

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, May 02, 2024 at 5:30 p.m.
Virtual Meeting/ Municipal Office of French River**

MEMEBERS PRESENT

VIRTUALLY: Paul Branconnier, Steve Olsen, Rachelle Poirier

MEMBERS PRESENT: Bob Prevost, Carol Lemmon, Dave Viau, Mary Bradbury

MEMBERS ABSENT: Renee Germain, Josh Lachance, Dave Froats

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

PUBLIC PRESENT

VIRTUALLY: Jean-Guy and Tamara Guillot

1. MEETING CALLED TO ORDER

Chairperson Prevost called the meeting to order at 5:30 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 24-025

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of May 02, 2024 be adopted as distributed.

MOVED BY: Dave Viau

SECONDED BY: Mary Bradbury

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 April 11th, 2024 be adopted as distributed.

Resolution: 24-026

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of April 11, 2024 be adopted as distributed.

MOVED BY: Rachelle Poirier

SECONDED BY: Steve Olsen

Carried

5. PRESENTATIONS/DELEGATIONS

6. ZONING BY-LAW AMENDMENTS

a) ZBA 24-10HND – Jean-Guy Guillot and Tamara Guillot

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 11, 2024, being over twenty (20) days prior to this evenings meeting (ZBA 24-10HND- Jean-Guy and Tamara Guillot). 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 under Zoning By-law 2014-01 of the Unincorporated Township of Hendrie. The subject land is proposed to be rezoned to Waterfront Residential Special (Special Provision 39) to recognize relief from 7.7.2 Zone Requirements, specifically section 7.7.2(b)(i), 7.7.2(c)(i), and 7.7.2(b)(ii) for the existing (single-family home and accessory structure) and proposed structures (new addition to single family home and attached garage). The lot to be rezoned is approximately 0.63 hectares in lot area with a waterfront frontage (Nepewassi Lake) of approximately 140 metres and contains a single-family home and an accessory structure.

In addition, the owners have an agreement with the Ministry of Natural Resources and Forestry (MNRF) to purchase approximately 0.25 hectares of lot area east of the subject property. The land acquisition is to resolve an encroachment issue – 8 Oak Road's septic system is located on Crown land.

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 39:

- 7.7.2(b)(i) to recognize a 14.62 metres setback from the Optimal Summer Water Level (OSWL) for the existing single detached dwelling unit, where 20.0 metres is required from the OSWL.
- 7.7.2(b)(i) to recognize a 12.18 metres setback from the OSWL for a deck that is attached to the single detached dwelling unit, where 20.0 metres is required from the OSWL.
- 7.7.2(c)(i) to recognize a 16.40 metres setback from the OSWL for an accessory structure, where 20.0 metres is required from the OSWL.
- 7.7.2(b)(ii) to recognize 0 metres interior side yard setback for the existing single detached dwelling unit, where 3.0 metres is required. NOTE: once the agreement is processed (acquire 0.25 hectares) with MNRF, the minimum interior side yard setback is to be in conformity with Section 7.7.2(b)(ii).
- 7.7.2(b)(ii) proposing 1.83 metres interior side yard setback for the addition to the existing single detached dwelling unit, where 3.0 metres is required.

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. The proposed application conforms with the lot coverage requirements under section 7.7.2.

Agency Comments:

Local Roads Board – have no comments – site has been checked.

7 Maple Street – called to inquiry about the purpose and intent of the application.

The ZBA application is consistent with the 2020 Provincial Policy Statement, conforms with the intent of the Official Plan for the Sudbury East Planning Area and the Zoning By-law 14-01 for the Unincorporated Townships, therefore can be supported from planning perspective.

Owner, Jean-Guy Guillot, added that he was not the owner when structures were built and that he bought the property in 2016. He also stated that the issue arose once he had a OLS survey his property and his boundaries were located.

Member Viau asked if the structure he sees is a garage and is it located on crown land? Mr. Guillot comments that it is a container for storage.

Resolution: 24-027

BE IT RESOLVED THAT By-law Number 24-01 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 24-10HND, submitted by Jean-Guy and Tamara Guillot be read a first and second time this 02nd day of May, 2023.

MOVED BY: Dave Viau

SECONDED BY: Carol Lemmon

Carried

Resolution: 24-028

BE IT RESOLVED THAT By-law Number 24-01 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 24-10HND submitted by Jean-Guy Guillot be read a third and final time this 02nd day of May, 2024.

MOVED BY: Rachelle Poirier

SECONDED BY: Mary Bradbury

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 17th, 2024, being over fourteen (14) days prior to this evenings meeting (B/15/24/MW Ren Dupuis, B/16/24/MW Laurent Carriere). 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/15/24/MW – Ren Dupuis

The Director of Planning summarized the application.

The land is located on the north side of Dupuis Street, west of Nipissing Road and east of Highway 535 South. The subject lands are in an area of rural land uses.

The Sudbury East Planning Board has received an application for consent which proposes to create one Rural lot on Little Brule Road in the Municipality of Markstay-Warren. The proposed lot to be severed is to be approximately 30 hectares in area with a road frontage of 128 metres and is presently vacant. The proposed lot to be retained is to be approximately 32.68 hectares in area with a road frontage of 195 metres on Little Brule Road and contains a single-family home and detached garage.

With respect to the OP,

In this case, proposed severed lot and retained parcel meet the requirements of the 'Rural (RU)' Zoning. Adequate access for the proposed lot to be severed is to be from Little Brule Road which is

maintained year-round by the Municipality of Markstay-Warren and the Municipality confirmed that there would be no issue with having a driveway along the proposed severance (February 26th, 2024). With respect to servicing, the agent has provided the required documentation to demonstrate reasonable expectation of potable water and capacity for hauled sewage. With respect to Sudbury District Health Unit (site suitability for a septic system), comments were received (October 26th, 2023) stating that it appears that the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system. The Ontario Ministry of Agriculture and Rural Affairs (OMAFRA) and the Canada Land Inventory (CLI) mapping indicate a Class 3 soil which means moderately severe limitation that reduce the choice of crops or require special conservation practices. A survey was conducted within 1000 metres of the proposed severed lot to identify any active livestock operations as it pertains to Minimum Distance Separation Formulae. It was identified that there are three barns within the survey area but there is only one current livestock operation. As per MDS guidelines #8 regarding setbacks for lot creation, MDS 1 setback is not required for a severed or retained lot for agricultural use when that lot already has an existing dwelling on it and MDS guideline #9 states setbacks for lot creation for a residence surplus to a farming operation, where the existing dwelling to be severed and the nearby livestock facilities located on separate lots prior to the severances, an MDS 1 setback is not required for the severance application unless otherwise required by a municipal official plan policy. Based on the above noted information, MDS 1 was not calculated for this proposal.

One potential development constraint was identified on Schedule D of the Official Plan. A pit (Dunnet Construction Limited – Class A License with a maximum annual tonnage of 50,000. The area is approximately 40 hectares) was identified adjacent to the southwest corner of the subject property as a development constraint. Also, there are primary mineral aggregate resources located partially on the 62.38 hectares parcel of land. Section 3.8.2 of the Official Plan echoes the policies of the Provincial Policy Statement pertaining to the protection of aggregate resources for continued extraction or future use. To address the policies of the PPS and Official Plan, Canadian Sheild Consultants Agency Incorporated prepared a report pertaining to the D-6 Guidelines. It was concluded as a Class II Industrial – 300 metres- facility would not have any adverse effect regarding noise, dust, and odor from the pit located southwest of the Site. Therefore, there should be no impact created from the proposed severed lots.

With Respect to Agency Comments:

Public Works Superintendent: After reviewing the documents provided, the Municipality has no issues with this application.

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 Zoning By-law for the Municipality of Markstay-Warren, therefore can be supported from planning perspective.

There were no questions from members of the board.

Resolution: 24-029

BE IT RESOLVED THAT Consent Application B/15/24/MW submitted by Ren Dupuis be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Steve Olsen

SECONDED BY: Rachelle Poirier

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/16/24/MW – Laurent Carriere

The Director of Planning summarized the application.

The Sudbury East Planning Board has received an application for consent which proposes to separate two parcel identification number (PINS) which have merged on title due to pattern of ownership on North Road in the Township of Loughrin.

Merged on Title:

PIN 73488-0137 - Roll No. 5208-000-004-673-00

PIN 73488-0144 - Roll No. 5208-000-004-676-00

The proposed retained lot is to be approximately 38.51 hectares in lot area with a lot frontage of approximately 369 metres and contains single family detached, shed, and carport. The proposed severed lands are to be approximately 59.88 hectares in lot area with a lot frontage of approximately 1420 metres and contains a single family detached and workshop.

4.5.1 Policies 1. Consents may only be granted where they support the proper and orderly development of the Planning Area and the policies of this Plan provided all other policy and legislative requirements have been met. Accordingly, consents are generally limited to:

g) separating lots that have merged on title.

With respect to zoning,

Current Zoning: **Rural (RU) Zone**

Proposed Zoning: Same as above.

The 'Rural (RU)' Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. Proposed severed Lot 1 and the retained parcel of land will continue to conform to the above noted requirements.

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

With Respect to agency comments:

Chief Administrative Officer/Clerk/Treasurer: No concerns at this time.

Chief Building Official: No concerns at this time.

Public Works Superintendent: No issues.

Fire Department: No issues with application.

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 Zoning By-law for the Municipality of Markstay-Warren, therefore can be supported from planning perspective.

There were no questions from members of the board.

Resolution: 24-030

BE IT RESOLVED THAT Consent Application B/16/24/MW submitted by Laurent Carriere be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Branconnier

SECONDED BY: Dave Viau

Carried

7. PRESENTATION/DELEGATION

8. BUSINESS ARISING FROM PREVIOUS MINUTES

9. NEW BUSINESS

a) Request for Re-Zoning Fee to be waived

On June 9th, 2022, the Sudbury East Planning Board conditionally approved two consent applications - lot additions (File B/17/22/FR and B/18/22/FR).

Subsequently, on June 15th, 2022, the Council for the Municipality of French River approved two zoning by-law amendment applications (File ZBA 22-10FR and ZBA 22-11FR).

Staff provides the information below regarding the request from the applicant to have the zoning by-law amendment fee waived.

- The request is to have the zoning by-law amendment fee (\$1,000.00) waived due to a shared oversight. File ZBA 22-10FR was intended to include an additional use 'Self-Storage' as a permitted use under the 'Commercial Community (CC)' Zone. This is a formality which was intended from the beginning of this process. Attached is the zoning by-law amendment application from the applicant (Jean Hardware Inc.) in 2022.

Staff is recommending that the fee associated with the zoning by-law amendment application be waived.

Member Viau asked how much extra work this process would be for staff? The Director of Planning stated that it would not be much extra work as the process has been completed once before. Member Lemmon questioned where to error was made and The Director of Planning explained to her that it was a shared oversight from the applicant and the Director of Planning.

Resolution 24-031

BE IT RESOLVED THAT the Sudbury East Planning Board waive the fee associated with the Zoning By-Law Application for Jean Hardware Inc. to include " Self Storage" as a permitted use under the 'Commercial Community(CC)' zone.

MOVED BY: Dave Viau

SECONDED BY: Paul Branconnier

Carried

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

Resolution: 24-032

BE IT RESOLVED THAT the Meeting be adjourned at 6:12 P.M.

AND THAT the next regular meeting be held on June 13th, 2024 at 5:30 p.m. at the Municipality of French River Municipal Office Virtually and in person.

MOVED BY: Steve Olsen

SECONDED BY: Carol Lemmon

Carried.



CHAIR



SECRETARY-TREASURER