

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, October 12, 2023 at 5:30 p.m.
Virtual Meeting/ Municipal Office of French River**

MEMEBERS PRESENT

VIRTUALLY: Carol Lemmon, Steve Olsen

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

MEMBERS ABSENT: Renee Germain, Rachelle Poirier, Dave Froats

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

PUBLIC PRESENT

VIRTUALLY: Dave Dorland, Roxanne Brunet, Joanne Bouchard, Aaron Ariganello

1. MEETING CALLED TO ORDER

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

2. ADOPTION OF THE AGENDA

Resolution: 23-083

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of October 12, 2023 be adopted as distributed.

MOVED BY: Josh Lachance

SECONDED BY: Dave Viau

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 September 14th, 2023 be adopted as distributed.

Resolution: 23-084

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of September 14, 2023 be adopted as distributed.

MOVED BY: Dave Viau
SECONDED BY: Steve Olsen

Carried

5. PRESENTATION/DELEGATION

6. BUSINESS ARISING FROM PREVIOUS MINUTES

- Consent (Severance) Process Report

The Director OF Planning presented the Board Members with a report outlining Consent Process and examples of required letters needed to provide a completed application.

Member Lachance recommends that the Report be brought back on the agenda for the December 7th, 2023 meeting in order to provide Board Members time to review the information.

Member Branconnier questions if we are discussing Motion #2 (Motion from September 14th, 2023 meeting)? Staff made member Branconnier aware that they did not receive further information regarding Motion #2. It was confirmed by member Lachance that staff was not included on the email thread. Member Branconnier apologises and states he will be sending the information to staff that evening.

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 September 25, 2023, being over fourteen (14) days prior to this evenings meeting (B/43,44,45/23/SC – Danny Switzer, B/46/23/FR- 1866551 Ontario Limited, B/47/23/MW – Jean Guy Dube). 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/43-45/23/SC – Danny Switzer

The Director of Planning summarized the application.

B/43/23/SC - 1381 Northern central Road. An application for consent which proposes to create an

access easement (right-of-way) over the above noted parcel (parcel 6324) of land to provide continued legal access to the twenty-three waterfront properties located on Pine Cove Road.

B/44/23/SC – Rainville Road. An application for consent which proposes to create an access easement (right-of-way) over the above noted parcel (parcel 9825) of land to provide continued legal access to the twenty-three waterfront properties located on Pine Cove Road.

B/45/23/SC - 1256 Northern central Road. An application for consent which proposes to create an access easement (right-of-way) over the above noted parcel (parcel 21650) of land to provide continued legal access to the twenty-three waterfront properties located on Pine Cove Road.

With respect to the OP

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, the owner has agreed to grant right of way, for the landowners and occupants, along Pinecove Road as it traverses through Parcels 6324, 9825 and 21650. There are a total of twenty-three waterfront properties on Pinecove Road and each waterfront property requires vehicular access. Presently, the owner owns a roadway, known locally as Pinecove Road.

With respect to zoning

Current Zoning: **Rural (RU)**

Proposed Zoning: Same as above.

The Rural Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. In this case, the subject properties meet each zone requirements respectively.

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

Agency Comments:

Clerk/Treasurer for Municipality of St. Charles: no concerns.

Chief Building Official: no concerns.

Public Works Superintendent: no concerns.

Fire Department: no concerns.

Bell Canada: does not have any comments or concerns regarding these applications.

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

Resolution: 23-085

BE IT RESOLVED THAT Consent Application B/43/23/SC submitted by Danny Switzer be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Josh Lachance

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) Resolution: 23-086

BE IT RESOLVED THAT Consent Application B/44/23/SC submitted by Danny Switzer be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Steve Olsen

SECONDED BY: Dave Viau

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.

c) Resolution: 23-087

BE IT RESOLVED THAT Consent Application B/45/23/SC submitted by Danny Switzer be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Mary Bradbury
SECONDED BY: Josh Lachnace

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.

d) B/46/23/FR – 1866551 Ontario 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 one (R1) lot from the subject lands on Highway 64 (700 Highway 64) in the Municipality of French River, and to rezone such lot (proposed severed lot) from 'Rural (RU)' to 'Residential One (R1)' to resolve split zoning issue with the remainder of the proposed severed lot.

The intent of the development application is to separate the existing single family home from the remainder of the property.

With respect to the OP:

In this case, proposed severed residential lot will meet the requirements of the 'R1' Zoning. The lands that fall outside the Village of Alban (the retained lands), will continue to be zoned 'RU'. Adequate access for the proposed lot to be severed is to be accessed from Highway 64 which is publicly assumed and maintained by the Ministry of Transportation (MTO). MTO had no objections to the severance. Adequate access for the proposed lot to be retained lot is to be accessed from Golf Course Road which is publicly assumed and maintained by the Municipality of French River. The Municipality had no objections to the severance. Minimum Distance Separation (MDS) is not applicable in this instance, as there are no farming-related activities in the area. With respect to Sudbury District Health Unit (site suitability for a septic system), the applicants received approvals on August 30th, 2023. Appropriate documentation with respect to availability of sewage hauling services and potable water was provided to the SEPB office. No development constraints have been identified that would require support studies and municipal staff have expressed no concern with respect to access or other municipal considerations.

With respect to zoning:

Proposed Zoning: Proposed Severed Lot - Residential One (R1) Zone
 Proposed Retained Lot – Rural (RU) Zone

The intent of the zoning application is to separate the existing single-family home from the remainder of the property. Presently, the entire property is split zoned (R1 and RU), and the above

noted application, will resolve the existing issue (a portion of the severed lot is zoned RU and that portion of land must be rezoned to R1 because the balance of the lands of the proposed severed lot is presently zoned R1) by rezoning a portion of the lands to R1.

The minimum lot area and the minimum lot frontage requirements in the '(R1)' Zone is 0.4 hectares and 30.0 metres (without services) respectively; the proposed severed is to comply with the above note requirements.

The '(RU)' Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The proposed lot to be retained will continue to conform to the above noted requirements.

Agency Comments:

This application was circulated to those agencies that were considered to have an interest in the proposal. The following comments were received:

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 Municipal Drains and Parkland Dedication.

The Sudbury & District Health Unit concluded that the proposed severed and retained parcels are capable of development for installation of a septic tank and leaching bed system.

Hydro One: have no comments or concerns at this time.

Bell Canada: no concerns.

Ministry of Transportation:

The MTO has reviewed the proposed severance and rezoning at 700 Hwy 64. I can confirm that The subject lands are located within MTO's permit control area and is subject for review under the *Public Transportation and Highway Improvement Act R.S.O 1990*. The MTO supports the proposed severance and rezoning in principal with the following comments to consider:

Severed Lot:

- An MTO residential entrance permit (change of ownership) will be required in order to legally register the existing entrance and permit access. This will come at no cost to the client.
- Placement of any buildings or structures within 45 meters of the Hwy 64 right-of-way or within 180 meters of the centre-point of the intersection of Hwy 64 and Golf Course Road will require the submission of an MTO building/land use permit.
- Any further development or change of use on the severed lot will be subject to MTO review.

Retained Lot:

- No direct access to Hwy 64 will be permitted. Any future proposed access to the severed lot must be from Golf Course Road.
 - o Retained lot will be losing its highway frontage and will no longer qualify for an MTO entrance permit.

- Any new access to the retained lot via golf course road must be located a minimum of 45 meters from the Hwy 64 right-of-way.
- Placement of any buildings or structures with 45 meters of the Hwy 64 right-of-way or within 180 meters of the centre-point of the intersection of Hwy 64 and Golf Course Road will require the submission of an MTO building/land use permit.
- Any future development or change of use on the retained lot will be subject to MTO review.

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 intent of the Official Plan for the Sudbury East Planning Area and the Zoning By-law for the Municipality of French River, therefore can be supported from planning perspective.

Agent Dave Dorland thanks the Director of Planning for his report and say he open for any further questions. Member Viau asked why did they request more frontage than the retained? Mr. Dorland stated that it was a preference from the family when making those decisions. Member Viau states he has no issues with the severance. Member Branconnier questions why the severance line is on the angle that it is. Agent Dorland explains that it is due to the geometry of the road.

Resolution: 23-088

BE IT RESOLVED THAT Consent Application B/46/23/FR submitted by 1866551 Ontario Limited be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Dave Viau

SECONDED BY: Josh Lachance

Carried

e) B/47/23/MW – Jean Guy Dube

The Director of Planning summarized the application.

The Sudbury East Planning Board has received applications for a lot addition and minor variance. The application proposes to sever approximately 9.82 hectares from the subject land (572 Nepewassi Lake Road) and add it to the lot to the immediate south (592 Nepewassi Lake Road). The lot addition will provide frontage and lot area to the lot to be enlarged, which is currently undersized. A minor variance is required for the proposed retained lands to permit a proposed reduced frontage of 45.0 metres.

File B/09/00/MW

The Board approved a severed lot of 0.47 hectares in lot area with a lot frontage of approximately 65.0 metres

With respect to the OP:

Consent

Section 4.5.1 of the Plan lists instances where consents are granted, including lot boundary

adjustments such as that currently proposed. The proposed lot to be enlarged is currently undersized. The portion of the lot to be severed is separated from the developed portion by another lot, as shown of the FRI Imagery map.

Minor Variances

Section 4.2.5 of the Official Plan contains review criteria to be used in the evaluation of minor variances as follows:

When considering this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13, which states that a variance from the zoning by-law should:

- 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.

With respect to zoning.

The RU minimum lot area requirement is 5.0 hectares and the minimum lot frontage requirement is 100.0 metres.

After the lot addition, the proposed lot to be enlarged will have an area of approximately 10.29 hectares and a lot frontage of 212.50 metres.

A minor variance is required to recognize the reduced lot frontage of the proposed retained lot because it will be further reduced by the proposed application.

With respect to the required minor variance application, as noted in the Official Plan section above, minor variances must meet the four tests set out in Section 45(1) of the Planning Act. The following will provide an analysis of the application with respect to the four tests.

Minor in Nature

Within the context of the Planning Act, determining whether something is minor cannot be calculated mathematically. What is minor in one context may not be minor in another. Given that the portion of the proposed lot to be retained has a reduced lot frontage does not negatively impact the function of the lot as an existing driveway continues to provide access to the generous 73 hectare lot.

Desirable and Appropriate

With respect to desirability of a proposed minor variance, Section 4.2.5 of the Official Plan provides the following criteria:

- The resulting development would be compatible with adjacent uses and in character with the established or planned development in the area;
- Adequate provision is made for vehicular access and off-street parking on the lot;
- Adequate buffering, screening and landscaping can be provided; and
- The application deals with circumstances particular to the site which design of the building

or structure in conformity with the by-law is not feasible or possible. The current applications will facilitate the ability to construct further structures in the future which will better serve the property and reduce the likelihood of negative impacts on Nepewassi Lake Road.

Maintain General Intent and Purpose of Official Plan

The Official Plan permits single detached dwellings and accessory structures within the Rural Policy Area designation. Currently, the proposed enlarged lot contains a single-family home. The proposed retains land contains a single-family home and two detached garages. The application maintains the general intent and purpose of the Official Plan.

Maintain the General Intent and Purpose of the Zoning By-law

The intent of the Zoning By-law regarding minimum lot frontage is to allow for the current undersized lot to maintain a rural character, in particular in areas for future construction of buildings and future upgrades to the sewer services, if required.

Agency Comments:

Chief Administrative Officer/Clerk/Treasurer – no concerns.

Chief Building Official: no concerns.

Public Works Superintendent: no concerns.

Fire Department: no concerns.

Park and Recreation Department and Economic Development Officer: no concerns.

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 intent of the Official Plan for the Sudbury East Planning Area and the Zoning By-law for the Municipality of Markstay-Warren, therefore can be supported from planning perspective.

Member Branconnier questions what happens to the severance application if the Minor Variances is not approved by the council of Markstay-Warren? The Director of Planning states that the application will then lapse if the conditions cant be met.

Resolution: 23-071

BE IT RESOLVED THAT Consent Application B/47/23/MW submitted by Jean Guy Dube be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Dave Viau

SECONDED BY: Mary Bradbury

Carried

8. NEW BUSINESS

a) Holiday Gift To Staff Members Report

The Director of Planning provides the Board Members with a Report stating the past history regarding staff Gifts.

Member Lemmon questions what will be in place for 2023. Chair Prevost explains to member Lemmon that is the reasoning behind having this on this meetings agenda. Member Olsen states that this item should be in the budget. All Board Members and staff agree. Member Olsen states that the gifts are well deserved and that it is just best to be transparent and have it included in the budget next year. Chair Prevost explains that for 2023 it will be passed as a resolution and going forward will be line item in the budget. Member Bradbury suggest the 2023 Staff Gifts to follow suit with what was done in 2022. All Board members agreed.

Resolution: 23-090

BE IT RESOLVED THAT going forward Sudbury East Planning Board staff allocate a section in the budget for Staff Bonuses to be approved during the budget process.

Now Therefore be it resolved that the Sudbury East Planning Board staff allocate \$200.00 for the Director of Planning for the upcoming 2023 Christmas Bonus and \$300.00 for the Administration Assistant for the upcoming 2023 Christmas bonus.

MOVED BY: Dave Viau

SECONDED BY: Mary Bradbury

Carried

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

10. PAYMENT OF VOUCHERS

a) August 2023 and September 2023

Resolution 23-091

BE IT RESOLVED THAT the statement of disbursements for the month August 2023 in the amount of \$108,539.14 and disbursements for the month of September 2023 in the amount of \$15,821.74 to be distributed and is hereby approved for payment.

MOVED BY: Dave Viau

SECONDED BY: Josh Lachance

Carried

11. ADJOURNMENT

Resolution: 23-092


BE IT RESOLVED THAT the Meeting be adjourned at 6:42 P.M.

AND THAT the next regular meeting be held on December 07th, 2023 at 5:30 p.m. at the Municipality of French River Municipal Office Virtually and in person.

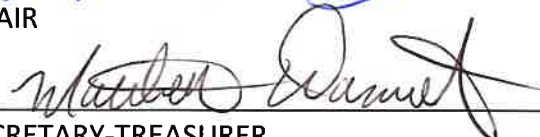
MOVED BY: Dave Viau

SECONDED BY: Paul Branconnier

Carried.



CHAIR



SECRETARY-TREASURER

