

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, May 11, 2023 at 5:30 p.m.
Virtual Meeting/ Municipal Office of French River**

MEMEBERS PRESENT

VIRTUALLY: Dave Froats, Rachelle Poirier

MEMBERS PRESENT: Josh Lachance, Bob Prevost, Paul Branconnier, Mary Bradbury

MEMBERS ABSENT: Thomas Leslie, Carol Lemmon, Renee Germain, Dave Viau

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

PUBLIC PRESENT

VIRTUALLY: Kevin Jarus, Gerry Doyon

1. MEETING CALLED TO ORDER

Chairperson Prevost called the meeting to order at 5:33 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 23-042

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of May 11, 2023 be adopted as distributed.

MOVED BY: Josh Lachance

SECONDED BY: Rachelle Poirier

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 April 13, 2023 be adopted as distributed.

Resolution: 23-043

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of March 09, 2023 be adopted as distributed.

MOVED BY: Paul Branconnier

SECONDED BY: Rachelle Poirier

Carried

5. PRESENTATION/DELEGATION

6. ZONING BY-LAW AMENDMENTS

a) ZBA 23-04BRW –Gerald Doyon

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 April 20, 2023, being over twenty (20) days prior to this evenings meeting (ZBA 22-04BRW- Gerald Doyon). 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.

The Director of Planning summarized the application.

The Sudbury East Planning Board has received an application for zoning by-law amendment which proposes to maintain the Waterfront Residential (WR) zoning on the property, however, special provision 11 is to be deleted and a new special provision is proposed to be implemented, to permit the applicants to construct an addition to the existing detached dwelling unit on the subject lands which would result in a lot coverage of 15.24 percent (thereby exceeding the maximum lot coverage of 15 percent for a WR lot) and to recognize the regulations from special provision 11.

History – ZBA 04-13BRW.

The Proposed Amending By-law will maintain the existing Waterfront Residential (WR) zoning of the subject lands and will implement the following provisions – Special Provision 11:

- recognize the location, size, and use of all existing buildings and structures on the subject lands (i.e. – 2 dwellings, 2 gazebos, boathouse, dock, sheds, etc.); and
- reduce the minimum setback from the Optimal Summer Water Level from the required 20.0 metres to the proposed 4.5 metres for an accessory building (proposed garage), to permit the construction of a new accessory garage on the subject lands.

With respect to zoning, the proposed amending Zoning By-law will establish provisions to delete Special Provision 11 and have it replaced with Special Provisions 36 (S36).

The special provision is required to amend section 7.7 Waterfront Residential (WR) Zone, 7.7.2 Zone requirements (a) Maximum lot coverage permitted is 15 percent. Decks are excluded from lot coverage, however, boathouses are included.

Lot Coverage shall mean that percentage of the lot area covered by all buildings and structures. For the purposes of this definition, the calculation of lot coverage shall include a weather canopy, and exclude decks or those buildings and structures within the Shoreline Development Area.

Shoreline Development Area shall mean the cumulative total area, expressed in square metres, of all buildings or structures permitted within 20.0 metres of the Optimal Summer Water Level. For the purposes of this By-law, the shoreline development area shall also include those buildings and uses, which are attached to the lands which form the bed of any navigable waterway and/or are floating on any navigable waterway. For the purposes of this definition, buildings or structures shall mean a boathouse, deck, dock, gazebo.

Optimal Summer Water Level shall mean the normal or controlled high water mark.

Lot Coverage for the WR zone. The proposal includes the following information:

- Proposed cottage with attached garage – 5,132 sq ft. (convert existing detached garage to habitable living space) and include a new attached garage.
- Existing 2nd cottage – 645 sq. Ft
- Proposed enlarged Boathouse – 1008 sq. Ft
- Existing Gazebo – 268 St. Ft

Total square footage is 7,053.

Demolish the following structures:

- Shed #1 – 192 sq. Ft
- Shed #2 – 64 sq. Ft
- Shed #3 – 157 sq. Ft
- Shed #4 – 64 sq. Ft

Total square footage removed 477.

Therefore, the total square footage would be 6, 576 sq ft. total.

Lot area is 43,124.40 square feet. Waterfront Residential lot coverage permitted is 15 percent, therefore the proposal would have a lot coverage of 15.24 percent which is over the permitted zone requirements for the WR lot.

Also, the by-law will include certain regulations from Special Provision 11.

- recognize the location, size, and use of all existing buildings and structures on the subject lands (i.e. – one dwelling, a gazebo, boathouse, dock, sheds, sleep cabin etc.); and
- reduce the minimum setback from the Optimal Summer Water Level from the required 20.0 metres to the proposed 4.5 metres for a dwelling unit (existing garage from 2004 is to be converted as habitable living area which forms part of the overall addition to the existing dwelling unit).

Agency Comments:

No comments received.

The application for ZBA is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

Mr. Doyon (owner) explains the reasoning behind the application and that his end goal is to beautify the property.

Member Bradbury questions if there is a follow up site visit? The Director of Planning states that a site visit is conducted one or two years after the application has been submitted.

Member Lachance asks if the current septic bed will fulfill the needs of the new space once the construction is complete? Mr. Doyon assures him that the septic he currently has is suffice.

Resolution: 23-044

BE IT RESOLVED THAT By-law Number 23-02 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 23-04BRW, submitted by Gerald Doyon be read a first and second time this 11th day of May, 2023.

MOVED BY: Mary Bradbury

SECONDED BY: Dave Froats

Carried

Resolution: 23-045

BE IT RESOLVED THAT By-law Number 23-02 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 23-04BRW submitted by Gerald Doyon be read a third and final time this 11th day of May, 2023.

MOVED BY: Paul Branconnier

SECONDED BY: Rachelle Poirier

Carried

b) ZBA 23-05SCR –Matthew and Paola Nikodem

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 April 20, 2023, being over twenty (20) days prior to this evenings meeting (ZBA 22-05SCR- Matthew and Paola Nikodem). 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.

The Director of Planning summarized the application.

The Sudbury East Planning Board has received an application for zoning by-law amendment which proposes to maintain the Waterfront Residential (WR) zoning on the property, however, special provision 12 is to be deleted and a new special provision is proposed to be implemented, 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.

History from 2010 – B/16-20/10/SCR

To sever five (5) waterfront residential lots from the subject lands. The lot area and the lot frontage for each of the proposed lots will be as follows: Part 1 – 1.2 hectares area, 86.8 metres frontage; Part 2 – 0.8 hectares area, 66.2 metres frontage; Part 3 – 1.0 hectares area, 68.5 metres frontage; Part 4 – 1.3 hectares area, 64.9 metres frontage; and Part 5 – 1.4 hectares area, 60.8 metres. Each of the lots is to be used residentially.

History from 2010 – ZBA 10-05SCR

The proposed lots in the development comply with the minimum lot area (0.8 hectares) and minimum lot frontage (60.0 metres) requirements of the Zoning By-law. Additional setback regulations have also been proposed in order to implement some of the recommendations of the Fish Habitat Assessment Report as prepared by Jan Linquist (Senior Water Resources Scientist – N.A. R. Environmental Consultants Inc.) (i.e. – structural and septic system setbacks from the water).

12. Notwithstanding any provisions to the contrary of Section 7.6.2 of By-law 03-01, within the lands zoned Waterfront Residential (WR), described as the Unincorporated Township of Secord, Territorial District of Sudbury, being Part of Location CL355, Parcel 26277 Sudbury East Section, the following special provisions shall apply:

(i) Regulations:

- **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.**

History from 2019 – B/36/19/SCR

The purpose of the Application for Consent is to create one waterfront residential lot on Paddy Lake Road in Secord Township. The proposed retained lot is to be approximately 4.02 hectares in lot area with a lot frontage of approximately 446.0 metres and contains a single detached dwelling. The proposed severed lands are to be approximately 1.71 hectares in lot area with a lot frontage of approximately 73.3 metres and are presently vacant.

With respect to the OP,

Section 4.2.5 of the Official Plan states that when reviewing an application for a minor variance the Planning Board will be satisfied that the resulting development would be compatible with adjacent uses and in character with the established or planned development in the area and that the application deals with circumstances particular to the site in which design of the building or structure in conformity with the by-law is not feasible or possible. The Planning Board does not approve minor variance applications; however, this application would normally be approved through a municipality's Committee of Adjustment.

With respect to zoning,

The proposed amending Zoning By-law will establish provisions to delete Special Provision 12 and have it replaced with Special Provisions 37 (S37).

By-law 14-01 for the Unorganized Township of Secord, Section 7.7.2 (c) v. maximum building height for all accessory buildings under the Waterfront Residential (WR) is 5 metres. The height of the proposed detached garage exceeds the height requirement. Special provision 12 is to be deleted and replaced with a new special provision to permit the applicants to construct a detached garage on the subject lands with a maximum height of 6.12 metres and to include the regulations from special provision 12 from 2010.

With Respect to agency comments:

Secord Local Roads Board – The Secord Local Roads Board has no issue with this application.

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

The application for ZBA is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

There were no questions from the board.

Resolution: 23-046

BE IT RESOLVED THAT By-law Number 23-03 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 23-05SCR, submitted by Matthew and Paola Nikodem be read a first and second time this 11th day of May, 2023.

MOVED BY: Josh Lachance
SECONDED BY: Rachelle Poirier

Carried

Resolution: 23-047

BE IT RESOLVED THAT By-law Number 23-03 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 23-05SCR submitted by Matthew and Paola Nikodem be read a third and final time this 11th day of May, 2023.

MOVED BY: Mary Bradbury
SECONDED BY: Josh Lachance

Carried

7. 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 April 19, 2023, being over fourteen (14) days prior to this evenings meeting (B/27/23/FR – B & E Honey Fields Limited, B/28/23/FR- Lucia Fryer). 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/27/23/FR – B & E Honey Fields Limited

The Director of Planning summarized the application.

The Sudbury East Planning Board has received applications for consent and zoning by-law amendment which proposes to create one residential rural lot from the subject lands on North Channel Camp Road in the Municipality of French River, and to rezone such lot (proposed severed lot) from 'Rural (RU)' to 'Residential Rural (RR)' to recognize the intended use of the lot and a proposed reduced lot area. The proposed lot to be severed and rezoned is approximately 0.516 hectares in lot area with a lot frontage of approximately 112.9 metres and contains a single detached dwelling unit and a detached garage. The proposed lot to be retained is to be approximately 11.04

hectares in lot area with a lot frontage of approximately 445.71 metres and the lands are used for agricultural purposes and contain a barn - honey fields.

With respect to the OP,

In this case, the proposed severed lot is to conform to the requirements of the 'Residential Rural (RR)' Zoning with a special provision which is to regulate the reduced lot area of 0.516 hectares. The proposed retained lot will continue to conform to the requirements of the 'Rural (RU)' Zoning. Adequate access for the proposed lots to be severed and retained are to be accessed from North Channel Camp Road which is publicly assumed and maintained year-round roads by the Municipality of French River. Minimum Distance Separation (MDS) is not applicable in this instance because the severance is not impacting any agriculture uses in the surrounding area. The owner intends to maintain and continue the operation of the agricultural use of the Honey fields. With respect to servicing, the agent will be obtaining approvals from the Sudbury and District Health Unit and letters with respect to availability of sewage hauling services and probability of potable water.

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 proposed to be retained will continue to conform to the above noted requirements.

The minimum lot area and the minimum lot frontage requirements in the 'Residential Rural (RR)' Zone is 0.8 hectares and 60.0 metres respectively; the proposed severed lot is to be 0.516 hectares in lot area with a lot frontage of approximately 112.9 metres and contains a single detached dwelling unit and a detached garage, therefore, a special provision is to be attached to the proposed by-law for the RR zone to recognize a minimum lot area of 0.516 whereas 0.8 hectares is required.

With Respect to agency comments:

The Municipality of French River please be advised that through the circulation, there were no comments or concerns in relation to this application. However, the Consent Application will be subject to Conditions relating to Parkland Dedication and potential road transfers.

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

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

Mr. Jarus (agent) explains the purpose and process that was completed to agree on size of severed lot.

Member Lachance states his concerns with the driveway and if the retained lot will have to apply for driveway permit. The Director of Planning reassures Member Lachance that he will follow up with the clerk from the municipality of French River.

Resolution: 23-048

BE IT RESOLVED THAT Consent Application B/27/23/FR submitted by B & E Honey Fields Limited recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Mary Bradbury

SECONDED BY: Paul Branconnier

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 two years to fulfill the conditions of this provisional consent or the approval will lapse.

b) B/28/23/FR – Lucia Fryer

The Director of Planning summarized the application.

The purpose of the Application for Consent is to sever approximately 0.04 hectares from the subject property (PIN: 73451-0172) and add such lands to an adjacent property known municipally as 53 Shanty Bay Road (PIN: 73451-0166 & 73451-0064). The severed lands are in conjunction with the Municipality of French Rivers disposition of land legal matter for the sale of parts of the Quesnel Road right-of-way to the abutting owners, therefore, the said lands will not be retained. The proposed enlarged lot (once the severed lot has been added) will have an approximate lot area of 1.11 hectares and a lot frontage of 82.0 meters. The proposed lot addition will provide additional amenity area for the proposed enlarged lot.

History:

The above noted summary conforms with applications B/05/19/FR & B/06/17/FR which lapsed due to the Agent not clearing conditions of severance within the allotted timeframe.

With respect to the OP, Section 4.5.1 of the Official Plan list instances where consents are granted, including lot boundary adjustments such as that currently proposed. The lot proposed to be severed has an area of 0.04 hectares and a frontage of 82.0 metres. The lot forms part of an existing right-of-way on Quesnel Road and is part of the Municipality's disposition of land.

With respect to zoning, The Waterfront Commercial tourist Zone requires a minimum lot are of 2.0 hectares and minimum a lot frontage of 150.0 metres

The benefitting lot has less than the required lot area and lot frontage for the Waterfront Commercial Tourist Zone (approximately 1.07 hectares and 82.0 metres). However, the lot would be deemed to comply by virtue of Section 6.26 of the Zoning By-law for the Municipality of French

River where a lot meets the criteria as set out in this section, or is a lot, as defined in this By-law and lands are added to such lot, the resulting lot shall be deemed to comply with the minimum lot area and the minimum lot frontage requirements of this By-law. The lot addition has an area of 0.04 hectares and is to be added to the adjacent parcel, which once added will have an area of approximately 1.11 hectares.

The proposal involves no new land use or change in land use. The application, as proposed, complies with the regulations of the Zoning By-law

With Respect to agency comments:

Municipality of French River: The consent application with the Municipality's disposition of land legal matter for the sale of parts of the Quesnel Road right-of-way to the abutting land owners. This application is supported and there are no relevant municipal conditions.

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

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

Resolution: 23-049

BE IT RESOLVED THAT Consent Application B/28/23/FR submitted by Lucia Fryer be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Josh Lachance

SECONDED BY: Mary Bradbury

Carried

8. BUSINESS ARISING FROM PREVIOUS MINUTES

- Member Prevost asks for an update on the Account surplus. Mrs. Roy states a report will be provided to the board in the following meeting of June 8th, 2023. Mr. Prevost makes the board members aware that himself and Member Branconnier will be meeting with the Director of Planning in the coming weeks to discuss Sudbury East Planning Board SMART Goals.

9. NOTICES OF MOTION RECEIVED BY THE SECRETARY-TREASURER PRIOR TO THE CLOSING OF THE MEETING

10. PAYMENT OF VOUCHERS

a) April 2023

Resolution 23-050

BE IT RESOLVED THAT the statement of disbursements for the month April 2023 in the amount of \$14,556.53 to be distributed and is hereby approved for payment.

MOVED BY: Dave Froats
SECONDED BY: Paul Branconnier

Carried

12. ADJOURNMENT

Resolution: 23-051

BE IT RESOLVED THAT the Meeting be adjourned at 6:39 P.M.

AND THAT the next regular meeting be held on June 08th, 2023 at 5:30 P.M. at the Municipality of French River Municipal Office Virtually and in person.

MOVED BY: Josh Lachance
SECONDED BY: Mary Bradbury

Carried.



CHAIR



SECRETARY-TREASURER

