

SUDBURY EAST PLANNING BOARD

NOTICE OF THE PASSING OF A ZONING BY-LAW

TAKE NOTICE THAT the Sudbury East Planning Board passed

By-Law 2023-03

on the 11th day of May 2023

under Section 34 of The Planning Act, R.S.O. 1990, Chapter P.13

AND TAKE NOTICE THAT any person or agency may appeal to the Local Planning Appeal Tribunal in respect of the by-law by filing with the Secretary-Treasurer of the Sudbury East Planning Board (39 Lafontaine Street, Unit 4, Warren, Ontario), not later than the

06th day of June 2023

A NOTICE of appeal setting out the objection to the by-law and reasons in support of the objection, accompanied by the fee of \$1100.00 required by the Local Planning Appeal Tribunal, payable to the Minister of Finance, Province of Ontario.

The complete by-law is available for public review during normal office hours at the Sudbury East Planning Board Office, 39 Lafontaine Street, Unit 4, P.O. Box 250, Warren, Ontario, P0H 2N0 (telephone (705) 967-2174 or fax (705)967-2177).

Note: Only individuals, corporations, and public bodies may appeal a by-law to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf. No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the approval authority or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

Dated at Warren, this 17th day of May 2023.

Matthew Dumont, MCIP, RPP
Director of Planning

Purpose and Effect of By-Law 2023-03

Re: Application No. ZBA 23-05SCR
(Matthew and Paola Nikodem)
Roll No. 5202-270-000-036-24

On May 11th, 2023, the Sudbury East Planning Board approved a zone change application submitted by Matthew and Paola Nikodem, for lands described as Part of Location CL 355, in the Unincorporated Township of Secord, Territorial District of Sudbury, being Parts 5-10, Plan 53R-19029 and Parts 6 & 12, Plan 53R-19345.

The purpose and effect of the application is to maintain the Waterfront Residential (WR) zoning on the property, however, Special Provision 12 is to be deleted and replaced with Special Provision 37, to permit the applicants to construct a detached garage on the subject lands with a maximum height of 6.12 metres (thereby exceeding the maximum height of 5.0 metres for all accessory buildings for a WR lot) and to recognize the regulations from Special Provision 12.

Section 8 of By-law 2014-01 of the Sudbury East Planning Board are hereby amended by the addition of the following Special Provision:

37. Notwithstanding any provisions to the contrary of Section(s) 6.2.2 and 7.7.2 of By-law 2014-01, within the lands zoned Waterfront Residential (WR), described as Part Location CL355, in the Unincorporated Township of Secord, now in the Territorial District of Sudbury, being Parts 5 to 10, Plan 53R-19029 and Parts 6 and 12, Plan 53R-19345, the following special provisions shall apply:
- (i) Regulations:
- accessory building – maximum building height– to permit a height of 6.12 metres instead of the maximum 5.0 metres.
 - the minimum distance from the Optimal Summer Water Level shall be 30.0 metres;
 - the minimum interior side yard shall be 6.0 metres;
 - the minimum rear yard shall be 20.0 metres; and
 - the minimum distance from the Optimal Summer Water Level for a sewage disposal system shall be 50.0 metres

All other provisions of By-law 2014-01 applicable to the Waterfront Residential Zone (WR) shall apply.

No public input was received, which effected the decision of the Planning Board.

The subject property is located within the Rural Policy Area designation of the Official Plan for the Sudbury East Planning Area (adopted April 27th, 2010, approved by the Ministry of Municipal Affairs and Housing September 28th, 2010).

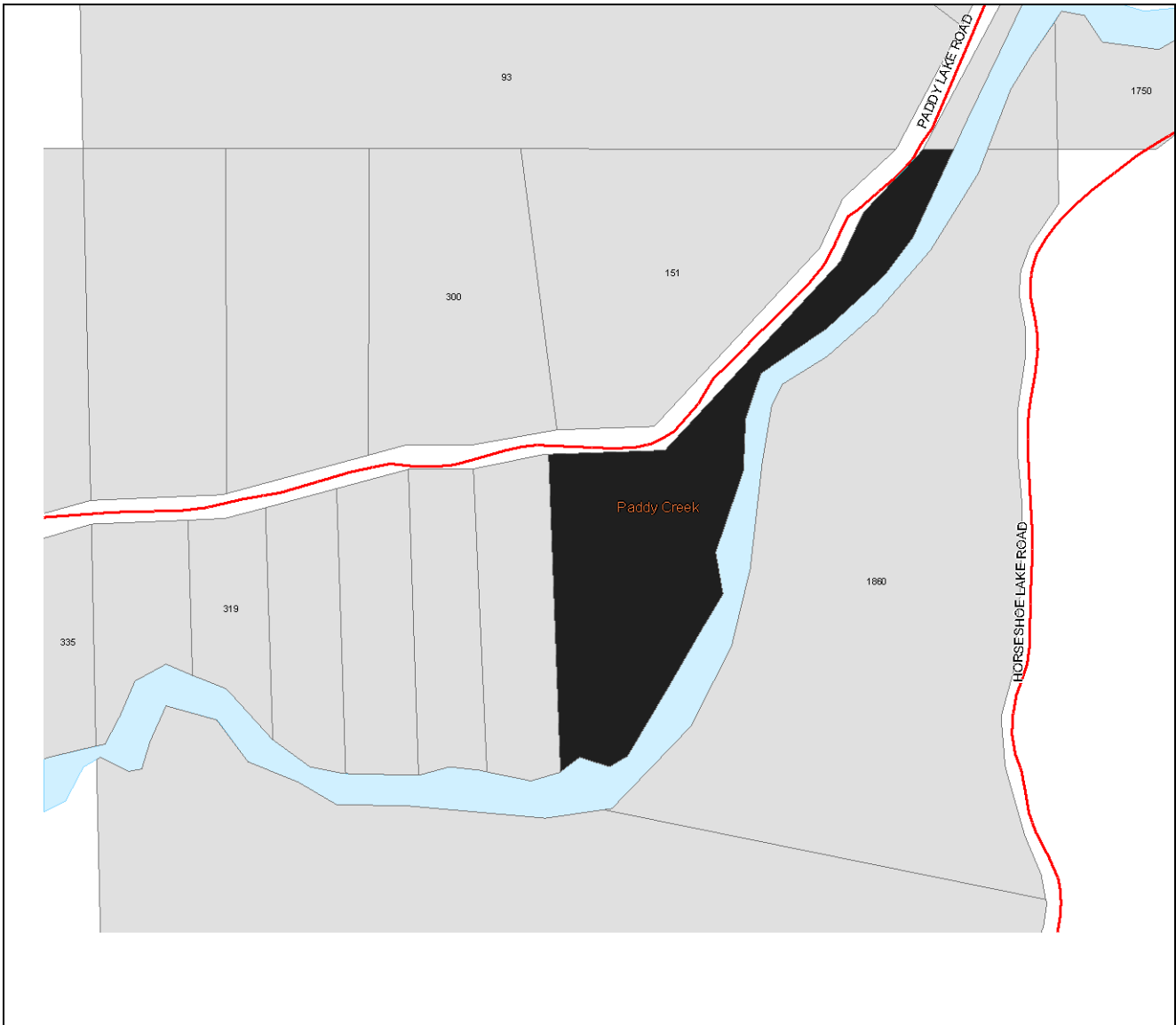
approximate location of proposed detached garage



AERIAL PHOTOGRAPHY

Zoning By-law Amendment Application
(Paola and Matthew Nikodem)
Part Location CL 355

in the Unincorporated Township of Secord
Territorial District of Sudbury
being Parts 5 to 10, Plan 52R-19029 and Parts 6 & 12, Plan 53R-19345
(Roll No. 5202-270-000-036-24)
(SEPB File No. ZBA 23-05SCR)



KEY MAP

Zoning By-law Amendment Application
(Paola and Matthew Nikodem)
Part Location CL 355
in the Unincorporated Township of Secord
Territorial District of Sudbury
being Parts 5 to 10, Plan 52R-19029 and Parts 6 & 12, Plan 53R-19345
(Roll No. 5202-270-000-036-24)
(SEPB File No. ZBA 23-05SCR)

**THE SUDBURY EAST PLANNING BOARD
BY-LAW 2023-03**

Being a By-law to amend Zoning By-law 2014-01, as amended
(Matthew and Paola Nikodem)

WHEREAS By-law 2014-01 of the Sudbury East Planning Board has been passed, being a Zoning By-law to regulate the use of land and the character, location, and use of buildings and structures, in the Unincorporated Townships of the Sudbury East Planning Area under the authority of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Sudbury East Planning Board may amend such By-law in accordance with the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Sudbury East Planning Board has received an application to amend such By-law;

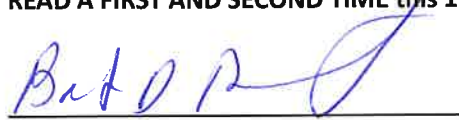
NOW THEREFORE THE SUDBURY EAST PLANNING BOARD ENACTS AS FOLLOWS:

1. Schedule WA2 Western Unincorporated Townships (Secord Township) of By-law 2014-01 of the Sudbury East Planning Board as amended, is hereby further amended by deleting the Waterfront Residential (WR) Special Provision 12 (S12) and replacing it with Waterfront Residential (WR) Special Provision 37 (S37), on Part Location CL 355, in the Unincorporated Township of Secord, Territorial District of Sudbury, being Parts 5 to 10, Plan 53R-19029 and Parts 6 and 12, Plan 53R-19345, and as shown on Schedule "A-1" affixed hereto.
2. Section 8 of By-law 2014-01 of the Sudbury East Planning Board are hereby amended by the addition of the following Special Provision:
 37. Notwithstanding any provisions to the contrary of Section(s) 6.2.2 and 7.7.2 of By-law 2014-01, within the lands zoned Waterfront Residential (WR), described as Part Location CL355, in the Unincorporated Township of Secord, now in the Territorial District of Sudbury, being Parts 5 to 10, Plan 53R-19029 and Parts 6 and 12, Plan 53R-19345, the following special provisions shall apply:
 - (i) Regulations:
 - accessory building – maximum building height– to permit a height of 6.12 metres instead of the maximum 5.0 metres.
 - the minimum distance from the Optimal Summer Water Level shall be 30.0 metres;
 - the minimum interior side yard shall be 6.0 metres;
 - the minimum rear yard shall be 20.0 metres; and
 - the minimum distance from the Optimal Summer Water Level for a sewage disposal system shall be 50.0 metres

All other provisions of By-law 2014-01 applicable to the Waterfront Residential Zone (WR) shall apply.

3. Schedule "A-1" is hereby declared to form part of this By-law.
4. This By-law shall take effect on the date of passage and come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13.

READ A FIRST AND SECOND TIME this 11th day of May 2023.



CHAIR / MAYOR



SECRETARY-TREASURER / CLERK

READ A THIRD TIME AND FINALLY PASSED this 11th day of May 2023.



CHAIR / MAYOR



SECRETARY-TREASURER / CLERK



This is Schedule "A-1" to By-law 2023-03 of the Sudbury East Planning Board, passed this 11th day of May 2023.

Bob D R
 Chair / Mayor

Walter D
 Secretary-Treasurer / Clerk



Lands zoned Waterfront Residential (WR), subject to Special Provision 37 (S37), on Part Location CL 355, in the Unincorporated Township of Secord, Territorial District of Sudbury; being Parts 5 to 10, Plan 53R-19029 and Parts 6 and 12, Plan 53R-19345. (Roll No. 5202-270-000-036-24)