



Municipality of French River

AGENDA

COMMITTEE OF ADJUSTMENT

held in the Council Chambers
French River Municipal Complex

Wednesday, August 23, 2017 at 5:45pm

1. Call to order, roll call and adoption of the agenda
2. Disclosure of Pecuniary Interest
3. Adoption of Minutes of July 27, 2016 p.2
4. Application A/02/17/FR by Daniel Joanis p.5
5. Application A/03/17/FR by Marcel & Diane Boulais p.14
6. Adjournment

Municipalité de la Rivière des Français

ORDRE DU JOUR

COMITÉ DE DÉROGATION

qui aura lieu dans la salle du conseil
Complexe municipal Rivière des Français

mercredi le 23 août 2017 à 17h45

1. Appel à l'ordre, présence et l'adoption de l'ordre du jour
2. Révélation d'intérêt pécuniaire
3. Adoption du procès-verbal le 27 juillet 2016
4. Application A/02/17/FR by Daniel Joanis
5. Application A/03/17/FR by Marcel & Diane Boulais
6. Ajournement



Municipality of French River

MINUTES OF THE COMMITTEE OF ADJUSTMENT AS DEFINED UNDER THE PLANNING ACT held in the Council Chambers Wednesday, July 27, 2016 at 5:30 p.m.

Members Present:

Mayor Claude Bouffard, Councillors Michel Bigras, Ronald Garbutt(Chair), Gisèle Pageau, Denny Sharp, Dean Wenborne

Members Excused:

Officials Present:

Melissa Riou, Director of Planning
Mélanie Bouffard, Clerk/Secretary-Treasurer

Guests:

1 guest

1.0 Call to order, roll call and adoption of the agenda

The Chair called the meeting to order at 5:30pm.

Moved By Claude Bouffard and Seconded By Dean Wenborne

Resol. 2016-14

BE IT RESOLVED THAT the agenda be accepted as distributed.

Carried

2.0 Disclosure of Pecuniary Interest

None declared.

3.0 Adoption of the Minutes

Moved By Malcolm Lamothe and Seconded By Gisèle Pageau

Resol. 2016- 15

BE IT RESOLVED THAT the minutes of the June 8, 2016 Committee of Adjustment meeting be accepted as presented.

Carried

The Director of Planning informed the committee that the Notice of the Public Hearing was sent on June 29, 2016 to the assessed owners within 60 metres of the property subject to the Minor Variance Application, and to those persons and agencies likely to have an interest in the application and that included with each Notice was an explanation of the purpose and effect of the minor variance application and a key map showing the location of the property.

4.0 Application A/04/16/FR - Jeanne Brabant

The Chair then declared the Public Hearing to deal with Application A/04/16/FR - Jeanne Brabant.

The following variance(s) to the regulations of the Waterfront Residential Zone (WR) have been requested in order to recognize a reduced lot area of 0.3 ha instead of the required 0.8 ha and a reduced lot frontage of 19.5 metres, instead of the required 60.0 metres for the proposed retained lot as follows :

- Relief from Section 7.7.2(a)(i) Minimum Lot Frontage– permit a lot frontage of 19.5 metres instead of the required 60.0 metres for the proposed severed lot.

- Relief from Section 7.7.2(a)(ii) Minimum Lot Area – permit a lot area of 0.3 hectares instead of the required 0.8 hectares for the proposed severed lot.

No comments or concerns were received relating to the application.

The applicant was not present.

Moved By Dean Wenborne and Seconded By Ron Garbutt

Resol. 2016- 16

BE IT RESOLVED THAT Application No. A/04/16/FR - Jeanne Brabant be approved and that the necessary Notice of Decision be prepared.

Carried

The Chair advised of the 20 day appeal period and that during that time that no building permit may be issued or other work commenced.

The Chair then declared the Public Hearing to be concluded.

5. Others

None.

6. Adjournment

Moved By Claude Bouffard and Seconded By Denny Sharp

Resol. 2016- 17

BE IT RESOLVED THAT the meeting for the Committee of Adjustment be adjourned at 5:50 p.m.

Carried

CHAIR

SECRETARY

**NOTICE OF PUBLIC HEARING
CONCERNING
A PROPOSED MINOR VARIANCE TO ZONING BY-LAW 2014-23
OF THE MUNICIPALITY OF FRENCH RIVER**

Respecting an application by Daniel Joanis
for a variance(s) to lands on Part of Lot 8, Concession 6
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
being Part 5, Plan 53M-1270
Parcel 53M1270-5 Sudbury East Section
(Roll No. 5201-060-000-396-00)
(SEPB File No. A/02/17/FR)

TAKE NOTICE THAT the above noted application will be heard by the Municipality of French River Committee of Adjustment on **August 23rd, 2017 at 5:45 p.m. at the French River Municipal Office, 44 Christophe Street, Noelville, Ontario.**

PUBLIC HEARING - You are entitled to attend this Public Hearing in person to express your view about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice, you are requested to inform that person of this Hearing. If you wish to make written comments on this application they may be forwarded to the Secretary-Treasurer (Municipality of French River Committee of Adjustment, 44 Christophe Street, P.O. Box 156, Noelville, Ontario, P0M 2N0). For further information (i.e. - additional information for public review or a written copy of this Notice), please contact Matthew Dumont, Director of Planning (Sudbury East Planning Board), during office hours Monday to Friday (8:30 a.m. to 4:00 p.m.).

FAILURE TO ATTEND HEARING - If you do not attend the Hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION - A copy of the decision of the Committee will be sent to the applicant and to each person who appeared in person or by counsel at the Hearing and who has filed with the Secretary-Treasurer a written request for notice of the decision.

Dated at Warren, this 10th day of August, 2017.

Matthew Dumont, MCIP, RPP
Director of Planning

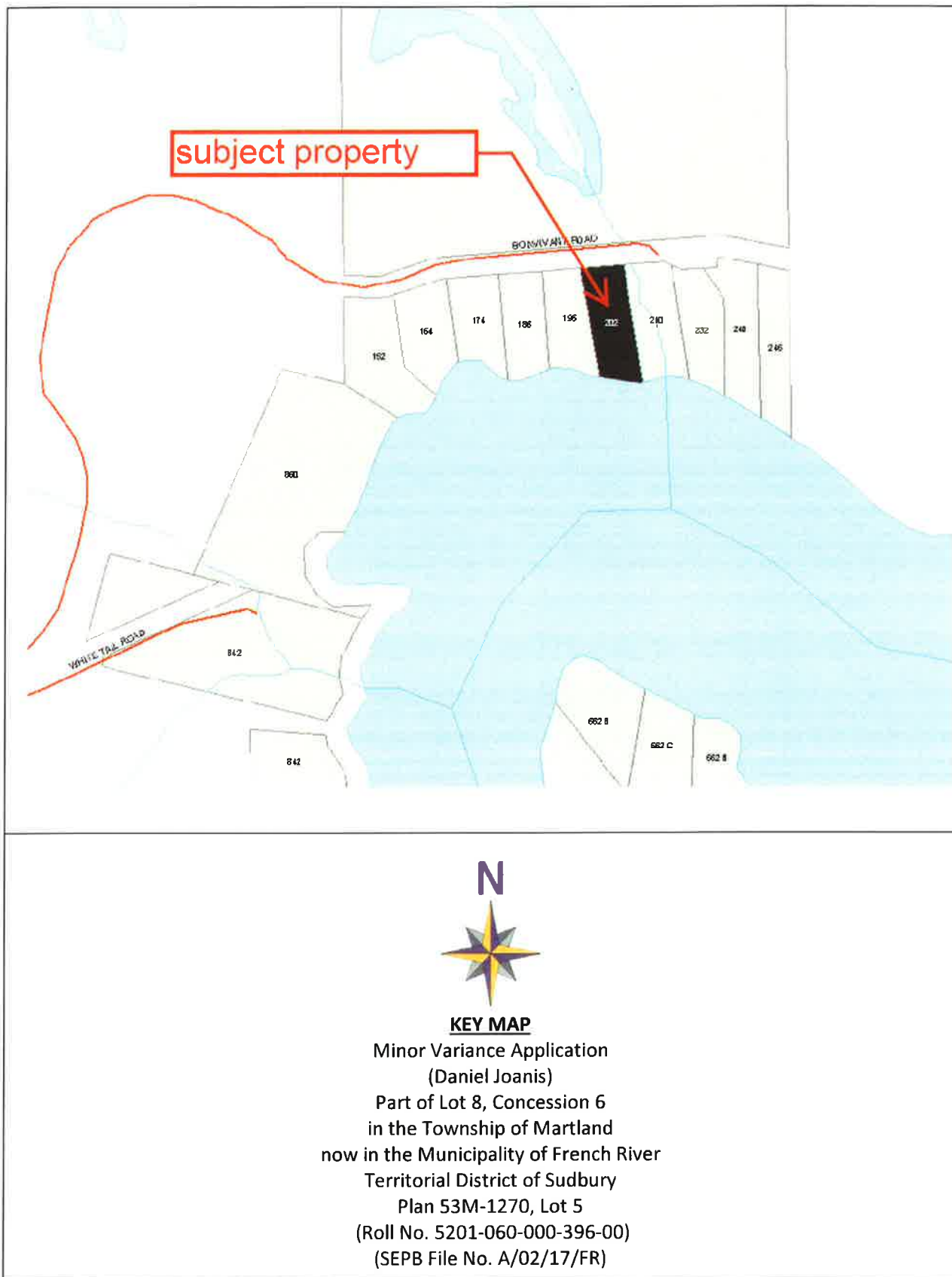
Variance(s) Requested to Zoning By-law

Re: Application No. A/02/17/FR
(Daniel Joanis)
Roll No. 5201-060-000-396-00

ZONING BY-LAW 2014-23 (Municipality of French River)

The following variance(s) to the regulations of the Waterfront Residential (WR) Zone has been requested in order to permit the construction of an accessory building (detached garage), as shown on the attached sketch dated June 9th, 2017:

Relief from Section 7.7.2(c)v. All accessory buildings – Maximum Building Height - to permit a height of 5.4 meters instead of the maximum permitted 5.0 meters.





Planning Report: **APPLICATION FOR MINOR VARIANCE**
Report to: **MUNICIPALITY OF FRENCH RIVER**
Meeting Date: August 23rd, 2017
Report Date: August 9th, 2017

Applicant(s): Daniel Joanis
Owner(s): same as above
Agent/Solicitor: none
File Number: A/02/17/FR
Property Description: Part of Lot 8, Concession 6
 in the Township of Martland
 now in the Municipality of French River
 Territorial District of Sudbury
 being Part 5, Plan 53M-1270
 Parcel 53M1270-5 Sudbury East Section
 (Roll No. 5201-060-000-396-00)
 202 Bons Vivants Road

APPLICATION:

An application has been received from Joanis Daniel for a variance to the Waterfront Residential Zone (WR) of By-law 2014-23, as amended, in order to recognize the height of a detached garage which is currently under construction. The following variance is requested:

	<u>Zone Requirement</u>	<u>Proposed</u>
7.7.2(c)v. All accessory buildings	5.0 meters	5.4 meters
Maximum Building Height		

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
Lot	0.52 hectares	37 metres
Access:	Publicly maintained (Municipality of French River) year-round road (Bons Vivants Road).	
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.	
School Busing:	Available.	
Garbage Collection:	Not available.	
Fire Protection:	Available.	
Shore Road Allowance:	Not applicable.	
Surrounding Uses:	The subject lands are located on the north side of Shanty Bay, south of Bons Vivants Road. The subject lands and lands to the west and east are predominantly waterfront residential, except for the lands located far west of the subject property which is waterfront commercial tourist.	

APPLICATION REVIEW AND ANALYSIS:

PROVINCIAL POLICY STATEMENT, 2014

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. 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 construct an accessory structure (detached garage) on a Waterfront Residential lot which includes a single detached dwelling with an attached garage, sleep cabin, and two (2) wood sheds. Planning staff are of the opinion that 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)

Lands designated Waterfront Policy Area are intended to provide the main locations for seasonal and limited permanent residential, recreation and tourism-oriented commercial uses. Section 2.2.9.1(4) permits a primary dwelling on each residential lot as well as a single secondary sleeping cabin and, accessory structures in compliance with the requirements of the Zoning By-law.

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.

The application must meet all of the above tests.

With respect to compatibility, the garage is located approximately 23 metres from Bons Vivants Road and approximately 3.04 metres from the eastern property line which is well buffered with birch and pine trees from the neighboring property, determined by a site visit that was conducted on June 14th, 2017. The garage is located in close proximity to the existing sleep cabin on the subject lands, situated approximately 70 meters from Shanty Bay and over 24 metres from neighboring property to the west. The garage is not anticipated to have any negative impact on any adjacent lands.

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

ZONING BY-LAW (BY-LAW 2014-23)

Zoning: **Waterfront Residential (WR)**

Comments:

The 'Waterfront Residential (WR)' Zone permits a single detached dwelling, a home occupation, bed and breakfast, boathouse, sleep cabin and other accessory structures in accordance with the applicable provisions. The Waterfront Residential Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. The lot does not meet the lot frontage requirement (37 meters), nor does it meet the minimum lot area requirement (0.52 ha) of the Waterfront Residential Zone, but would be deemed to comply with the lot requirements of the Zoning By-law by virtue of Section 6.26 to Zoning By-law 2014-23. The maximum lot coverage permitted is 15%. The subject property contains a single detached dwelling and other accessory structures including a sleep cabin, two (2) wood sheds, a sun room, and an attached garage to the single detached dwelling and with the existing structures on the subject property, the lot coverage is 5.24%. The addition of the attached garage will increase the lot coverage to 8.45% which meets the current requirements of the By-law.

The applicants have obtained the required building permit and begun to construct a detached garage, the Chief Building Official identified that the height of the garage was above that permitted by the Zoning By-law.

The detached garage is intended to be used for storage purposes which are permitted in the Waterfront Residential Zone. In accordance with Section 7.7.2 of the Zoning By-law, accessory buildings are permitted in the Waterfront Residential Zone.

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

AGENCY REVIEW

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

No comments were received as of the date this report was written.

PUBLIC CONSULTATION

Notice of the minor variance application was sent to surrounding property owners on August 9th, 2017, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its regulations (O.REG 200/96) thereto. As of the writing of this report, no comments or concerns had been received from neighbouring property owners.

RECOMMENDATION:

Whereas the variance(s) requested is a minor variance from the provision of the Zoning By-law for the Municipality of French River 2014-23, are desirable for the appropriate development or use of the land, building or structure, are in keeping with the general intent and purpose of the Official Plan for the Sudbury East Planning Area, and are in keeping with the general intent and purpose of the Municipality of French River Zoning By-law 2014-23, we are of the opinion that the application is acceptable from a planning perspective, and should be granted.

Respectfully submitted,



Matthew Dumont, MCIP, RPP
Director of Planning



FRI IMAGERY

Minor Variance Application
(Daniel Joanis)
Part of Lot 8, Concession 6
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Plan 53M-1270, Lot 5
(Roll No. 5201-060-000-396-00)
(SEPB File No. A/02/17/FR)

MUNICIPALITY OF FRENCH RIVER

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

Minor Variance Application
(Daniel Joanis)
Part of Lot 8, Concession 6
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
being Part 5, Plan 53M-1270
Parcel 53M1270-5 Sudbury East Section
(Roll No. 5201-060-000-396-00)
(SEPB File No. A/02/17/FR)

DATE OF DECISION: 23rd, 2017

FINAL DAY FOR APPEAL: September 13th, 2017

Upon application to the Committee of Adjustment pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13, the decision of the Municipality of French River Committee of Adjustment is as follows:

Application A/02/17/FR be approved and the following variance be granted to the provisions of the Waterfront Residential Zone (WR) of Zoning By-Law 2014-23, as amended:

Relief from Section 7.7.2(c)v. All accessory buildings – Maximum Building Height – to permit a height of 5.4 metres instead of the maximum permitted of 5.0 metres.

Subject to the Following Conditions:

- A building permit must be obtained within one year of the date of approval of this application.

REASONS:

- (1) The variance is minor;
- (2) The variance is desirable for the appropriate development or use of the land, building, or structure;
- (3) The variance maintains the general intent and purpose of the Zoning By-law; and
- (4) The variance maintains the general intent and purpose of the Official Plan.

PUBLIC INPUT: No public input was received which effected the Committee of Adjustment.

We, the undersigned, acknowledge the above as being the decision of the Committee.

Chair

Member

Member

Member

Member

Member

CERTIFICATION

I, Matthew Dumont, Director of Planning for the Sudbury East Planning Board, certify that the aforementioned is a true copy of the decision of the Municipality of French River Committee of Adjustment with respect to the application recorded therein.

Dated at Warren, this 24th day of August, 2017.

Matthew Dumont
Director of Planning

NOTICE OF THE LAST DAY FOR APPEALING TO THE ONTARIO MUNICIPAL BOARD

45(12) The applicant, the Minister or any other person who has an interest in the matter may within twenty (20) days of the making of the decision appeal to the Municipal Board against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection, accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Municipal Board under the **Ontario Municipal Board Act** as payable on an appeal from a committee of adjustment to the Board.

NOTE: The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups, which do not have incorporated status, may not be considered "persons" for purposes of the Act. Groups wishing to appeal this decision should do so in the name or names of individual group members, and not in the name of the group.

**NOTICE OF PUBLIC HEARING
CONCERNING
A PROPOSED MINOR VARIANCE TO ZONING BY-LAW 2014-23
OF THE MUNICIPALITY OF FRENCH RIVER**

Respecting an application by Marcel and Diane Boulais
for a variance(s) to lands on Part of Lot 6, Concession 5
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
being Lots 5 and 6, Plan 53M-696
Parcel 30545 and 35857 Sudbury East Section
(Roll No. 5201-060-000-273-00 & 272-00)
(SEPB File No. A/03/17/FR)

TAKE NOTICE THAT the above noted application will be heard by the Municipality of French River Committee of Adjustment on **August 23, 2017 at 5:45 p.m. at the French River Municipal Office, 44 Christophe Street, Noelville, Ontario.**

PUBLIC HEARING - You are entitled to attend this Public Hearing in person to express your view about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice, you are requested to inform that person of this Hearing. If you wish to make written comments on this application they may be forwarded to the Secretary-Treasurer (Municipality of French River Committee of Adjustment, 44 Christophe Street, P.O. Box 156, Noelville, Ontario, P0M 2N0). For further information (i.e. - additional information for public review or a written copy of this Notice), please contact Matthew Dumont, Director of Planning (Sudbury East Planning Board), during office hours Monday to Friday (8:30 a.m. to 4:00 p.m.).

FAILURE TO ATTEND HEARING - If you do not attend the Hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION - A copy of the decision of the Committee will be sent to the applicant and to each person who appeared in person or by counsel at the Hearing and who has filed with the Secretary-Treasurer a written request for notice of the decision.

Dated at Warren, this 10th day of August, 2017.

Matthew Dumont, MCIP, RPP
Director of Planning

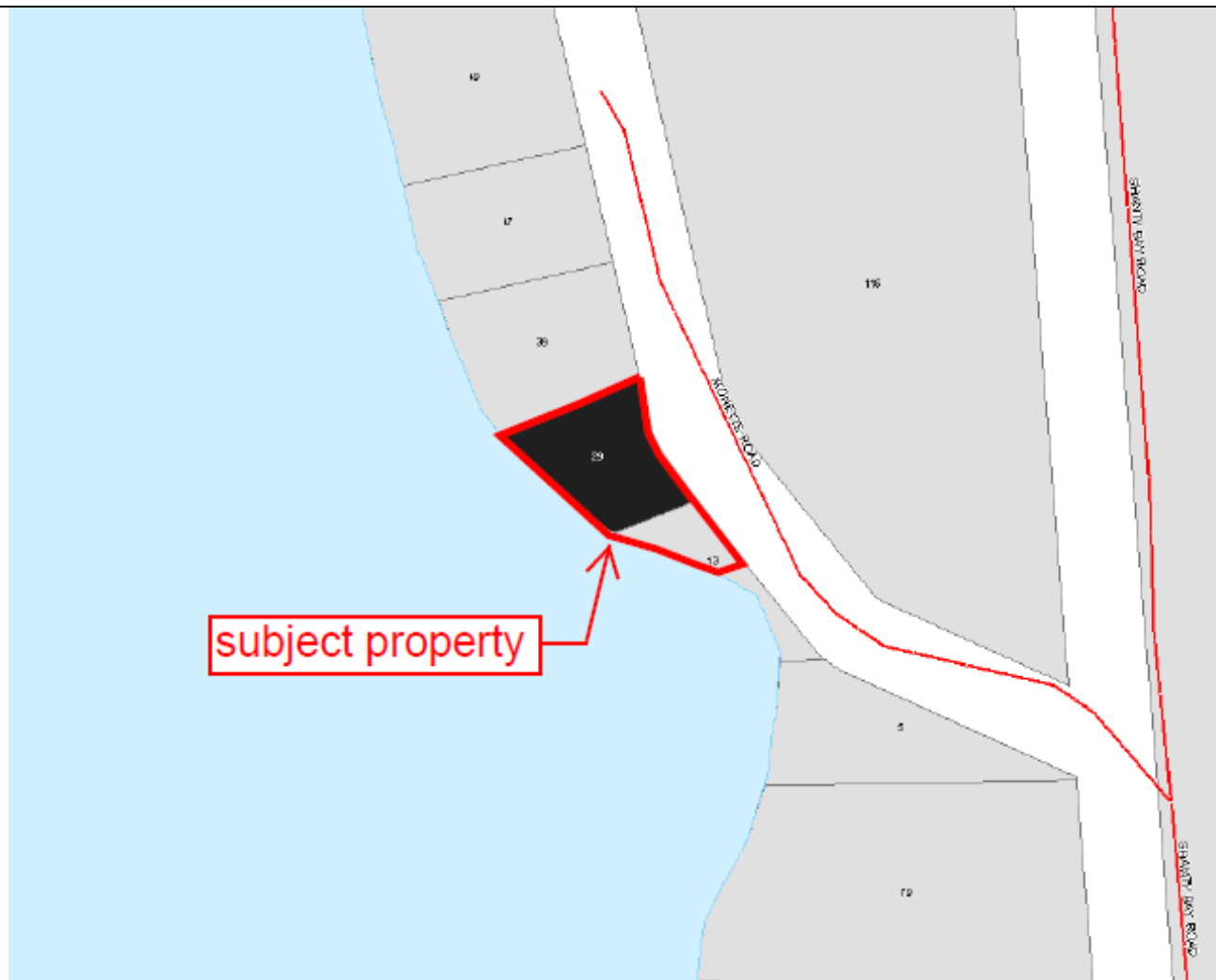
Variance(s) Requested to Zoning By-law

Re: Application No. A/03/17/FR
(Marcel and Diane Boulais)
Roll No. 5201-060-000-273-00 & 272-00

ZONING BY-LAW 2014-23 (Municipality of French River)

The following variance(s) to the regulations of the Waterfront Residential (WR) Zone has been requested in order to permit the construction of an accessory structure (detached garage), as shown on the attached sketch dated July 26th, 2017:

Relief from Section 7.7.2(c)(i) all accessory buildings – to permit a minimum setback from the Optimal Summer Water Level of 16.5 metres instead of the required 20.0 metres.



KEY MAP

Minor Variance Application
 (Marcel and Diane Boulais)
 Part of Lot 6, Concession 5
 in the Township of Martland
 now in the Municipality of French River
 Territorial District of Sudbury
 being Lots 5 and 6, Plan M-696
 Parcel 30454 and 35454S.E.S.
 (Roll No. 5201-060-000-273-00 & 272-00)
 (SEP File No. A/03/17/FR)



Planning Report: APPLICATION FOR MINOR VARIANCE

Report to: MUNICIPALITY OF FRENCH RIVER

Meeting Date: August 23, 2017

Report Date: August 3, 2017

Applicant(s): Marcel and Diane Boulais
Owner(s): same as above
Agent/Solicitor: n/a
File Number: A/03/17/FR
Property Description: Part of Lot 6, Concession 5
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
being Lots 5 and 6, Plan M696
Parcel 30454 and 35857 Sudbury East Section
(Roll No. 5201-060-000-273-00 & 272-00)
29 Monette Road & 13 Monette Road

APPLICATION:

The application proposes a variance to the Waterfront Residential (WR) of By-law 2014-23, as amended, in order to permit the construction of an accessory structure (detached garage), as shown on the attached sketch dated July 26th, 2017. The following variance(s) is requested:

	<u>Zone Requirement</u>	<u>Proposed</u>
7.7.2(c)(i) All accessory buildings		
Minimum distance from the	20.0 metres	16.5 metres
Optimal Summer Water Level		

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
Lot (Enlarged Lot B/07/16/FR)	0.22 hectares	60.4 metres
Access:	Publicly maintained (Municipality of French) year-round road (Monette Road).	
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.	
School Busing:	Available.	
Garbage Collection:	Not available.	
Fire Protection:	Available.	
Shore Road Allowance:	Not applicable.	
Surrounding Uses:	The lands are located on the west side of Monette Road, off of Shanty Bay Road, north west of Highway 64. The subject lands and lands to the north and south are waterfront residential. Lands in the surrounding area consist of a mix of rural and waterfront residential land uses.	

APPLICATION REVIEW AND ANALYSIS:

PROVINCIAL POLICY STATEMENT, 2014

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. 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 construct an accessory structure (detached garage) on a Waterfront Residential lot which includes a single detached dwelling. Planning staff are of the opinion that 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)

Lands designated Waterfront Policy Area are intended to provide the main locations for seasonal and limited permanent residential, recreation and tourism-oriented commercial uses. Section 2.2.9.1(4) permits a primary dwelling on each residential lot as well as a single secondary sleeping cabin and, accessory structures in compliance with the requirements of the Zoning By-law.

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.

The application must meet all of the above tests and will be discussed further in the Zoning By-law Section of the Report.

ZONING BY-LAW (BY-LAW 2014-23)

Zoning: **Waterfront Residential (WR)**

Comments:

The application is similar to minor variance A/11/15/FR which was approved by the Committee of Adjustment on May 9th, 2016. The application lapsed prior to fulfilling the condition to obtain a building permit within one year of the date of approval.

The ‘Waterfront Residential (WR)’ Zone permits a single detached dwelling, a home occupation, bed and breakfast, boathouse, sleep cabin and other accessory structures in accordance with the applicable provisions. The Waterfront Residential Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. The lot meets the lot frontage requirement (60.4 metres), but does not meet the minimum lot area requirement (0.22 ha) of

the Waterfront Residential Zone, but would be deemed to comply with the lot requirements of the Zoning By-law by virtue of Section 6.26 to Zoning By-law 2014-23. The maximum lot coverage permitted is 15%. With the lands added through consent application B/07/16FR; with the construction to permit a detached garage and with the existing single-detached dwelling, the lot coverage will be approximately 11%.

The applicants is proposing to building an accessory structure (detached garage) of approximately 65.7 square metres which will be located on Lot 6, Plan M-696. The existing building footprint/floor area for the single-detached dwelling on the lot is approximately 229.0 square metres. Characteristically, the lots are shallow, having a depth on the southerly portion side of 27.3 metres. With respect to the setback from the Optimal Summer Water Level, the proposed detached garage is setback approximately 16.5 metres (the shoreline is slightly irregular) where 20.0 metres is required. The construction of the detached garage is behind the front of the existing cottage, and is proposed to be setback 16.5 metres; therefore the applicants have a requested a variance of 3.5 meters.

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.

Minor in Nature

Within the context of the Planning Act, determining whether something is minor cannot be calculated mathematically. What is minor in one instance may be not be minor in another. Given that the depth of the lot is 27.3 metres on the southerly lot line, it would not be possible to locate any accessory structure in compliance with both the required rear yard setback from the centerline of the road and the required setback from the optimal summer water level. The garage will be setback further from the shoreline than the exiting dwelling on the 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.

Adjacent lots in the immediate vicinity are all undersized to the current standards. In particular, the minimal lot depth has resulted in dwellings and accessory structures on lots that do not meet the shoreline setback requirements. The proposed garage would be compatible with existing development in the area. The construction of a garage will not eliminate any of the existing parking area, nor will it result in the need for increased parking. With respect to buffering, the associated lot additions will result in additional side yard setback from the adjacent lot to the south of approximately 23.0 metres. With respect to shoreline buffering, there is minimal vegetation between the location of the proposed garage and the shoreline. Section 2.2.9.1(8) encourages the establishment and/or retention of a natural vegetative buffer on lands within proximity to the shoreline of a lake or a tributary.

With respect to site specific circumstances, as mentioned previously, the lot has a shallow depth of approximately 27.3 metres, which restricts the ability of the owner to locate any structure in compliance with both the rear yard/centerline of the municipal road. The rear yard setback of 3.0 metres or 10.0 metres from the centerline were adhered to, in addition to the shoreline setback of 20.0 metres, it would leave a building width of 9 metres at that location, whereas the applicant has proposed a garage of 65.0 metres square. To minimize setback encroachments, the applicant also intends to angle the garage.

Maintain General Intent and Purpose of Official Plan

The Official Plan permits single detached dwellings and accessory structures within the Waterfront Policy Area designation. The application maintains the general intent and purpose of the Official Plan.

Maintain General Intent and Purpose of Zoning By-law

The intent of the Zoning By-law in regard to accessory structures and the setback requirement from the shoreline is to minimize visual impact and maintain a shoreline vegetative buffer. In cases where lot depth is so little, it is difficult to locate structures in compliance with the zoning by-law. Such situations are taken into consideration as compared to lots which meet the minimum lot area and frontage requirements of the applicable zone.

The application, as proposed, generally complies with the regulations of the Zoning By-law provided that the proposed variances are approved.

AGENCY REVIEW

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

No comments were received as of the date this report was written.

PUBLIC CONSULTATION

Notice of the minor variance application was sent to surrounding property owners on August 10, 2017, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its regulations (O.REG 200/96) thereto. As of the writing of this report, no comments or concerns had been received from neighbouring property owners.

SUMMARY

The applicant proposes a minor variance to the waterfront residential zone which would allow them to construct an accessory structure (detached garage) on Lot 6, Plan M-696. The variance is for a reduced setback from the optimal summer water level of 16.5 metres. The lot has a shallow depth of approximately 27.3 metres, which restricts the ability of the owner to locate any structure in compliance with both the rear yard and lastly, characteristically, the proposed garage would be compatible with existing development in the area.

Planning staff are of the opinion that there are no PPS issues that would directly apply to this proposal.

The proposal also maintains the intent and purpose of the Official Plan for the Sudbury East Planning Area. The proposal meets the four tests applicable to minor variance applications, as well as the additional desirability criteria set out in the Plan.

In light of the foregoing, it is the opinion of this Office that the proposed application is consistent with the policies of the PPS, in keeping with the general intent and purpose of the Official Plan in keeping with the general intent and purpose of the Zoning By-law.

RECOMMENDATION:

Whereas the variance requested is minor variance from the provision of the Zoning By-law for the Municipality of French River 2014-23, are desirable for the appropriate development or use of the land, building or structure, are in keeping with the general intent and purpose of the Official Plan for the Sudbury East Planning Area, and are in keeping with the general intent and purpose of the Municipality of French River Zoning By-law 2014-23, we are of the opinion that the application is acceptable from a planning perspective, and should be granted.

Respectfully submitted,



Matthew Dumont, MCIP, RPP
Director of Planning



AERIAL PHOTOGRAPHY

Minor Variance Application
(Marcel and Diane Boulais)
Part of Lot 6, Concession 5
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
being Lots 5 and 6, Plan M-696
Parcel 30454 and 35454 S.E.S.
(Roll No. 5201-060-000-273-00 & 272-00)
(SEP File No. A/03/17/FR)

MUNICIPALITY OF FRENCH RIVER

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

Minor Variance Application
(Marcel and Diane Boulais)
Part of Lot 6, Concession 5
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
being Lots 5 and 6, Plan M-696
Parcel 30454 and 35857 Sudbury East Section
(Roll No. 5201-060-000-273-00 & 272-00)
(SEPB File No. A/03/17/FR)

DATE OF DECISION: August 23rd, 2017

FINAL DAY FOR APPEAL: September 13th, 2017

Upon application to the Committee of Adjustment pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13, the decision of the Municipality of French River Committee of Adjustment is as follows:

Application A/03/17/FR be approved and the following variance be granted to the provisions of the Waterfront Residential Zone (WR) of Zoning By-Law 2014-23, as amended:

Relief from Section 7.7.2(c)(i) Minimum Setback from the Optimal Summer Water Level (all accessory buildings) – to permit a setback of 16.5 metres instead of the required 20.0 metres.

Subject to the Following Conditions:

- A building permit must be obtained within one year of the date of approval of this application.

REASONS:

- (1) The variance is minor;
- (2) The variance is desirable for the appropriate development or use of the land, building, or structure;
- (3) The variance maintains the general intent and purpose of the Zoning By-law; and
- (4) The variance maintains the general intent and purpose of the Official Plan.

PUBLIC INPUT: No public input was received which effected the decision of the Committee of Adjustment.

We, the undersigned, acknowledge the above as being the decision of the Committee.

Chair

Member

Member

Member

Member

Member

CERTIFICATION

I, Matthew Dumont, Director of Planning for the Sudbury East Planning Board, certify that the aforementioned is a true copy of the decision of the Municipality of French River Committee of Adjustment with respect to the application recorded therein.

Dated at Warren, this 24th day of August, 2017.

Matthew Dumont
Director of Planning

NOTICE OF THE LAST DAY FOR APPEALING TO THE ONTARIO MUNICIPAL BOARD

45(12) The applicant, the Minister or any other person who has an interest in the matter may within twenty (20) days of the making of the decision appeal to the Municipal Board against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection, accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Municipal Board under the **Ontario Municipal Board Act** as payable on an appeal from a committee of adjustment to the Board.

NOTE: The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups, which do not have incorporated status, may not be considered "persons" for purposes of the Act. Groups wishing to appeal this decision should do so in the name or names of individual group members, and not in the name of the group.