

**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 Danny Switzer
to the Sudbury East Planning Board
N Part of Lot 7, S Part of Lot 7, N Part of Lot 8, Concession 5
in the Township of Appleby
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 6324, 9825 and 21650 Sudbury East Section
(Roll No. 5204-000-003-241-00 & 5204-000-003-240-00 & 5204-000-003-243-00)
(SEPB File Nos. B/43-44-45/23/SC)

THE PURPOSE AND EFFECT of the applications are as follows:

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.

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.

TAKE NOTICE THAT TAKE NOTICE THAT the Sudbury East Planning Board will hold a **Public Hearing Virtually** to analyze and discuss **Applications B/43/23/SC, B/44/23/SC, and B/45/23/SC** at its meeting on **October 12th, 2023, 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 25th day of September 2023.

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

subject property



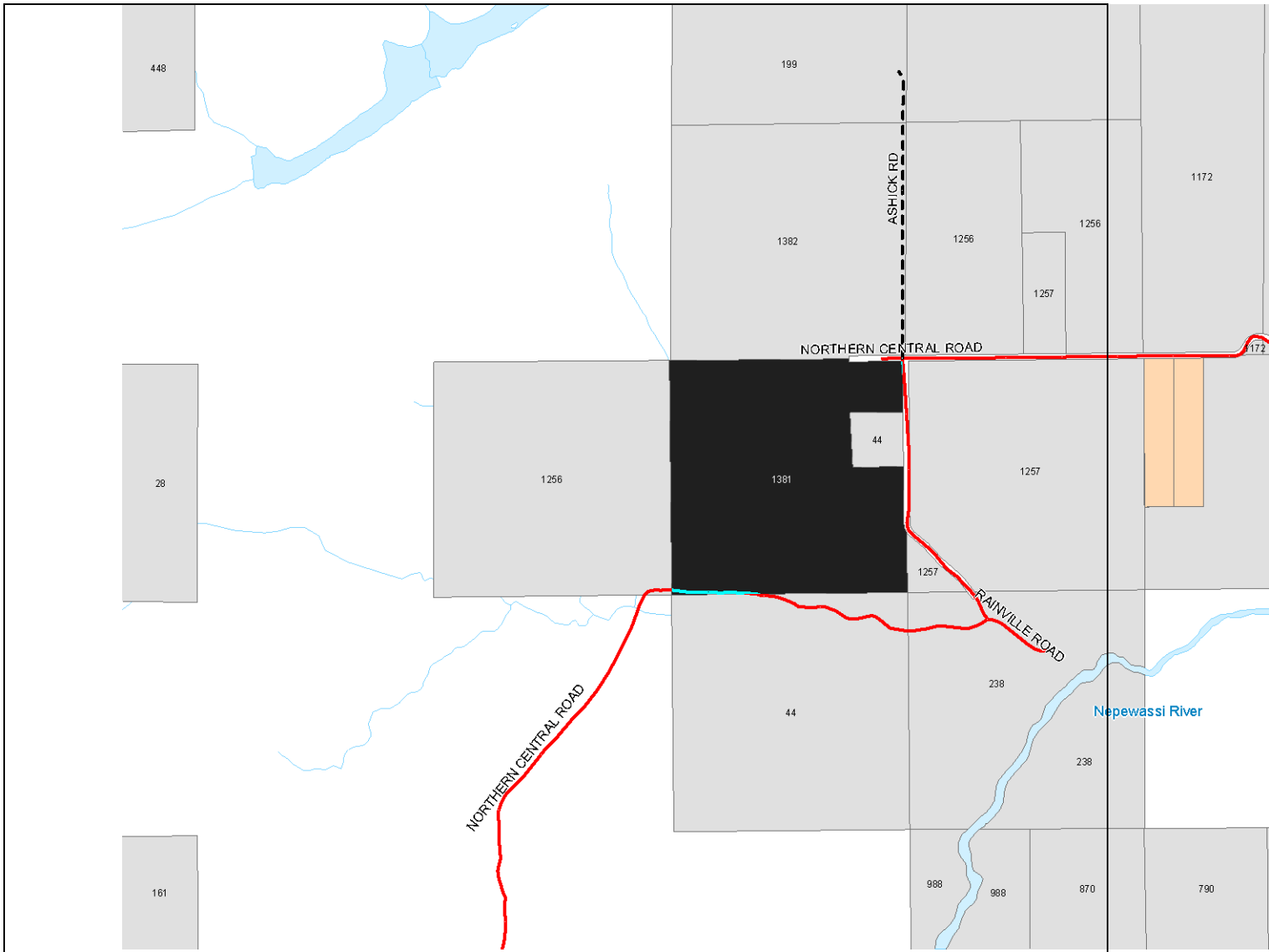
proposed access easement



AERIAL PHOTOGRAPHY

Consent Application
(Danny Switzer)

N Part of Lot 7, Concession 5
in the Township of Appleby
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 6324 Sudbury East Section
(Roll No. 5204-000-003-241-00)
(SEPB File No. B/43/23/SC)

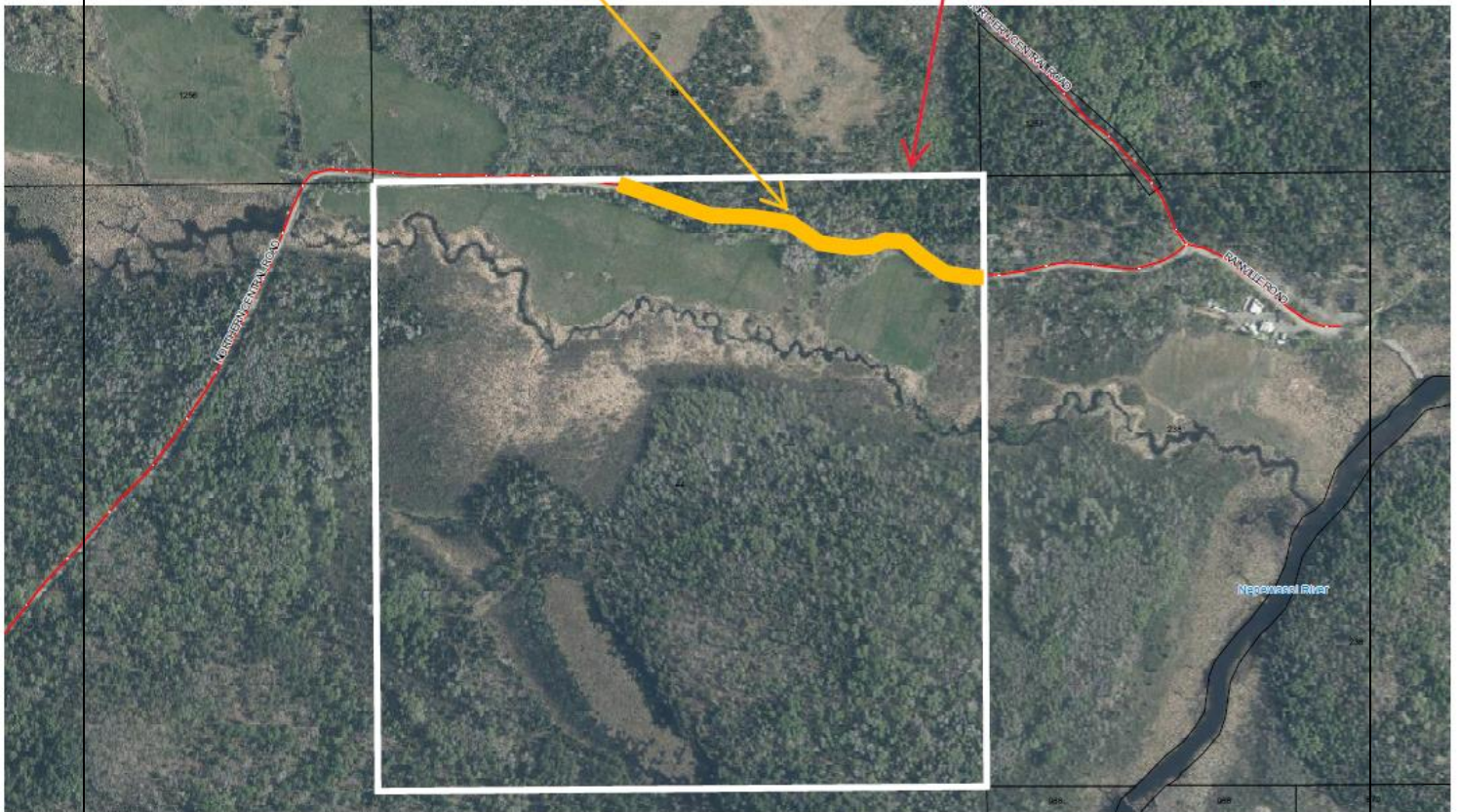


KEY MAP

Consent Application
(Danny Switzer)
N Part of Lot 7, Concession 5
in the Township of Appleby
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 6324 Sudbury East Section
(Roll No. 5204-000-003-241-00)
(SEPB File No. B/43/23/SC)

proposed access easement

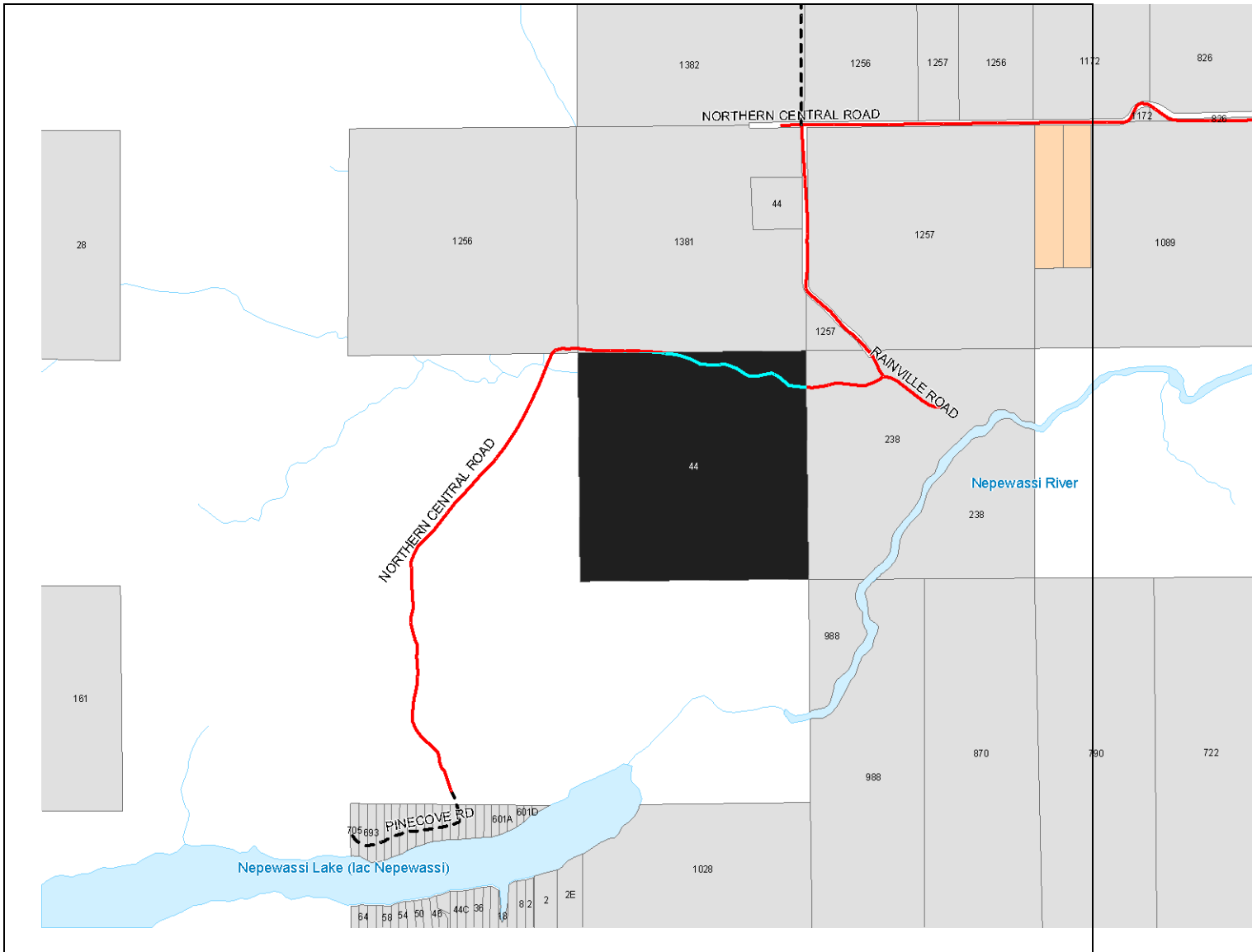
subject property



AERIAL PHOTOGRAPHY

Consent Application
(Danny Switzer)

S Part of Lot 7, Concession 5
in the Township of Appleby
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 9825 Sudbury East Section
(Roll No. 5204-000-003-240-00)
(SEPB File No. B/44/23/SC)



KEY MAP

Consent Application
 (Danny Switzer)
 S Part of Lot 7, Concession 5
 in the Township of Appleby
 now in the Municipality of St.-Charles
 Territorial District of Sudbury
 Parcel 9825 Sudbury East Section
 (Roll No. 5204-000-003-240-00)
 (SEPB File No. B/44/23/SC)

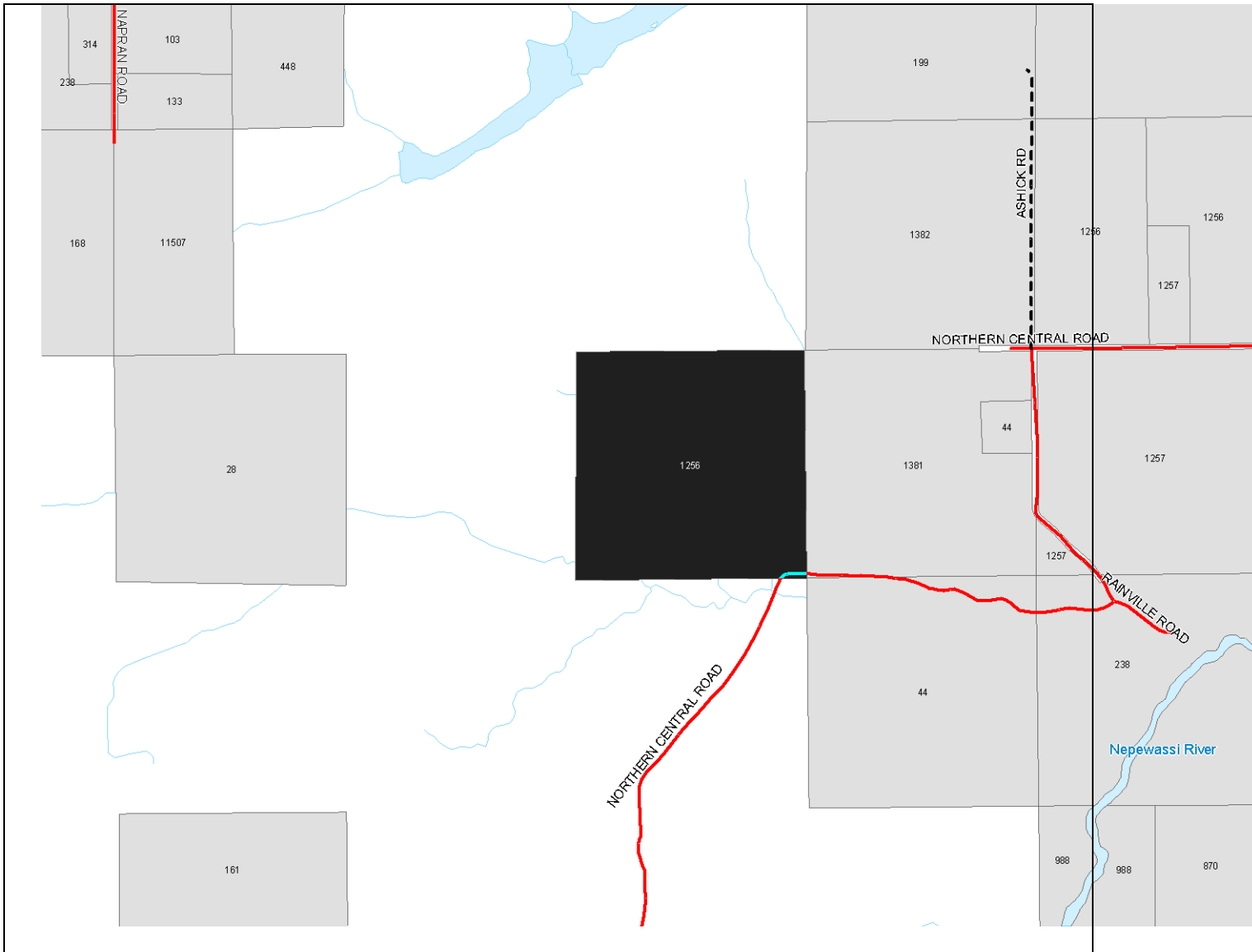
subject property



proposed access easement



AERIAL PHOTOGRAPHY
Consent Application
N Part of Lot 8, Concession 5
in the Township of Appleby
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 21650 Sudbury East Section
(Roll No. 5204-000-003-243-00)
(SEPB File No. B/45/23/SC)



KEY MAP

Consent Application
 N Part of Lot 8, Concession 5
 in the Township of Appleby
 now in the Municipality of St.-Charles
 Territorial District of Sudbury
 Parcel 21650 Sudbury East Section
 (Roll No. 5204-000-003-243-00)
 (SEPB File No. B/45/23/SC)



Planning Report: APPLICATION FOR CONSENT
Report To: SUDBURY EAST PLANNING BOARD
Meeting Date: October 12th, 2023
Report Date: September 25th, 2023

Applicant/Owner: Danny Switzer
Agent/Solicitor: Roxanne Brunet
File Number: B/43-44-45/23/SC
Property Description: N Part of Lot 7, S Part of Lot 7, N Part of Lot 8, Concession 5
 in the Township of Appleby
 now in the Municipality of St.-Charles
 Territorial District of Sudbury
 Parcel 6324, 9825 and 21650 Sudbury East Section
 (Roll No. 5204-000-003-241-00 & 5204-000-003-240-00 & 5204-000-003-243-00)
 1381 Northern central Road, 44 Rainville Road, and 1256 Northern Central Road

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.

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
B/43/23/SC – Access easement	6464.52 m2	20.12 metres
B/44/23/SC – Access easement	9712.70 m2	20.12 metres
B/45/23/SC – Access easement	2374.84 m2	19.93 metres

Access: Private right-of-way.
Servicing: Not applicable.

School Busing: Not applicable.
Garbage Collection: Not applicable.
Fire Protection: Not applicable.

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 three separate access easements. 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

Rural 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 in the Rural Policy Areas are intended to protect the natural amenities of the Sudbury East Planning Area as well as to provide opportunities for agriculture and resource-based uses, such as forestry, mining and aggregate operations, as well as limited residential developments, where appropriate.

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.

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

ZONING BY-LAW (2014-26)

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 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: 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 this these applications.

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 September 25th, 2023, 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: October 12th, 2023
Date of Notice of Decision: October 13th, 2023
Last Date of Appeal: November 2nd, 2023

Applicant: Danny Switzer
Owner: Same as Above
Agent/Solicitor: Roxanne Brunet
File Number: B/43-44-45/23/SC
Property Description: N Part of Lot 7, S Part of Lot 7, N Part of Lot 8, Concession 5
in the Township of Appleby
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 6324, 9825 and 21650 Sudbury East Section
(Roll No. 5204-000-003-241-00 & 5204-000-003-240-00 & 5204-000-003-243-00)
1381 Northern central Road, 44 Rainville Road, and 1256 Northern Central Road

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, *SEPB File No. B/43-44-45/23/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.

B43 & B44 & B45 - CONDITIONS:

1. This approval applies to the creation of three (3) access easements ranging between 2374.84 m² to 9712.70 m² in lot area with approximately 20 metres of lot frontage, as applied for on N Part of Lot 7, S Part of Lot 7, N Part of Lot 8, Concession 8, in the Township of Appleby, now in the Municipality of St. Charles, Territorial District of Sudbury, being Parcels 6324, 9825, and 21650 Sudbury East Section.
2. Prior to the granting of Final Consent through the provision of the Certificate of the Official a fee of \$750.00 (\$250.00 per certificate x 3 = \$750.00) 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 Landform, a duplicate original, and one photocopy for our records.
 - b) a Schedule to the Transfer/Deed of Landform 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 Landform; and
 - c) a reference plan of survey (*a paper copy – scale 1:10,000 metres 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. Legal access in the form of a right-of-way registered on title is to be included in the Transfer/Deed

of Landform and the reference plan of survey submitted.

B43 & B44 & B45 - 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.