

**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 Jeffrey Burke
to the Sudbury East Planning Board
Lot 11, Concession 5
in the Township of Haddo
now in the Municipality of St.-Charles
Territorial District of Sudbury
being Part 1, Plan 53R-21975
Parcel 22585 Sudbury East Section
(Roll No. 5204-000-004-216-00)
(SEPB File No. B/20/24/SC)

THE PURPOSE AND EFFECT of the application is to create an access easement (right-of-way) over the above noted parcel of land to provide continued, shared, legal access over an existing driveway. 202 D Island Road East is to benefit from the access easement.

TAKE NOTICE THAT the Sudbury East Planning Board will hold a **Public Hearing Virtually** to analyze and discuss **Application B/20/24/SC** at its meeting on **August 13th, 2024, at 5:30 p.m. at the French River Municipal Office, 44 St. Christophe Street, Suite 1, Noelville, 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 Land Tribunal 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 30th day of July 2024

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



KEY MAP

Consent Application
(Jeffrey Burke)
Lot 11, Concession 5
in the Township of Haddo
now in the Municipality of St.-Charles
Territorial District of Sudbury
being Part 1, Plan 53R-21975
Parcel 22585 S.E.S.
(Roll No. 5204-000-004-216-00)
(SEPB File No. B/20/24/SC)

202 C island road east - proposed
access easement



subject property



AERIAL PHOTOGRAPHY

Consent Application
(Jeffrey Burke)
Lot 11, Concession 5
in the Township of Haddo
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Territorial District of Sudbury
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(Roll No. 5204-000-004-216-00)
(SEPB File No. B/20/24/SC)



Planning Report: APPLICATION FOR CONSENT
Report To: SUDBURY EAST PLANNING BOARD
Meeting Date: August 13th, 2024
Report Date: July 30th, 2024

Applicant/Owner: Jeffrey Burke
Agent/Solicitor: Darren Lachance
File Number: B/20/24/SC
Property Description: Lot 11, Concession 5
in the Township of Haddo
now in the Municipality of St.-Charles
Territorial District of Sudbury
Being Part 1, Plan 53R-21975
Parcel 22585 Sudbury East Section
(Roll No. 5204-000-004-216-00)
202C Island Road East

APPLICATION:

The Sudbury East Planning Board has received an application for consent which proposes to create an access easement (right-of-way) over the above noted parcel of land to provide continued, shared, legal access over an existing driveway. 202 D Island Road East is to benefit from the access easement.

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
Access Easement	72.66 sq.m	4.176 metres
Access:	Publicly maintained (Municipality of St.-Charles) year-round road (Island Road East).	
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well / water supplied via lake.	
School Busing:	Not applicable.	
Garbage Collection:	Not applicable.	
Fire Protection:	Available.	

APPLICATION REVIEW AND ANALYSIS:

PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement (2020) 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.

The applicant’s proposal seeks to create an access easement. Planning staff are of the opinion that the applicant’s proposal would appear to be consistent with the Provincial policies regarding avoiding development and land use patterns which may cause safety concerns.

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 27th, 2010, approved by the Ministry of Municipal Affairs and Housing September 28th, 2010)

Waterfront Policy Areas are intended to provide the main locations for seasonal and limited permanent residential, recreational, and tourism-oriented commercial uses. Development is intended to occur on private water and sewage services.

As per **Section 3.3.2.19, Private Roads** are roads that are not owned or maintained by the province or a municipality or maintained by a local roads board that service two or more properties in separate ownership. Development, i.e. lot creation on private roads is discouraged. However, there are many instances in the Planning Area where there are existing lots of record on private roads or that are accessed over crown land or via easement over private land.

In this case, access was through 202B Island Road East, however the owner of the subject property no longer permitted access to 202C and 202D Island Road East. As a result, the owners require access to each waterfront property and have proposed a shared driveway from Island Road East.

The proposed access easement generally conforms to the Official Plan.

ZONING BY-LAW (2014-26)

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

Proposed Zoning: Same as above.

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:

Clerk/Treasurer for Municipality of St. Charles: **If the property abuts Island Road East – road allowance will need to be transferred to Municipality of St. Charles.**

Chief Building Official: no concerns.

Public Works Superintendent: no concerns.

Fire Department: **Unable to read measurements on R-Plan. Ensure driveway is wide enough for fire truck access and staging proximate to house. The driveway should be a minimum of 10 feet wide.**

No other 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 July 30th, 2024, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 72/18) 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 2020 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

Matthew Dumont, MCIP, RPP
Director of Planning

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

Planning Board Date of Decision: August 13th, 2024
Date of Notice of Decision: August 14th, 2024
Last Date of Appeal: September 3rd, 2024

Applicant: Jeffrey Burke
Owner: Same as Above
Agent/Solicitor: Darren Lachance
File Number: B/20/24/SC
Property Description: Lot 11, Concession 5
in the Township of Haddo
now in the Municipality of St.-Charles
Territorial District of Sudbury
Being Part 1, Plan 53R-21975
Parcel 22585 Sudbury East Section
(Roll No. 5204-000-004-216-00)
202C Island Road East

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, *SEPB File No. B/20/24/SC, which must be fulfilled within two years from the date of this letter*, are set out below. These conditions must be fulfilled prior to the granting of consent.

B20 CONDITIONS:

1. This approval applies to the creation of an access easement of approximately 72.66 square metres in area with approximately 4.176 metres of lot frontage, as applied for on Lot 11, Concession 5, in the Township of Haddo, now in the Municipality of St.-Charles, Territorial District of Sudbury, being Part 1, Plan 53R-21975 (Parcel 22585 Sudbury East Section).
2. Prior to the granting of Final Consent through the provision of the Certificate of the Official a fee of \$250.00 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. Where it is determined on drafting a reference plan of survey that an existing public road traverses

the subject lands to which the consent approval applies (severed and/or retained lands), that portion of such road which traverses the subject lands shall be laid out on the final reference plan of survey and shall be transferred to the appropriate authority. The cost of any survey shall be borne by the applicant. Comments from the Municipality of St. Charles.

5. Legal access in the form of a right-of-way registered on title is to be included in the Transfer/Deed

B20 NOTES:

The following notes are for the applicant's information:

1. The required Transfer/Deed of Landform 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 Landform, 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 **two years** 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. **Bill 276**

If the conditions to consent approval are not fulfilled within two years 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. An approved Building Permit must be obtained from the Municipality of French River prior to any demolition, new construction, addition, expansion, or alteration to buildings, structures, or changes in use, including the installation of private sewage disposal systems.