

**SUDBURY EAST PLANNING BOARD
MINUTES
Wednesday, November 08, 2018 at 5:30 p.m.
Sudbury East Planning Board Office
39 Lafontaine Street, Warren, Ontario**

MEMBERS PRESENT: Phil Belanger, Carol Lemmon, Ginny Rook, Michel Bigras, Heide Ralph, Ned Whynott, Paul Schoppmann

MEMBERS ABSENT: Jim Rook, Denny Sharp, Greg Hunt

OFFICIALS PRESENT: Matthew Dumont, Director of Planning/Secretary-Treasurer
Nancy Roy, Administrative Assistant

PUBLIC PRESENT: Sarah Vereault, Erin Reed

1. MEETING CALLED TO ORDER

Chair Bigras called the meeting to order at 5:30 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 18-071

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of November 08, 2018 be adopted as amended.

MOVED BY: Phil Belanger

SECONDED BY: Heide Ralph

Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

No disclosures of Pecuniary Interest.

4. ADOPTION OF MINUTES

a) Sudbury East Planning Board – Regular meeting of September 12, 2018 be adopted as distributed.

Resolution: 18-072

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of September 12, 2018 be adopted as distributed.

MOVED BY: Paul Schoppman

SECONDED BY: Ginny Rook

Carried

5. PRESENTATION/DELEGATION

- a) **J.L. Richards & Associates** – Official Plan Review Kick-Off with the Board to understand current Official Plan Policies and expected review outcomes

Sarah Vereault and Erin Reed, J.L. Richards & Associates Limited, presented, to the Sudbury East Planning Board, information regarding the New Official Plan Project Timelines, Current Policies, and the process in which the New Official Plan will be created.

6. ZONING CONFORMITY PERMITS

- a) Third Quarter 2018 - The Zoning Conformity Permits issued for the Third Quarter of 2018 were presented to the Board for their information.

7. ZONING BY-LAW AMENDMENTS

The chair advised that a Public Hearing will be held before the Planning Board makes a decision on a zoning by-law amendment. Also that the analysis and discussion serves two purposes: first, to present to the Planning Board and the public the details and background to a proposed Zoning By-law Amendment; and second, to receive comments from the public and agencies before a Planning Board decision is made.

The Director of Planning Advised that Notice of the Public Hearing was posted in the Planning Board office and sent by First Class Mail to assessed owners within 120 metres of the property subject to the Zoning By-law Amendment Application and to those persons and agencies likely to have an interest in the application. The Notice was sent on October 18, 2018, being over twenty (20) days prior to this evenings meeting (ZBA 18-10BRW – Monica and Donald Dailey). Included with the Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the property. The circulation was provided in accordance with the provisions of the Planning Act, R.S.O., Chapter P.13.

- a) **ZBA 18-10BRW – Monica and Don Dailey**

No one was present for questions or comments from the board.

The Director of Planning summarized the application.

The subject lands are surrounded by three (3) rural and one (1) residential rural properties and have access from Twin Bay Road which is maintained by the Local Roads Board year-round. Crown lands abut to the east of the subject property.

The Proposed Amending By-law will zone the land from Residential Rural (RR) to Residential Rural (RR) with regulations(s) under By-law 14-01 of the Sudbury East Planning Board, as amended, in order to reflect the intended use of such lands and to permit a sleep cabin and to implement a regulation to the maximum gross floor area of the sleep cabin.

With respect to the Official Plan, specifically servicing, the applicants have demonstrated site suitability for a septic system, reasonable expectation of potable water and capacity for hauled sewage with respect the single detached dwelling and sleep cabin.

With respect to zoning, The Residential Rural (RR) Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. The lot to be rezoned with a special provision meets the minimum requirements of the Residential Rural (RR) Zone. In addition, the Residential Rural Zone permits the following uses; bed and breakfast, single detached dwelling, home industry, and home occupation. Sleep cabins are permitted on lots in the Waterfront Residential (WR) Zone and Rural (RU) Zone, therefore the proposed amending Zoning By-law will establish provisions to permit a sleep cabin with a gross floor area of 29.0 square metres which is well under the maximum gross floor area of 46.5 square metres which is permitted under section 6.46, sleep cabins of the Zoning By-law 14-01.

With respect to comments, no comments were received through agency circulation nor through the public.

It is recommended that both the by-law be passed to recognize the intended use of the subject lands

Resolution: 18-073

BE IT RESOLVED THAT By-law Number 18-07 being a By-law for the purpose of amending Zoning By-law No. 14-01 of the Sudbury East Planning Board, in respect of application ZBA 18-10BRW, submitted by Monica and Don Dailey be read a first and second time this 08th day of November, 2018.

MOVED BY: Heide Ralph

SECONDED BY: New Whynott

Carried

Resolution: 18-074

BE IT RESOLVED THAT By-law Number 18-07 being a By-law for the purpose of amending Zoning By-law No. 14-01 of the Sudbury East Planning Board, in respect of application ZBA 18-10BRW submitted by Monica and Don Dailey be read a third and final time this 08th day of November, 2018.

MOVED BY: Heide Ralph

SECONDED BY: Paul Schoppmann

Carried

8. CONSENT APPLICATIONS

The chair advised that a Public Hearing will be held before the Planning Board makes a decision on a Consent Application. Also that the analysis and discussion serves two purposes: first, to present to the Planning Board and the public the details and background to a proposed Consent Application; and second, to receive comments from the public and agencies before a Planning Board decision is made.

The Director of Planning Advised that Notice of the Public Hearing was posted in the Planning Board office and sent by First Class Mail to assessed owners within 60.0 metres of the property subject to the Consent Applications and to those persons and agencies likely to have an interest in the applications. The Notice was sent on September 24, 2018, being over fourteen (14) days prior to this evenings meeting (B/24/18/FR – Lise Paden and Katherine Murrell) and on October 18, 2018 (B/25/18/FR-Vince and Tammy Seguin, B/26/18/SCR- Bill and Paulette Tait, B/27/18/SC – Rene Rainville). Included with the Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the property. The circulation was provided in accordance with the provisions of the Planning Act, R.S.O., Chapter P.13.

a) **B/24/18/FR- Lise Paden and Katherine Murrell**

No member of the public was present for questions or comments from the Board. The Director of Planning summarized the application.

The lands are located on the west side of Monette Road, off of Forest Hill Road, north west of Highway 64. The subject lands and lands to the north and south are waterfront residential. Lands surrounding area consist of a mix of rural and waterfront residential land uses.

The application will sever a portion of Lot 17, Plan 53M-1273 to be added to the adjacent lot to the south (Lot 18, Plan 53m-1273) and the remaining portion of the lot is slightly undersized and is vacant. The lot addition is intended to provide additional area to facilitate the construction of an addition to the single detached dwelling which encroaches on Lot 17, Plan 53M-1273.

The purpose of the Application for Minor Variance is to permit a reduced setback from the Interior Side Yard of 2.12 metres instead of the 3.0 metres required by the 'Waterfront Residential (WR)' provisions of Zoning By-law 2014-23

With respect to the Official Plan policies, Section 4.5.1 of the Official Plan states that consents include lot boundary adjustments such as that currently proposed. For that reason, staff is supportive of an application that would result in addressing the encroachment issue.

With respect to the required minor variance application, as noted in the Official Plan section above, minor variances must meet the four tests set out in Section 45(1) of the Planning Act

With respect to zoning, The proposed addition to the single family home is to be partially located on Lot 17, Plan M53-1273 (191 Forest Hill Road). The lot is deep, having a depth on the northerly side of 148.50 metres and the proposed lot addition is narrow, having a width of 1.876 metres. As proposed, the addition to the single family home encroaches on Lot 17, Plan M53-1273 (191 Forest Hill Road), therefore the proposed lot addition will not meet the required setback would have been required for the northerly interior side yard as the sketch shows the structure near the property line (0.876 metres). However, the proposed lot addition will ensure sufficient interior side yard setback as well as increasing the overall lot area to be closer to the minimum lot area requirement of the Waterfront Residential Zone.

With respect to agency circulation,

The Clerk of the Municipality of French River advised that these applications are not subject to Conditions to Municipal Drains, Parkland Dedication or any road transfers.

No other comments were received through agency circulation or from the public.

The application can be supported from a planning perspective provided that the attached conditions area fulfilled with respect to the lot addition.

Resolution: 18-075

BE IT RESOLVED THAT Consent Application B/24/18/FR submitted by Lise Paden and Katherine Murrell be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Ned Whynott

SECONDED BY: Heide Ralph

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Local Planning Appeal Tribunal Act.

The applicants have one year to fulfill the conditions of this provisional consent or the approval will lapse.

b) B/25/18/FR – Vince and Tammy Seguin

No member of the public was present for questions or comments from the Board. The Director of Planning summarized the application.

The lands are located on the east side of North Channel Road, south of North Channel Camp Road and north of the French River. The subject lands are in an area of rural and limited residential rural development.

The purpose of the Application for Consent is to create one (1) residential rural lot. The proposed retained lot is to be approximately 19.0 hectares in lot area with a lot frontage of approximately 112.0 metres and contains a single-detached dwelling and an accessory structure (detached garage), as per MPAC Comprehensive report. The proposed severed lands are to be approximately 1.25 hectares in lot area with a frontage of approximately 132.0 metres, and are presently vacant.

With respect to the Official Plan policies, Consents to sever land for the purposes of creating a new building lot shall only be granted where a plan of subdivision has been determined not to be appropriate, no extension of services is required, adequate access to the severed and retained parcels can be provided from a year-round maintained road, adequate sewage and water servicing can or will be provided, etc.

With respect to zoning, the 'Rural (RU)' Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The lot to be retained will continue to meet those requirements. However, the lot to be severed will have an area of 1.25 hectares which is below the minimum lot area requirement of the RU Zone. The severed lot was rezoned to Residential Rural (RR) which requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres, however, **SEPB File No. B/14/17/FR lapsed**. The condition(s) to have the lands rezoned from Rural (RU) to Residential Rural (RR) was satisfied and fulfilled as part of the consent-in-principle conditions.

With respect to agency circulation,

Union Gas Limited: has no objection to the consent application.

Hydro One: no comments or concerns at this time with respect to the proposal.

No other comments were received through agency circulation or from the public.

The application can be supported from a planning perspective provided that the attached conditions area fulfilled with respect to the severance.

Resolution: 18-076

BE IT RESOLVED THAT Consent Application B/25/18/FR submitted by Vince and Tammy Seguin be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Ned Whynott

SECONDED BY: Phil Belanger

Carried

c) B/26/18/SCR – Bill and Paulette Tait

No member of the public was present for questions or comments from the Board. The Director of Planning summarized the application.

The purpose of the Application for Consent is to remedy a contravention to Section 50 of the Planning Act. The above noted property received Final Consent in 1999 (B/02/99/SCR) to create one (1) rural lot with an approximate lot area of 24.3 hectares (54.50 acres). Additionally, a reference plan, comprising of Parts 1, 2, 3, and 4, Plan 53R-16488, formed part of the subject lands and Part 4, Plan 53R-16488 (2.33 ha/5.77 acres) was included in the transfer, in error, resulting in a Planning Act Contravention because Part 4 of Plan 53R-16488 was re-transferred to the owner, without Consent.

With respect to the Official Plan policies, Section 4.5 of the Plan contains policies pertaining to Consents. Subsection 1, outlines criteria where consents are generally limited to:

- a) New lots that represent minor infilling;
- b) The mortgaging of land beyond 21 years;
- c) Lot boundary adjustments;
- d) Facilitating the disposal of a second legal dwelling;
- e) Separating existing legal uses;**

With respect to zoning, the proposal involves no new land use or change in land use.

With respect to agency circulation,

No comments were received through agency circulation or from the public.

The application can be supported from a planning perspective provided that the attached conditions area fulfilled with respect to the severance.

Resolution: 18-077

BE IT RESOLVED THAT Consent Application B/26/18/SCR submitted by Bill and Paulette Tait be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Schoppmann

SECONDED BY: Phil Belanger

Carried

d) B/27/18/SC – Rene Rainville

No member of the public was present for questions or comments from the Board. The Director of Planning summarized the application.

The subject property is south of North Central Road and is approximately 0.86 kilometres from the Village of Hagar. Predominately, the lands are surrounded by rural and rural residential with the exception of an institutional use which abuts the lands to the east. Highway 535 which is west of the subject property is approximately 1.80 kilometres from the proposed severance.

The purpose of the Application for Consent is to separate two lots which have inadvertently merged on title due to the pattern of ownership. The proposed severed lot is to be approximately 4.10 hectares in lot area with a lot frontage of approximately 335.0 metres and is presently vacant. The proposed retained lot is to be approximately 2.19 hectares in lot area with a lot frontage of approximately 167.0 metres and is presently vacant.

With respect to the Official Plan policies, Section 4.5 of the Plan contains policies pertaining to Consents. Subsection 1, outlines criteria where consents are generally limited to:

- a) New lots that represent minor infilling;
- b) The mortgaging of land beyond 21 years;
- c) Lot boundary adjustments;
- d) Facilitating the disposal of a second legal dwelling;
- e) Separating existing legal uses;
- f) Providing a retirement residence on non-prime agricultural lands for a farmer who worked on the subject farm much of their adult life;
- g) Separating lots that have merged on title; and,**

With respect to zoning, The Residential Rural requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 meters. The proposed severed and retained lot will continue to meet these requirements.

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

With respect to agency circulation,

Bell Canada: no comments or concerns regarding the proposal.

Hydro One: no comments or concerns at this time.

Municipality of St.Charles: no comments or concerns at this time.

No other comments were received through agency circulation or from the public.

The application can be supported from a planning perspective provided that the attached conditions area fulfilled with respect to the severance.

Resolution: 18-078

BE IT RESOLVED THAT Consent Application B/27/18/SC submitted by Rene Rainville be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Ginny Rook

SECONDED BY: New Whynott

Carried

9. NEW BUSINESS**a) MMAH Funding 2018****Resolution 18-079**

BE IT RESOLVED THAT Whereas the Sudbury East Planning Board is conducting its 10-Year update for its New Official Plan as required under section 26(1) of the Planning Act of Ontario; and whereas the Ministry of Municipal Affairs and Housing provides funding through special grants for the Townships of the Province for special business cases;

Now therefore be it resolved that the Sudbury East Planning Board hereby approves the funding application to the Ministry of Municipal Affairs and Housing for the costs associated with the 10-year update of the Sudbury East Planning Area Official Plan as it pertains to the Unincorporated Townships of the Sudbury East Planning Area.

MOVED BY: Carol Lemmon

SECONDED BY: Heide Ralph

Carried

10. BUSINESS ARISING FROM PREVIOUS MINUTES

- No new business

11. NOTICES OF MOTION RECEIVED BY THE SECRETARY-TREASURER PRIOR TO THE CLOSING OF THE MEETING**12. PAYMENT OF VOUCHERS**

a) September 2018 and October 2018

Resolution 18-080

BE IT RESOLVED THAT the statement of disbursements for the month of September 2018 in the amount of \$21,528.99 and October in the amount of \$26,834.88 to be distributed and is hereby approved for payment.

MOVED BY: Ginny Rook

SECONDED BY: Carol Lemmon

Carried

13. ADJOURNMENT

Resolution: 18-081

BE IT RESOLVED THAT the Meeting be adjourned at 6:42 P.M.

AND THAT the next regular meeting be held on February 14th, at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.


MOVED BY: Phil Belanger

SECONDED BY: Heide Ralph

Carried.

Act


CHAIR



SECRETARY-TREASURER