



Municipality of French River

AGENDA

COMMITTEE OF ADJUSTMENT

held in the Council Chambers
French River Municipal Complex

July 18, 2018 at 5:45 p.m.

1. Call to order, roll call and adoption of the agenda
2. Disclosure of Pecuniary Interest
3. Adoption of Minutes of **p.2**
November 1, 2017
4. Application A/02/18/FR **p.5**
by Gaetan Beaulieu & Darren Pierce
5. 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

Le 18 juillet 2018 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 1 novembre 2017
4. Application A/02/18/FR
Gaetan Beaulieu & Darren Pierce
5. Ajournement



Municipality of French River

MINUTES OF THE COMMITTEE OF ADJUSTMENT AS DEFINED UNDER THE PLANNING ACT held in the Council Chambers Wednesday, November 1, 2017 at 5:45 p.m.

Members Present:

Councillors Ronald Garbutt (Chair), Malcolm Lamothe, Gisèle Pageau,
Denny Sharp

Members Excused:

Mayor Claude Bouffard, Councillors Dean Wenborne, Michel Bigras

Officials Present:

Matthew Dumont, Director of Planning
Mélanie Bouffard, Clerk/Secretary-Treasurer
Marc Gagnon, Chief Administrative Officer

Guests:

3 guests

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

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

Moved By Gisele Pageau and Seconded By Malcolm Lamothe

Resol. 2017-6

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 Gisele Pageau and Seconded By Denny Sharp

Resol. 2017- 7

BE IT RESOLVED THAT the minutes of the August 23, 2017 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 October 16, 2017 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/06/17/FR Jeffrey Cooke

The Chair then declared the Public Hearing to deal with Application A/06/17/FR Jeffrey Cooke.

The following variance(s) to the regulations of the Waterfront Residential (WR) Zone have been requested in order to permit the construction of an accessory building (detached garage) as follows :

- Relief from Section 7.7.2(c)v. All accessory buildings – Maximum Building Height - to permit a height of 5.81 metres instead of the maximum permitted 5.0 meters.

No comments or concerns were received relating to the application.

The applicant did not have any additional comments.

No one spoke in objection or in support of the application.

Moved By Gisele Pageau and Seconded By Malcolm Lamothe

Resol. 2017- 8

BE IT RESOLVED THAT Application No. A/06/17/FR Jeffrey Cooke 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. Application A/07/17/FR Pierre Riopel

The Chair then declared the Public Hearing to deal with Application A/07/17/FR Pierre Riopel.

The following variance(s) to the regulations of the Waterfront Residential (WR) Zone have been requested in order to permit the construction of an addition to the existing principle dwelling as follows :

- Relief from Section 7.7.2(b)(i) all accessory buildings – to permit a minimum setback from the Optimal Summer Water Level of 18 metres instead of the required 20.0 metres.

No comments or concerns were received relating to the application.

The applicant did not have any additional comments.

No one spoke in objection or in support of the application.

Moved By Malcolm Lamothe and Seconded By Denny Sharp

Resol. 2017- 9

BE IT RESOLVED THAT Application No. A/07/17/FR Pierre Riopel 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.

6. Adjournment

Moved By Malcolm Lamothe and Seconded By Gisele Pageau

Resol. 2017- 10

BE IT RESOLVED THAT the meeting for the Committee of Adjustment be adjourned at 5:56 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 BEAULIEU, Gaetan & PIERCE, Darren
for a variance(s) to lands on Lot 2, Concession 4
in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury
being Lot 14, Plan M470
Parcel 22545 Sudbury East Section
(Roll No. 5201-030-000-326-00)
(SEPB File No. A/02/18/FR)

TAKE NOTICE THAT the above noted application will be heard by the Municipality of French River Committee of Adjustment on **July 18th, 2018 at 5:45 p.m. at the French River Municipal Office, 44 Street, 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, POM 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 July, 2018.

Matthew Dumont, MCIP, RPP
Director of Planning

Variance(s) Requested to Zoning By-law

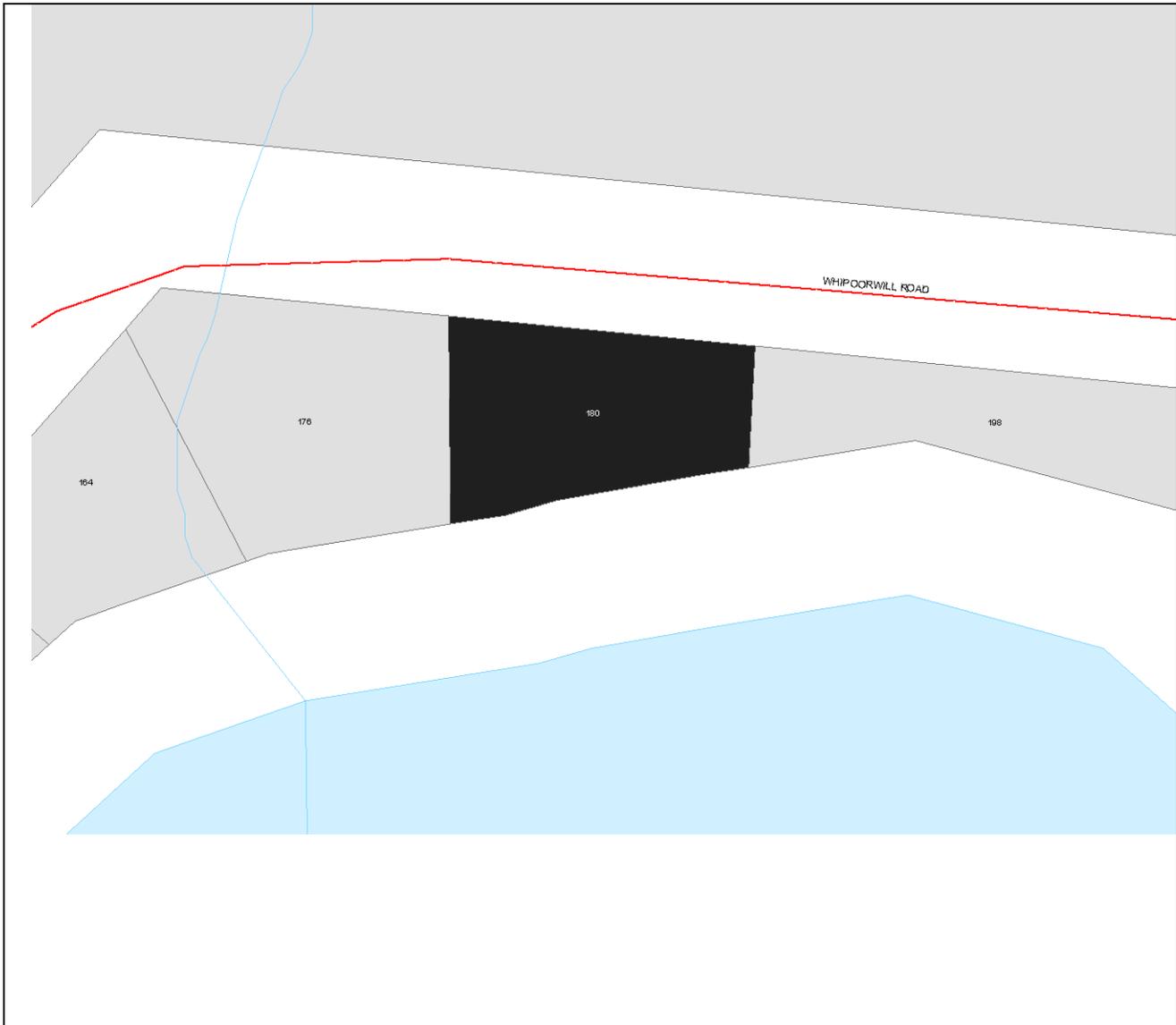
Re: Application No. A/02/18/FR
(BEAULIEU, Gaetan & PIERCE, Darren)
Roll No. 5201-030-000-326-00

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

The following variance(s) to the regulations of the Waterfront Residential (WR) Zone have been requested in order to permit the construction of a proposed dwelling, deck and septic system, as shown on the attached sketch dated June 14th, 2018:

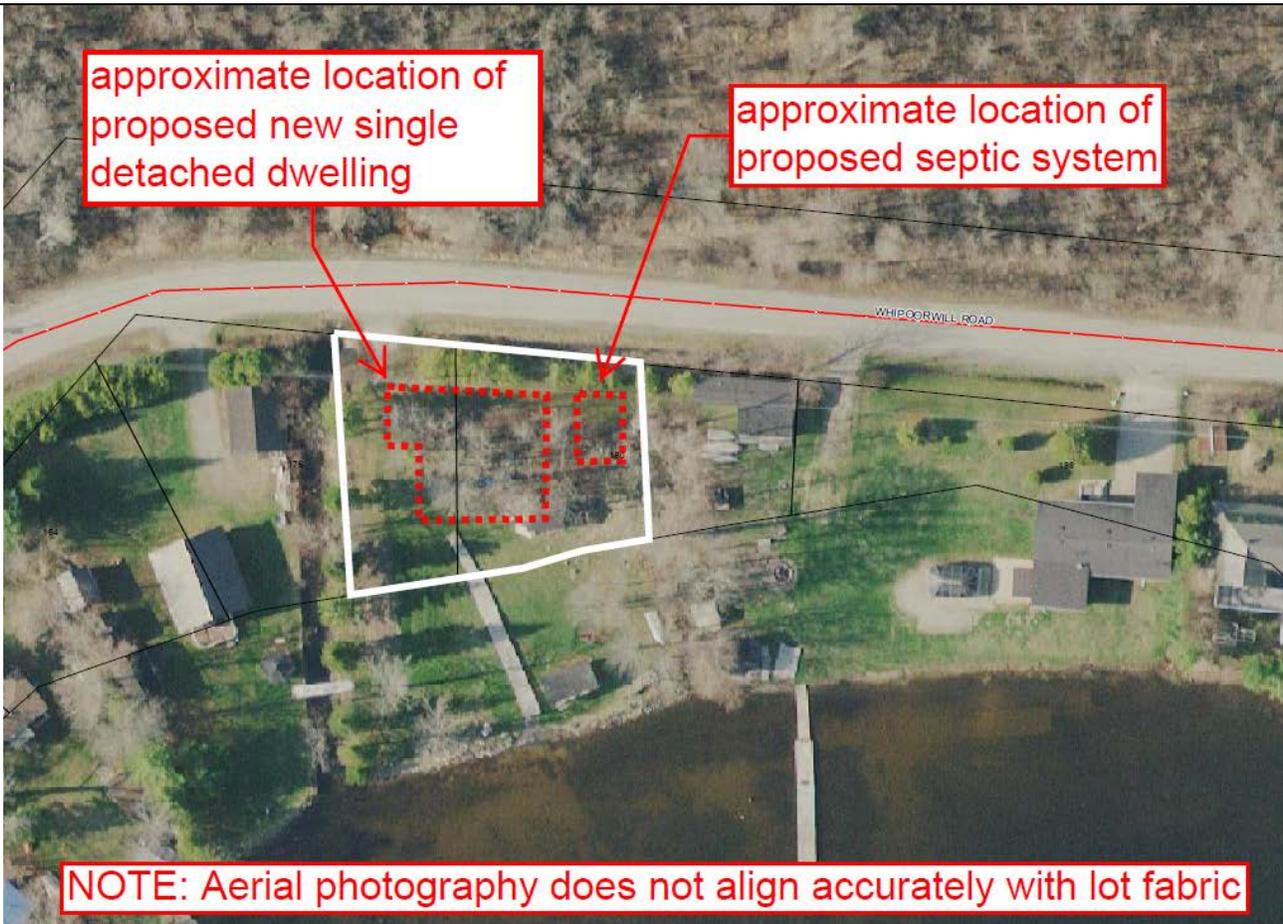
Relief from Section 7.7.2(b)(i) Minimum Distance from the Optimal Summer Water Level (for any dwelling unit) – to permit a distance of approximately 16.06 metres instead of the required 20.0 metres

Relief from Section 7.7.2(a)(iii) Maximum Lot Coverage – to permit a lot coverage of 17.0% instead of the maximum 15%.



KEY MAP

Minor Variance Application
(BEAULIEU, Gaetan & PIERCE, Darren)
Lot 2, Concession 4
in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury
being Lot 14, Plan M470
Parcel 22545 S.E.S.
(Roll No. 5201-030-000-326-00)
(SEPB File No. A/02/18/FR)



AERIAL PHOTOGRAPHY
Minor Variance Application
(BEAULIEU, Gaetan & PIERCE, Darren)
Lot 2, Concession 4
in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury
being Lot 14, Plan M470
Parcel 22545 S.E.S.
(Roll No. 5201-030-000-326-00)
(SEPB File No. A/02/18/FR)



Planning Report: APPLICATION FOR MINOR VARIANCE
Report to: MUNICIPALITY OF FRENCH RIVER
Meeting Date: July 18th, 2018
Report Date: June 25th, 2018

Applicants: BEAULIEU, Gaetan & PIERCE, Darren
Owners: Same as above
Agent/Solicitor: N/A
File Number: A/02/18/FR
Property Description: Lot 2, Concession 4
 in the Township of Bigwood
 now in the Municipality of French River
 Territorial District of Sudbury
 being Lot 14, Plan M470
 Parcel 22545 Sudbury East Section
 (Roll No. 5201-030-000-326-00)
 180 Whippoorwill Road

APPLICATION:

The application proposes a variance to the Waterfront Residential Zone (WR) of By-law 2014-23, as amended, in order to permit the construction of a single-detached dwelling, as shown on the attached sketch dated June 14th, 2018. The following variance is requested:

	<u>Zone Requirement</u>	<u>Proposed</u>
7.7.2(b)(i) Any dwelling unit Minimum distance from the Optimal Summer Water Level	20.0 metres	16.06 metres
7.7.2(a)(iii) Maximum Lot Coverage	15.0%	17.0%

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.

SUBJECT LANDS:

Lot Dimensions:	<u>Lot</u>	<u>Lot Area</u>	<u>Lot Frontage</u>
	Lot	0.18 hectares	42.38 metres
Access:	Publicly maintained (Municipality of French River) year-round road (180 Whippoorwill Road).		
Servicing:	Privately owned and operated individual septic system. Water supplied via lake.		
School Busing:	Not available.		
Garbage Collection:	Not available.		
Fire Protection:	Available.		
Shore Road Allowance:	Not applicable.		

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.

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 lands are intended to provide the primary locations for seasonal and limited permanent residential and recreational and tourism oriented commercial uses within the Planning Area. One primary dwelling is permitted on each lot.

Waterfront Residential (WR) lots abut the subject lands to the east and west fronting on French River. A large treed rural lot is located on the opposite side of Whippoorwill Road to the north of the subject 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: Same as Above

Comments:

The Waterfront Residential Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. The subject land has an area of 0.18 hectares and a lot frontage of 42.38 metres, which is below the minimum requirements of the WR Zone. However, the lot would be deemed to comply by virtue of Section 6.26 to the Zoning By-law.

The Waterfront Residential Zone requires the minimum distance from the Optimal Summer Water Level to be 20.0 metres. Presently, the subject property is vacant. The applicant is proposing to build a dwelling unit (including deck) that will be situated 16.06 metres from the shoreline (the dwelling unit itself is proposed to have a 20.27 metres setback). The applicant is unable to meet the required setback from the Optimal Summer Water Level because the lot is significantly undersized and the proposed location of the septic system and holding tank. The proposed interior side yards and rear yard setbacks will meet the minimum requirements of the Zoning By-law.

Additionally, the Waterfront Residential Zone permits maximum lot coverage of 15%. A lot which meets the minimum lot area requirements for a Waterfront Residential lot (0.8 hectares), a 15% lot coverage would permit 1200 square metres of buildings and structures. For a lot with an area equivalent to the subject property (1,834 square metres) would permit a lot coverage of 275 square metres. In this case, the proposed new dwelling and deck will have an approximate total area of 303 square metres which would equate to lot coverage of approximately 16.5%. The applicant has request maximum lot coverage of 17.0% to account for any slight increases in area that may occur during construction.

Lastly, the Director of Planning conducted a site visit on June 20th, 2018. A sleep cabin shall not be located closer to a navigable waterway than the minimum setback for the principle dwelling unit. In this case, the sleep cabin is located within the Optimal Summer Water Level; therefore, as a condition of approval, the sleep cabin must be situated at or beyond the minimum setback of the proposed dwelling which is 16.06 metres.

In the future, the applicant intends to build a detached garage or an attached garage on the subject property. If this goal is maintained, the applicant would require another minor variance application to amend the maximum lot coverage and request further relief to the maximum lot coverage in the Waterfront Residential zone.

The application, as proposed, complies with the remaining 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 June 27th, 2018, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its regulations (O.REG 71/18) 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 are minor variances 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