

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, October 10, 2024 at 5:30 p.m.
Virtual Meeting/ Municipal Office of French River**

MEMEBERS PRESENT

VIRTUALLY: Steve Olsen, Rachelle Poirier, Dave Froats, Renee Germain, David Viau

MEMBERS PRESENT: Carol Lemmon, Paul Branconnier, Bob Prevost

MEMBERS ABSENT: Josh Lachance, Mary Bradbury

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

PUBLIC PRESENT

VIRTUALLY: Gabriel Parent, Bruce Bichel, Debbie Owens, John Kotyluk

1. MEETING CALLED TO ORDER

Vice-Chairperson Viau called the meeting to order at 5:30 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 24-048

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of October 10, 2024 be adopted as distributed.

MOVED BY: Paul Branconnier

SECONDED BY: Steve Olsen

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 August 13th, 2024 be adopted as distributed.

Resolution: 24-049

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of August 13, 2024 be adopted as distributed.

MOVED BY: Steve Olsen

SECONDED BY: Dave Froats

Carried

5. PRESENTATIONS/DELEGATIONS

6. ZONING BY-LAW AMENDMENTS

a) ZBA 24-18DVS – Bruce and Paula Bichel

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 September 19, 2024, being over twenty (20) days prior to this evenings meeting (ZBA 24-18DVS- Bruce and Paula Bichel, ZBA 24-19HND- Gabriel Parent). 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. The subject property is presently zoned Waterfront Residential (WR) Zone under Zoning By-law 2014-01 of the Unincorporated Township of Davis. The subject lands will maintain the current WR zoning, however a regulation is to be implemented to facilitate the construction of an accessory structure (detached garage) providing a maximum height of 5.36 metres (17.58 feet), whereas the maximum height of any accessory structure on a waterfront lot shall be 5.0 metres (16.40 feet). The Site is approximately 0.81 hectares in lot area with a water frontage of approximately 78.19 metres and contains a single-family home and sauna.

OFFICIAL PLAN:

Waterfront Policy Area, as identified in 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). Lands designated “Waterfront” shall be used primarily for water-oriented **single detached dwellings**. The subject property contains a single detached dwelling, and a sauna.

In the Waterfront land use designation, **one primary dwelling** is permitted on each residential lot. single secondary sleeping cabin may also be permitted provided it complies with provisions of the implementing Zoning By-law.

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

ZONING:

7.7.2(c)(v). All accessory buildings	5.0 metres or 1.5 storeys	5.36 metres
Maximum Building Height	(whichever is the lesser)	

Staff notes that the detached garage would otherwise appear to comply with all other applicable development standards (lot frontage, lot area, lot coverage, interior side yard setback, exterior side yard setback, rear yard setback, setback from the optimal summer water level) for an accessory building situated within the Waterfront Residential Zone. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

The Site is surrounded by mature, full-grown trees, to the north, south and west of the interior and rear lot lines, thus creating a natural buffer. Due to the proposed location, Staff is satisfied that the additional 0.36 m (1.18 ft) in maximum accessory building height would not have any negative impact on the waterfront character that exists along this area of Fines Road and Ashigami Lake.

The application, as proposed, complies with the regulations of the Zoning By-law.

AGENCY COMMENTS:

No comments have been received through the agency circulation process.

The application for ZBA and Consent is consistent with the 2020 Provincial Policy Statement, conforms with the Official Plan for the Sudbury East Planning Area and zoning by-law for the unincorporated townships, therefore can be supported from a planning perspective.

There were no comments from the board.

Resolution: 24-50

BE IT RESOLVED THAT By-law Number 24-03 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 24-18DVS, submitted by Bruce and Paula Bichel be read a first and second time this 10th day of October, 2024.

MOVED BY: Dave Viau
SECONDED BY: Rachelle Poirier

Carried

Resolution: 24-050

BE IT RESOLVED THAT By-law Number 24-03 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 24-18DVS submitted by Bruce and Paula Michel be read a third and final time this 10th day of October, 2024.

MOVED BY: Carol Lemmon
SECONDED BY: Steve Olsen

Carried

b) ZBA 24-19HND – Gabriel Parent

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 September 19, 2024, being over twenty (20) days prior to this evenings meeting (ZBA 24-18DVS- Bruce and Paula Bichel, ZBA 24-19HND- Gabriel Parent). 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. The subject property is presently zoned Waterfront Residential (WR) Zone under Zoning By-law 2014-01 of the Unincorporated Township of Hendrie. The subject lands will maintain the current WR zoning, however a regulation is to be implemented to facilitate the construction of an accessory structure (detached garage) providing a maximum height of 6.9 metres (22'6 1/4"), whereas the maximum height of any accessory structure on a waterfront lot shall be 5.0 metres (16.40 feet). The Site is approximately 0.36 hectares in lot area with a water frontage of approximately 55.16 metres and contains a cottage, boathouse, sleep cabin, and outhouse.

OFFICIAL PLAN:

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

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

ZONING:

	<u>Zone Requirement</u>	<u>Proposed</u>
7.7.2(c)(v). All accessory buildings	5.0 metres or 1.5 storeys	6.9 metres
Maximum Building Height	(whichever is the lesser)	

When considering this application, the zoning by-law should considering the following:

- a) be minor;
- b) be desirable for the appropriate development or use of the land, building, or structure;
- c) maintain the general intent and purpose of the Zoning By-law; and
- d) maintain the general intent and purpose of the Official Plan.

Staff conducted a site visit on August 1st, 2024. While on Site, Staff discussed potential amendments to the initial design of the detached garage. Subsequently, the owner submitted a revised design the depicted a reduced proposed height, removed the proposed gable roof on the rear elevation, and indicated that windows would not be included on the rear and side elevation of the detached garage. It was noted that the detached garage would be situated in the rear yard of the Site, specifically near the southwest lot line and conforms to the standards under the WR zone for interior side yard (1.5 metres) and rear yard (3.0 metres) setbacks. The subject property to the west subject property will not be negatively impacted by the additional height because an existing buffer of vegetation exists and the applicant is proposing a 3.04 metres setback where the minimum setback for an interior lot line is 1.5 metres. The proposed lot coverage is to be 11.69 percent, which conforms to the WR lot coverage requirements (maximum lot coverage is 15 percent). Staff is satisfied that the additional height being 0.66 metres (2.16 feet) will not have any negative impact on the abutting residential properties. Staff recommends that the variance be approved as it is minor, appropriate development for the area and meets the intent of both the Official Plan and Zoning By-law.

The application, as proposed, complies with the regulations of the Zoning By-law.

AGENCY COMMENTS:

Hydro One: no issue with the variance of maximum height.

As of the writing of this report, two phone calls were received from 58 Ashick Drive and roll number 5202-250-000-018-00 regarding design of the structure, lot coverage and height.

The application for ZBA and Consent is consistent with the 2020 Provincial Policy Statement, conforms with the Official Plan for the Sudbury East Planning Area and zoning by-law for the unincorporated townships, therefore can be supported from a planning perspective.

The owner explains to the Board that he is requesting the rezoning application to accommodate his

double decker pontoon. Mr. Kotyluk explains that he fully supports the application and that he appreciates Mr. Parent agreeing to not putting any windows on the garage wall facing his property in order to maintain his privacy.

Resolution: 24-52

BE IT RESOLVED THAT By-law Number 24-04 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 24-19HND, submitted by Gabriel Parent be read a first and second time this 10th day of October, 2024.

MOVED BY: Carol Lemmon

SECONDED BY: Dave Viau

Carried

Resolution: 24-053

BE IT RESOLVED THAT By-law Number 24-04 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 24-19DHND submitted by Gabriel Parent be read a third and final time this 10th day of October, 2024.

MOVED BY: Paul Branconnier

SECONDED BY: Rachelle Poirier

Carried

7. CONSENT APPLICATIONS

The Vice-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 19th, 2024, being over fourteen (14) days prior to this evenings meeting (B/22-23/24/SC Deborah and Kenneth Owen). 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/22-23/24/SC – Deborah and Kenneth Owen

The Director of Planning summarized the application.

The Sudbury East Planning Board has received applications for consent and zoning by-law amendment to create two rural lots on Montee Brazeau Road. A zoning by-law amendment application is required to rezone Lot 1 and Lot 2 from 'Rural' to 'Special Rural' to recognize the environmental impact study recommendations.

The proposed severed Lot 1 is to be approximately 12.97 hectares in lot area with approximately 343.0 metres of lot frontage on Montee Brazeau Road and is presently vacant.

The proposed severed Lot 2 is to be approximately 24.23 hectares in lot area with approximately 537.0 metres of lot frontage on Montee Brazeau Road and is presently vacant.

The proposed retained lot is to be approximately 23.77 hectares in lot area with a lot frontage of approximately 617.0 metres Montee Brazeau Road and 393.51 metres on Pothier Road and is presently vacant.

OFFICIAL PLAN:

The proposed severed and retained lots are adequate for their respective proposed zones (rural and rural special) and it is anticipated that the proposed rural uses will be compatible with the surrounding rural uses. With respect to servicing, the applicant has provided the required documentation to demonstrate reasonable expectation of potable water (Houle Well Drilling Limited) and capacity for hauled sewage (West Nipissing Sanitation INC.). With respect to Sudbury District Health Unit (site suitability for a septic system), the applicants received approval (letter dated June 25th, 2024) from SDHU.

With respect to section 3.5, Natural Heritage, it is the goal of the Planning area to protect significant and sensitive features and functions. PINCHIN Environment completed an environmental impact study to address the concerns regarding existing wetlands (Great Lakes St. Lawrence Mineral Meadow Marsh (2.72 ha in size) and Great Lakes St. Lawrence Organic Thicket Swamp (9.31 ha in size)) across the site and species at risk associated with the wetlands. The findings in the report determined that the severance will not impact the watercourse, waterbodies and wetlands throughout the Site. However, mitigation measures relating to the protection of setbacks and buffers during onsite works must be implemented prior to the commencement of the proposed works – such a fencing, sediment control fencing or equivalent is to be established a minimum 15 metres setback from the wetlands, waterbodies and watercourses.

Site Plan Control for the purposes of this Section, development means the change in use of a parcel of land. Some of the considerations that the Planning Board and/or the applicable municipality will have due regard for during the site plan approval process is a) the preservation of the natural views cape and landscape; entrance permit areas and parking areas are safe and convenient; surface water drainage will not negatively impact wetlands. No building permits shall be issued for development subject to site plan control until a Site Plan Agreement has been executed.

ZONING:

Current Zoning: **Rural (RU)**

Proposed Zoning: Severed Lot 1 - Special Rural (RU) with a Special Provision 27 (SP27).
 Severed Lot 2 – Special Rural (RU) with a Special Provision 27 (SP27).
 Retained Lot – Special Rural (RU) with a Special Provision 27 (SP27).

The Rural (RU) Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres.

Each of the proposed severed lots and proposed retained lot conform to the standards under the RU Zone are intended to be used for residential uses as permitted by the zone.

Several mitigation measures were recommended by PINCHIN which will be addressed and implemented through a by-law. The proposed by-law is to include Site Plan Control requirement for the future development of each lot. These measures will ensure there will be no negative impacts on the watercourse, waterbodies, and wetlands.

AGENCY COMMENTS:

Chief Administrative Officer/Clerk/Treasurer:

Property subject to municipal drains and may require apportionment. Please advise the Applications to Contact the Clerk to request re-apportionment as fees are applicable.

Zoning by-law amendment for Special Rural – Municipality must still be able to maintain municipal drains.

Chief Building Official: no issues per email.

Fire Department: no issues per email.

Public Works Superintendent:

Road allowance on Pothier Road and Montee Brazeau to be transferred to the Municipality of St. Charles.

Sudbury District Health Unit:

It appears that the proposed severed and retained lots are capable of development for installation of a septic system and leaching bed system. June 25th, 2024.

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, conforms with the Official Plan for the Sudbury East Planning Area and conforms to the Zoning By-law 2014-26 for the Municipality of St. Charles, therefore can be supported from planning perspective.

Resolution: 24-054

BE IT RESOLVED THAT Consent Application B/22-23/24/SC submitted by Deborah and Kenneth Owen be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Branconnier

SECONDED BY: Steve Olsen

Carried

The Vice-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

8. BUSINESS ARISING FROM PREVIOUS MINUTES

9. NEW BUSINESS

a) Official Plan 2024 Response to Ministry Queries Invoice-J.L. Richards & Associates Limited

All members agreed that it was in the best interest of the Sudbury East Planning Board to wait for the Final Total amount remaining for the approval of the New Official Plan before discussing how to proceed with dividing the fees.

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

11. PAYMENT OF VOUCHERS

a) July 2024, August 2024, and September 2024

Resolution 24-055

BE IT RESOLVED THAT the statement of disbursements for the month of July 2024 in the amount of \$19,880.00 and for the month of August 2024 in the amount of \$20, 855.98 and the month of September 2024 in the amount of \$19,154.19 to be distributed and is hereby approved for payment.

MOVED BY: Dave Froats

SECONDED BY: Rachelle Poirier

Carried

12. ADJOURNMENT

Resolution: 24-056


BE IT RESOLVED THAT the Meeting be adjourned at 6:27 P.M.

AND THAT the next regular meeting be held on November 14th, 2024 at 5:30 p.m. at the Municipality of French River Municipal Office Virtually and in person.


MOVED BY: Renne Germain

SECONDED BY: Dave Froats

Carried.



CHAIR



SECRETARY-TREASURER