access:</b>	Private right-of-way.	
<b>Servicing:</b>	Privately owned and operated individual septic system. Privately owned and operated individual well / water supplied via lake.	
<b>School Busing:</b>	Not applicable.	
<b>Garbage Collection:</b>	Not applicable.	
<b>Fire Protection:</b>	Available.	

Surrounding Uses: The lands are located on the north side of the West Arm, and west of Highway 64. The subject lands are in an area of waterfront residential.

### **APPLICATION REVIEW AND ANALYSIS:**

#### **PROVINCIAL POLICY STATEMENT, 2014**

The Provincial Policy Statement (2014) directs that Ontario's long-term prosperity, environmental health and social well-being depend on wisely managed change and promoting efficient land use and development patterns. Efficient land use and development patterns supporting strong, liveable and healthy communities, protect the environment and public health and safety and facilitate economic growth. Under Section 3 of the Planning Act, where a municipality exercising its authority affecting a planning matter, such decisions "shall be consistent with" all policy statements issued under the Act.

No provincial interests, as expressed in the Provincial Policy Statement, are adversely affected by this application.

#### **OFFICIAL PLAN**

Official Plan Designation: **Waterfront Policy Area**, as identified in the Official Plan for the Sudbury East Planning Area (adopted April 27<sup>th</sup>, 2010, approved by the Ministry of Municipal Affairs and Housing September 28<sup>th</sup>, 2010)

Lands designated Waterfront Policy Areas are intended to provide the main locations for seasonal and limited permanent residential, recreational and tourism-oriented commercial uses.

Development in Waterfront Policy Areas is intended to occur on private water and sewage services.

The application, as proposed, generally conforms to the intent and the policies of the Official Plan.

#### **ZONING BY-LAW (2014-23)**

Current Zoning: **Waterfront Residential (WR)**

Proposed Zoning: Same as above.

The Waterfront Residential Zone requires a minimum lot area of 0.8 hectares and a minimum frontage of 60 metres. At present, Lot 7953 C has a lot area of 0.41 hectares and a lot frontage of 55 metres. Once the severance and lot addition have been completed, it is proposed to have a lot area of 0.29 hectares and a lot frontage of 55 metres. A minor variance will not be required to recognize the further reduced lot area which is below the minimum requirement of the zoning by-law because of extenuating circumstances such as the re-alignment of the lot boundary to resolve the parking constraint between both neighbouring properties.

The proposal involves no new land use or change in land use.

AGENCY REVIEW

This application was circulated to those agencies that were considered to have an interest in the proposal. The following comments were received:

No Comments were received as of the date this report was written.

PUBLIC CONSULTATION

Notice of the consent application was sent to surrounding property owners on September 28<sup>th</sup>, 2017, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 197/96) thereto. As of the writing of this report, no comments or concerns had been received from neighbouring property owners.

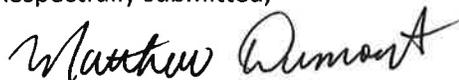
MATTERS UNDER SECTION 51(24) OF THE PLANNING ACT

Those matters under Section 51(24) have been reviewed and considered; there is no adverse effect expected from the proposed consent with respect to the listed criteria.

**RECOMMENDATION:**

Whereas the application for consent is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, and the subject property is appropriately zoned, we are of the opinion that the application is acceptable from a planning perspective, and should be granted, subject to the appended conditions.

Respectfully submitted,



Matthew Dumont, MCIP, RPP  
Director of Planning

**SUDBURY EAST PLANNING BOARD  
CONSENT-IN-PRINCIPLE - CONDITIONS**

**Planning Board Date of Decision:** October 12<sup>th</sup>, 2017  
**Date of Notice of Decision:** \*\*\*  
**Last Date of Appeal:** \*\*\*

**Applicants(s):** Leon and Cindy Tryon  
**Owner(s):** Same as above  
**Agent/Solicitor:** Paul Hess  
**File Number:** B/23/17/FR  
**Property Description:** Part of Lot 1, Concession 2  
in the Township of Haddo  
now in the Municipality of French River  
Territorial District of Sudbury  
Parcel 18927 Sudbury East Section  
(Roll No. 5201-060-000-553-00)

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, **SEPB File No. B/23/17/FR**, which must be fulfilled within one year from the date of this letter, are set out below. These conditions must be fulfilled prior to the granting of consent.

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**CONDITIONS:**

1. This approval applies to effect a lot addition of approximately 0.12 hectares in area with approximately 0 metres of lot frontage, as applied for on Part of Lot 1, Concession 2, in the Township of Haddo, now in the Municipality of French River, Territorial District of Sudbury, (Parcel 18927 Sudbury East Section).
2. Prior to the granting of Final Consent through the provision of the Certificate of the Official a fee of **\$200.00** must be paid to the Sudbury East Planning Board.
3. The following documents shall be provided for the transaction described in Condition 1:
  - a) the original executed Transfer/Deed of Land Form, a duplicate original, and one photocopy for our records;
  - b) a Schedule to the Transfer/Deed of Land Form on which is set out the entire legal description of the parcel(s) in question. This Schedule must also contain the names of the parties indicated on Page 1 of the Transfer/Deed of Land Form; and
  - c) a reference plan of survey (**a paper copy and an electronic copy**), which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates.
4. The parcel intended to be severed be conveyed to the abutting landowner to the immediate **west** and be consolidated with said owner's existing property. Any additional transaction with regard to the parcel severed will have to comply with Subsections 3 and 5, of Section 50 of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.

5. A minor variance application for the retained lands shall be approved in order to recognize the revised lot area of the lot 7953C resulting from the reconfiguration of the lot line, as shown on the attached sketch dated September 8<sup>th</sup>, 2017.

**NOTES:**

The following notes are for the applicant's information:

1. The required Transfer/Deed of Land Form and Schedule shall contain a complete and accurate legal description. The Planning Board's certificate of consent will be affixed to the completed Schedule page. For this reason, the names of the parties also must be set out on the Schedule page, so that the consent may be properly related to the intended conveyance.

Inaccuracies or omissions with regard to the legal description in the Transfer/Deed of Land Form, the Schedule page, or the reference plan of survey, will result in the documents being returned without consent.

2. ***It is the applicant's and/or agent's responsibility to fulfill the conditions of consent approval pursuant to Section 53(41) of the Planning Act, R.S.O. 1990, Chapter P.13 within one year of the date that the Notice of Decision to grant Provisional Consent was given pursuant to Section 53(17) of the Planning Act. The Planning Board will issue no further notice or warning of the expiration of the one-year period.***

If the conditions to consent approval are not fulfilled within one year of the date of the Notice of Decision and the applicant is still interested in pursuing the proposal, a new application will be required. New applications must be accompanied by a fee.

3. Because this consent application is for a lot addition, Subsection (3) or (5) of Section 50 of the Planning Act, R.S.O. 1990, Chapter P.13, shall apply to any subsequent conveyance or transaction. This will be set out in the Certificate on the Transfer/Deed of Land Form upon endorsement by the Planning Board.