



Municipality of French River

AGENDA

COMMITTEE OF ADJUSTMENT

held in the Council Chambers
French River Municipal Complex

November 1, 2017 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 August 23, 2017 p.2
4. Application A/06/17/FR p.5
by Jeffrey Cooke
5. Application A/07/17/FR p.12
by Pierre Riopel
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

Le 1 novembre 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 23 août 2017
4. Application A/06/17/FR
par Jeffrey Cooke
5. Application A/07/17/FR
par Pierre Riopel
6. Ajournement



Municipality of French River

MINUTES OF THE COMMITTEE OF ADJUSTMENT AS DEFINED UNDER THE PLANNING ACT held in the Council Chambers Wednesday, August 23, 2017 at 5:45 p.m.

Members Present:

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

Members Excused:

Councillor

Officials Present:

Matthew Dumont, Director of Planning
Mélanie Bouffard, Clerk/Secretary-Treasurer

Guests:

0 guests

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

The Chair called the meeting to order at 5:45pm.

Moved By Gisele Pageau and Seconded By Claude Bouffard

Resol. 2017-01

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 Mike Bigras and Seconded By Dean Wenborne

Resol. 2017- 02

BE IT RESOLVED THAT the minutes of the July 27, 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 August 10, 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/03/17/FR - Marcel & Diane Boulais

The Chair then declared the Public Hearing to deal with Application A/03/17/FR - Marcel & Diane Boulais.

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 structure (detached garage), as follows :

- 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.

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 Mike Bigras

Resol. 2017-3

BE IT RESOLVED THAT Application No. A/03/17/FR - Marcel & Diane Boulais 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.

5.0 Application A/02/17/FR - Daniel Joanis

The Chair then declared the Public Hearing to deal with Application A/02/17/FR - Daniel Joanis.

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 5.4 meters instead of the maximum permitted 5.0 meters.

No comments or concerns were received relating to the application.

The applicant was not present.

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

In response to questions from the Committee, the Director of Planning advised as follows:

-dean height, we had same situation with a boat house, omb had to reduce the height, what's the point of having restrictions, then a minor variance
-ron, could be obstructing a view, things to consider when allowing the variance, option to allow it or not based on comments/concerns or the area size of the structure, pitch of the trusses, surpasses the height,
If there's many applications relating to height, maybe change the height , maintain it, have to look at overall impact,

Moved By Mike Bigras and Seconded By Denny Sharp

Resol. 2017-4

BE IT RESOLVED THAT Application No. A/02/17/FR - Daniel Joanis 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 Claude Bouffard and Seconded By Denny Sharp

Resol. 2017-5

BE IT RESOLVED THAT the meeting for the Committee of Adjustment be adjourned at 6:05 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 Jeffrey Cooke
for a variance to lands on Part of Lot 25, Plan M-530
in the Township of Cherriman
now in the Municipality of French River
Territorial District of Sudbury
being Part 4, Plan 53R-14160
Parcel 28168 Sudbury East Section
(Roll No. 5201-020-000-522-00)
(SEPB File No. A/06/17/FR)

TAKE NOTICE THAT the above noted application will be heard by the Municipality of French River Committee of Adjustment on **November 1st, 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 16th day of October, 2017.

Matthew Dumont MCIP, RPP
Director of Planning

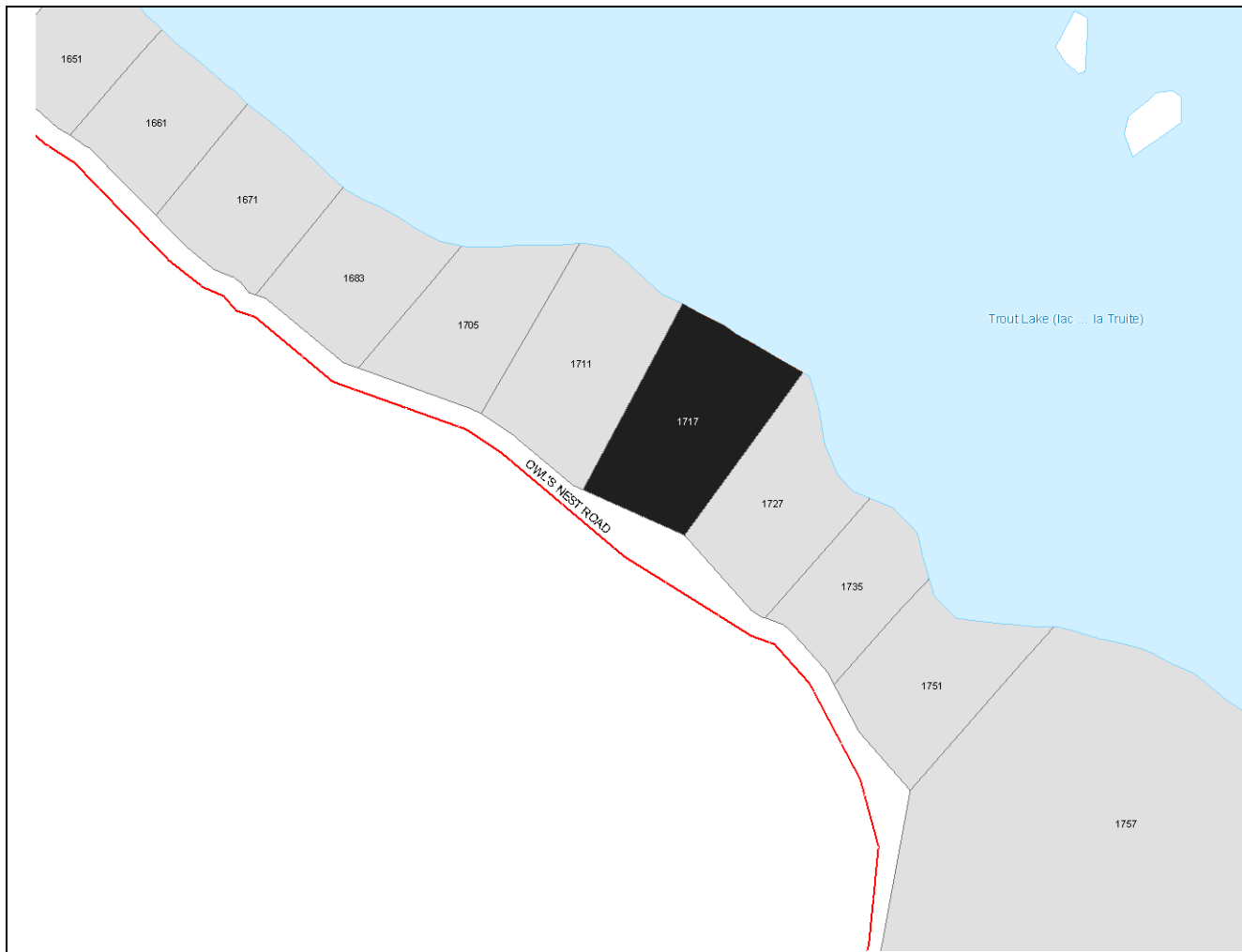
Variance Requested to Zoning By-law

Re: Application No. A/06/17/FR
(Jeffrey Cooke)
Roll No. 5201-020-000-522-00

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

The following variance 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 October 10th, 2017:

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.



KEY MAP

Minor Variance Application
 (Jeffrey Cooke)
 Lot 25, Plan M-530
 in the Township of Cherriman
 now in the Municipality of French River
 Territorial District of Sudbury
 being Part 4, Plan 53R-14160
 Parcel 28168 S.E.S.
 (Roll No. 5201-020-000-522-00)
 (SEPB File No. A/06/17/FR)



KEY MAP

Minor Variance Application
 (Jeffrey Cooke)
 Lot 25, Plan M-530
 in the Township of Cherriman
 now in the Municipality of French River
 Territorial District of Sudbury
 being Part 4, Plan 53R-14160
 Parcel 28168 S.E.S.
 (Roll No. 5201-020-000-522-00)
 (SEPB File No. A/06/17/FR)



Planning Report: **APPLICATION FOR MINOR VARIANCE**
Report to: **MUNICIPALITY OF FRENCH RIVER**
Meeting Date: November 1st, 2017
Report Date: October 13th, 2017

Applicant(s): Jeffrey Cooke
Owner(s): same as above
Agent/Solicitor: none
File Number: A/06/17/FR
Property Description: Part of Lot 25, Plan M-530
 in the Township of Cherriman
 now in the Municipality of French River
 Territorial District of Sudbury
 being Part 4, Plan 53R-14160
 Parcel 28168 Sudbury East Section
 (Roll No. 5201-020-000-522-00)
 1717 Owl's Nest Road

APPLICATION:

An application has been received from Jeffrey Cooke 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 Maximum Building Height	5.0 metres	5.81 metres

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
Lot	0.55 hectares	67.0 metres
Access:	Publicly maintained (Municipality of French River) year-round road (Owl's Nest Road).	
Servicing:	Privately owned and operated individual septic system. Water supplied via lake.	
School Busing:	Not applicable.	
Garbage Collection:	Not available.	
Fire Protection:	Available.	
Shore Road Allowance:	Not applicable.	

Surrounding Uses: The subject lands are located on the southwest side of Trout Lake, north of Owl's Nest Road. The subject lands are surrounded by waterfront residential. On the opposite side of the street, crown lands surround Owl's Nest Road.

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, detached garage, a 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)

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.

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, Boat house, 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 minimum lot area requirement (0.55 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 applicants have requested to increase the maximum building height for an accessory building (proposed garage) from the required 5.0 metres to a proposed 5.81 metres, in order to allow for a gambrel roof design for the said garage and to permit loft storage.

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

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 of this report was written.

PUBLIC CONSULTATION

Notice of the minor variance application was sent to surrounding property owners on October 18th, 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 variances 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

**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 Pierre Riopel
for a variance to lands on Part of Lot 2, Concession 6
in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury
being Part 14, Plan SR-863 with a R/W over Part 28, Plan SR-863
Parcel 33311 Sudbury East Section
(Roll No. 5201-030-000-536-00)
(SEPB File No. A/07/17/FR)

TAKE NOTICE THAT the above noted application will be heard by the Municipality of French River Committee of Adjustment on **November 1st, 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 16th day of October, 2017.

Matthew Dumont MCIP, RPP
Director of Planning

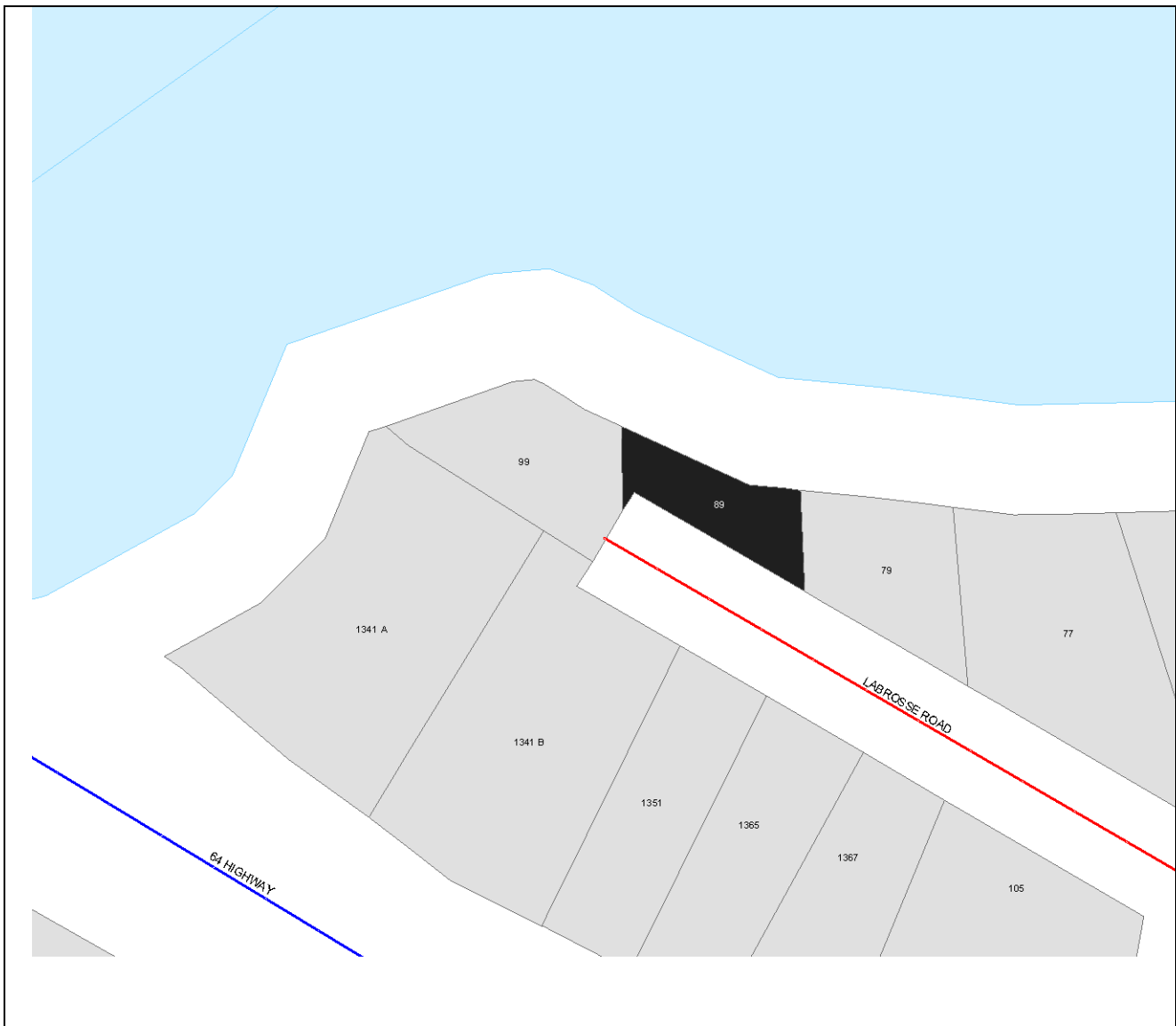
Variance Requested to Zoning By-law

Re: Application No. A/07/17/FR
(Pierre Riopel)
Roll No. 5201-030-000-536-00

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

The following variance to the regulations of the Waterfront Residential (WR) Zone has been requested in order to permit the construction of an addition to the existing principle dwelling, as shown on the attached sketch dated October 10th, 2017:

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.



KEY MAP

Minor Variance Application
(Pierre Riopel)
Part of Lot 2, Concession 6
in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury
Being Part 14, Plan SR-863 with a R/W over Part 28, Plan SR-863
Parcel 33311 S.E.S.
(Roll No. 5201-030-000-536-00)
(SEPB File No. A/07/17/FR)



AERIAL PHOTOGRAPHY

Minor Variance Application
(Pierre Riopel)

Part of Lot 2, Concession 6
in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury

Being Part 14, Plan SR-863 with a R/W over Part 28, Plan SR-863

Parcel 33311 S.E.S.

(Roll No. 5201-030-000-536-00)

(SEP File No. A/07/17/FR)



Planning Report: APPLICATION FOR MINOR VARIANCE

Report to: MUNICIPALITY OF FRENCH RIVER

Meeting Date: November 1st, 2017

Report Date: October 16th, 2017

Applicant: Pierre Riopel

Owner : same as above

Agent/Solicitor: none

File Number: A/07/17/FR

Property Description: Part of Lot 2, Concession 6
in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury
being Part 14, Plan SR-863 with a R/W over Part 28, Plan SR-863
Parcel 33311 Sudbury East Section
(Roll No. 5201-030-000-536-00)
89 Labrosse 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 an addition to the existing principle dwelling, as shown on the attached sketch dated October 10th, 2017. 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	18.0 metres

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
	Lot 0.14 hectares	34.5 metres
Access:	Publicly maintained (Municipality of French River) year-round road (Labrosse Road).	
Servicing:	Privately owned and operated individual septic system. Water supplied via lake.	
School Busing:	Not applicable.	
Garbage Collection:	Not available.	
Fire Protection:	Available.	
Shore Road Allowance:	The original shore road allowance has not been closed and deeded to the applicant.	

Surrounding Uses: The subject lands are located on the north side of Labrosse Road, north of Highway 64 and south of the French River. To the west and east of the subject lands, waterfront residential is the predominant use in the area and to the south, it is residential rural.

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 addition (living room and deck) to an existing principle dwelling on a Waterfront Residential lot. 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)

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.

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 (34.5 metres) nor does it meet the minimum lot area requirement (0.14 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 applicant is proposing to build an addition (living room and deck) of approximately 31 square metres which will be located on Parcel 33311. The existing building footprint/floor area for the single-detached dwelling on the lot is approximately 125.0 square metres. Characteristically, the lots abutting to the west and east are shallow, having a depth on the southerly portion side of 41.0 metres. With respect to the setback from the Optimal Summer Water Level, the proposed addition is setback approximately 18.0 metres (the shoreline is slightly irregular) where 20.0 metres is required, therefore the applicant has requested a variance of 3.5 meters.

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

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 October 16th, 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 requested is a 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