

Municipality of French River / Municipalité de la Rivière
des Français



AGENDA / ORDRE DU JOUR
SPECIAL COUNCIL MEETING / RÉUNION
RÉGULIÈRE DU CONSEIL

Wednesday, April 17, 2019 at 3:15 PM / mercredi le 17 avril
2019 à 15h15

Council Chambers / Salle du conseil

Page

1. Call to Order and Roll Call / Ouverture de la réunion et présence

2. Adoption of Agenda / Adoption de l'ordre du jour

2.1. Resolution to adopt the Agenda

3. Disclosure of Pecuniary Interest / Déclarations d'intérêts pécuniaires

4. Public Hearing for Zoning By-law Amendment Applications / Audiences publiques

- 2 - 9 4.1. **File No.:** 19-03FR - Steven and Julie Deri
Request: To add a special provision to the current 'Waterfront Residential' (WR) zoning to permit a sleep cabin on an existing lot which does not contain a principal building (single-detached dwelling).
Location: 18 Mile Island (water access)
[ZBA1903FR Notice of Public Hearing](#)
- 10 - 17 4.2. **File No.:** 19-06FR - Gilles Longpré
Request: To add a special provision to the current 'Commercial Community' (CC) zoning to permit the main level to be used for residential purposes consisting of two (2) residential dwelling units while the upper floor is to remain as a residential dwelling unit.
Location: 39 St. David Street North
[ZBA1906FR Notice of Public Hearing](#)

5. Adjournment / journement

5.1. Resolution to adjourn

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

Respecting an application by Steven and Julie Deri
to rezone lands on Part of Lot 5, Concession 2
in the Township of Mason
now in the Municipality of French River
Territorial District of Sudbury
being Part 3, Plan 53R-18681
(Roll No. 5201-040-000-006-03)
(SEPB File No. ZBA 19-03FR)

TAKE NOTICE THAT the Council for the Municipality of French River will hold a Public Hearing on **April 17th, 2019 at 3:15 p.m. at the French River Municipal Office, 44 Christophe Street, Noelville, Ontario.**

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, 39 Lafontaine Street, Unit 4, P.O. Box 250, Warren, Ontario, POH 2N0. Any person or public body may attend the Public Hearing and/or make written or verbal representations either in support of or in opposition to the Proposed Zoning By-law Amendment.

IF A PERSON OR PUBLIC BODY would otherwise have an ability to appeal the decision of the Council for the Municipality of French River to the Local Planning Appeal Tribunal but the person or public body does not make oral submission at a public meeting or make written submissions to the Council for the Municipality of French River before the by-law is passed, the person or public body is not entitled to appeal the decision.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Council for the Municipality of French Rive before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Dated at Warren, this 26th day of March, 2019.

Matthew Dumont, MCIP, RPP
Director of Planning

39 Lafontaine Street Unit 4 P.O. Box 250 Warren, Ontario POH 2N0
Telephone: (705) 967-2174 Fax: (705) 967-2177 Watts: 1-877-540-7372
www.sepb.org

Purpose and Effect of the Proposed Zoning By-law Amendment

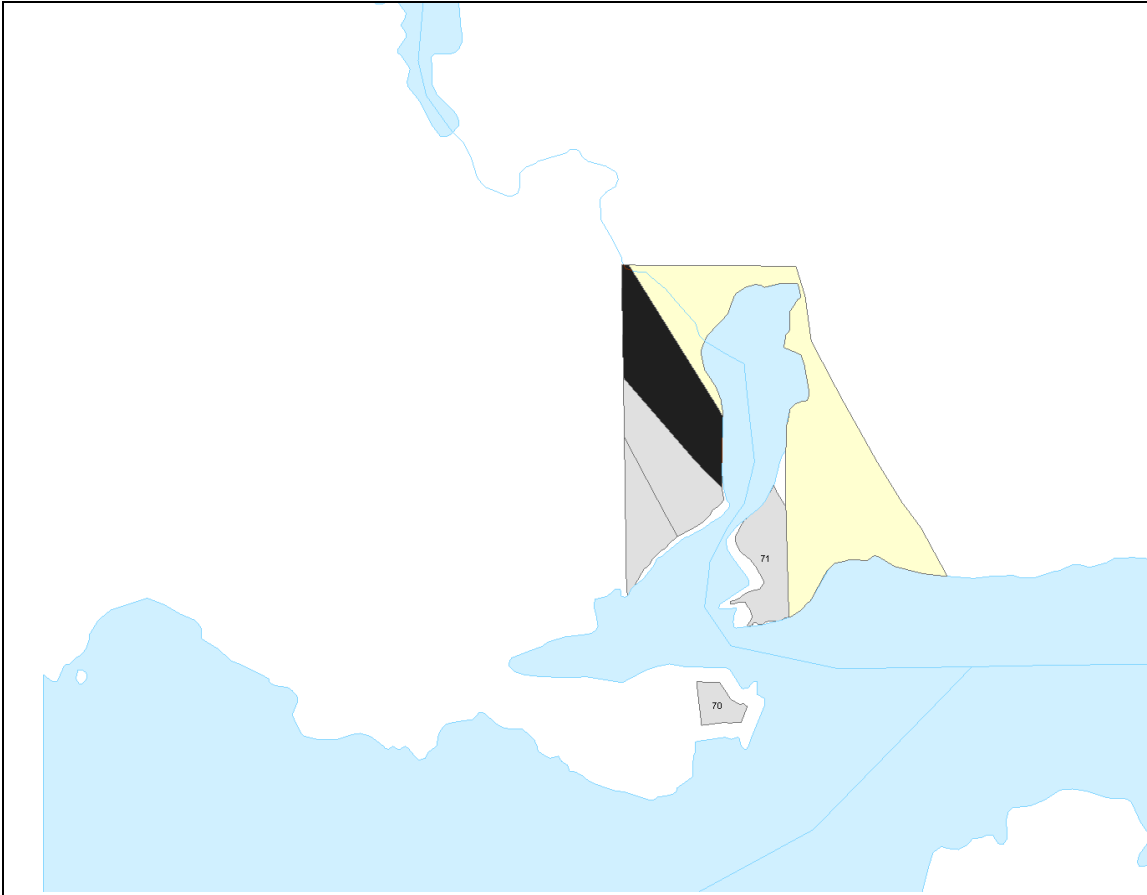
Re: Application No. ZBA 19-03FR
(Steven and Julie Deri)
Roll No. 5201-040-000-006-03

The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2014-23 of the Municipality of French River, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, and Chapter P.13.

An application has been received from Steven and Julie Deri to rezone lands described as Part of Lot 5, Concession 2, in the Township of Mason, now in the Municipality of French River, Territorial District of Sudbury, and being Part 3, Plan 53R-18681.

The subject lands are presently zoned Waterfront Residential (WR) under Zoning By-law 2014-23 of the Municipality of French River. The Proposed Zoning By-law Amendment will amend the current waterfront residential zoning of the property to establish a special provision to permit the construction of an accessory building (sleep cabin) prior to that of the principal building (single detached dwelling) as well as a regulation to vary the setback requirements of the Waterfront Residential (WR) Zone for an accessory structure (sleep cabin).

The subject property is located within the Rural Policy Area designation of 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).



KEY MAP

Zoning By-law Amendment Application
(Steven and Julie Deri)
Part of Lot 5, Concession 2
in the Township of Mason
now in the Municipality of French River
Territorial District of Sudbury
being Part 3, Plan 53R-18681
(Roll No. 5201-040-000-006-03)
(SEPB File No. ZBA 19-03FR)



AERIAL PHOTOGRAPHY

Zoning By-law Amendment Application
(Steven and Julie Deri)
Part of Lot 5, Concession 2
in the Township of Mason
now in the Municipality of French River
Territorial District of Sudbury
being Part 3, Plan 53R-18681
(Roll No. 5201-040-000-006-03)
(SEPB File No. ZBA 19-03FR)



Planning Report: APPLICATION FOR ZONING BY-LAW AMENDMENT
Report to: MUNICIPALITY OF FRENCH RIVER
Meeting Date: April 17th, 2019
Report Date: March 26th, 2019

Applicants: Steven and Julie Deri
Owners: Same as above
Agent/Solicitor: None
File Number: ZBA 19-03FR
Property Description: Part of Lot 5, Concession 2
in the Township of Mason
now in the Municipality of French River
Territorial District of Sudbury
being Part 3, Plan 53R-18681
(Roll No. 5201-040-000-006-03)
Balmer Bay

APPLICATION:

An application has been received from Steven and Julie Deri, to rezone lands described as Part of Lot 5, Concession 2, in the Township of Mason, now in the Municipality of French River, Territorial District of Sudbury, and being Part 3, Plan 53R-18681.

The Proposed Amending By-law will amend the current waterfront residential zone to establish a special provision to permit the construction of an accessory building (sleep cabin) with a gross floor area of approximately 26 square metres prior to that of the principal building (single detached dwelling) as well as to vary the setback requirements of the Waterfront Residential (WR) Zone for an accessory structure (sleep cabin).

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
	Lot 1.74 hectares	103.75 metres
Access:	Water access (French River supply post and marina)	
Servicing:	Privately owned composting toilet. Water supplied via lake.	
School Busing:	Not available.	
Garbage Collection:	Not available.	
Fire Protection:	Not available.	
Shore Road Allowance:	Not applicable.	

Surrounding Uses: The subject lands are surrounded by five (5) waterfront residential properties. Crown lands abut to the northwest and the subject property is water access and is approximately 8 kilometers east of Highway 69.

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 building (sleep cabin) prior to that of the principal building (single detached dwelling). Planning staff are of the opinion that the applicant’s proposal would appear to be consistent with the Provincial policies regarding rural lands in municipalities which support resource-based recreational uses (including recreational dwellings).

OFFICIAL PLAN

Official Plan Designation: **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)

Section 2.2.11.4 of the Official Plan states that Rural Policy Areas may be used for single detached dwellings, golf courses, and service and tourist commercial uses without requiring an amendment to the Official Plan. Also, section 2.2.11.5 within the lands designated “Rural”, there are existing uses that may be zoned for waterfront residential or tourist commercial type uses are permitted to continue as such.

In Section 4.2.2 the Official Plan also states that the Zoning By-law is used to regulate the use of land, and the character, location and use of buildings and structures in the Sudbury East Planning Area in accordance with the provisions of the Planning Act and the Plan. All implementing zoning by-laws and amendments thereto shall be in conformity with the provisions of the Plan.

The applicant intends to build a sleep cabin prior to the main dwelling. The sleep cabin will be used for recreational purposes in the future.

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

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

Current Zoning: Waterfront Residential (WR)

Proposed Zoning: **Waterfront Residential (WR) with amended special provisions**

The Proposed Amending By-law will amend the current waterfront residential zone to establish a special provision to permit the construction of an accessory building (sleep cabin) with a gross floor area of approximately 26 square metres prior to that of the principal building (single detached dwelling) as well as to vary the setback requirements of the Waterfront Residential (WR) Zone for an accessory structure (sleep cabin).

Section 7.7.2 (C)(i) requires a setback from the optimal summer water level of 20.0 metres for accessory structures (other than those specified in Definition 221). The applicant is requesting a setback of 9.0 metres instead of the 20.0 metres required.

Section 6.46 (a) of the Zoning By-law states that no accessory building shall be erected on any lot until the principal building to which it is to be accessory thereto has been erected and (d) a sleep cabin, unless located in a boathouse, shall not be located closer to a navigable waterway than the minimum setback for the principal dwelling unit, whichever is the greater.

AGENCY REVIEW

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

Municipality of French River: will support the ZBA application without having a letter from the said marina confirming that there is a public docking facilities and garage disposal for development. We are confident that there is sufficient docking facilities as the applicant has acknowledged that they currently dock there. We are also confident that there is sufficient garbage disposal since the said marina owns a private garbage bin that is collected and serviced by our operations, and that if the applicant chooses to not dispose of waste/recycling at the marina that a Transfer Site located at the Alban Community Centre which is available to all our rate payers.

PUBLIC CONSULTATION

Notice of the rezoning application was sent to surrounding property owners on March 26th, 2019, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O. REG. 73/18) thereto. As of the writing of this report, no comments or concerns had been received from neighbouring property owners.

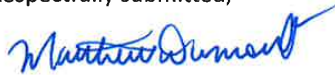
RECOMMENDATION:

That the Municipality of French River approve application for Zone Change, File Number **ZBA 19-03FR**, for lands owned by Steven and Julie Deri, which proposes to change the zoning of lands described as Part 5 Concession 2, in the Township of Mason, in the Municipality of French River, and known municipally as Balmer Bay, as a site specific amendment to the Waterfront Residential Zone (WR), in order to permit the construction of an accessory building (sleep cabin) prior to that of the principal building (single detached dwelling) and to vary the setback requirements of the Waterfront Residential (WR) Zone for an accessory structure (sleep cabin).

ZBA 19-03FR
Steven and Julie Deri
Page 4

That the amending by-law be referred to the By-law portion of the Municipal Council agenda for consideration.

Respectfully submitted,



Matthew Dumont MCIP, RPP
Director of Planning

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

Respecting an application by Gilles Longpre
to rezone lands on Part of Lot 1, Concession 3
in the Township of Cosby
now in the Municipality of French River
Territorial District of Sudbury
Parcel 49312 & 24389 Sudbury East Section
(Roll No. 5201-020-000-367-00)
(SEPB File No. ZBA 19-06FR)

TAKE NOTICE THAT the Council for the Municipality of French River will hold a Public Hearing on **April 17th, 2019 at 3:15 p.m. at the French River Municipal Office, 44 Christophe Street, Noelville, Ontario.**

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IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Council for the Municipality of French River the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Dated at Warren, this 28th day of March, 2019.

Matthew Dumont, MCIP, RPP
Director of Planning

39 Lafontaine Street Unit 4 P.O. Box 250 Warren, Ontario POH 2N0
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Purpose and Effect of the Proposed Zoning By-law Amendment

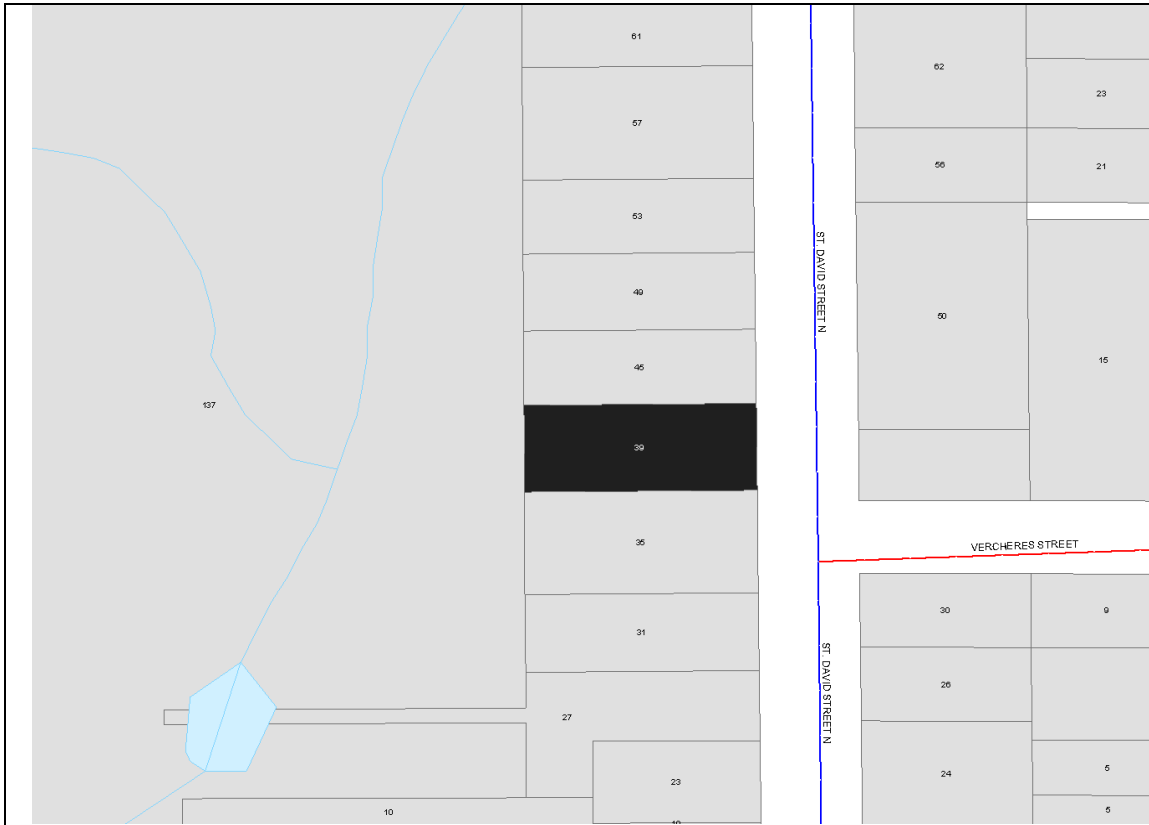
Re: Application No. ZBA 19-06FR
(Gilles Longpre)
Roll No. 5201-020-000-367-00

The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2014-23 of the Municipality of French River, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, and Chapter P.13.

An application has been received from Tulloch Engineering (Kevin Jarus), on behalf of Gilles Longpre, to rezone lands described as Part of Lot 1, Concession 3, in the Township of Cosby, now in the Municipality of French River, Territorial District of Sudbury, (Parcel 4931 & 24389 Sudbury East Section).

The subject lands are presently zoned Commercial Community (CC) under Zoning By-law 2014-23 of the Municipality of French River. The Proposed Zoning By-law Amendment will amend the current commercial zoning of the property to establish a special provision to permit a triplex in the existing mixed-use building (formerly consisting of a restaurant and one apartment dwelling).

The subject property is located within the Mixed-Use designation of 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).



KEY MAP

Zoning By-law Amendment Application
 (Gilles Longpre)
 Part of Lot 1, Concession 3
 in the Township of Cosby
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcel 4931 & 24389 S.E.S.
 (Roll No. 5201-020-000-367-00)
 (SEPB File No. ZBA 19-06FR)



AERIAL PHOTOGRAPHY
Zoning By-law Amendment Application
(Gilles Longpre)
Part of Lot 1, Concession 3
in the Township of Cosby
now in the Municipality of French River
Territorial District of Sudbury
Parcel 4931 & 24389 S.E.S.
(Roll No. 5201-020-000-367-00)
(SEPB File No. ZBA 19-06FR)



Planning Report: APPLICATION FOR ZONING BY-LAW AMENDMENT
Report to: MUNICIPALITY OF FRENCH RIVER
Meeting Date: April 17th, 2019
Report Date: March 28th, 2019

Applicant: Gilles Longpre
Owner: Same as above
Agent/Solicitor: Tulloch Engineering (Kevin Jarus)
File Number: ZBA 19-06FR
Property Description: Part of Lot 1, Concession 3
 in the Township of Cosby
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcel 4931 & 24389 Sudbury East Section
 (Roll No. 5201-020-000-367-00)
 39 St. David Street N

APPLICATION:

An application has been received from Tulloch Engineering (Kevin Jarus), on behalf of Gilles Longpre, to rezone lands described as Part of Lot 1, Concession 3, in the Township of Cosby, now in the Municipality of French River, Territorial District of Sudbury, (Parcel 4931 & 24389 Sudbury East Section).

The subject property is presently zoned Commercial Community (CC) under Zoning By-law 2014-23 of the Municipality of French River. The current application proposes to amend the Commercial Community (CC) zone to establish a special provision to permit a multiple dwelling (triplex) to be located in the existing mixed-use building. The main level is to be used for residential purposes consisting of two (2) dwelling units (formerly consisting of a restaurant) and the upper floor is to remain as a residential dwelling unit.

The subject lands are surrounded by a mix of residential and commercial uses near the core area of the Village of Noelville. The lot is west of St. David Street North and north of Notre Dame Street West and located on the west side of St. David Street North.

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
	Lot 0.0766 hectares	16.76 metres
Access:	Publicly maintained (Ministry of Transportation) year-round road (St. David Street North).	
Servicing:	Privately owned and operated individual well. Municipal sanitary sewer system.	
School Busing:	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.

The applicant’s proposal seeks to establish a multiple dwelling consisting of three (3) residential dwelling units within the Village of Noelville. Planning staff are of the opinion that the applicant’s proposal would appear to be consistent with the PPS for the following reasons:

- a) Settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. The Village of Noelville of French River is an identified settlement area in the Official Plan and; and
- b) Municipalities are to promote a range of uses and opportunities for intensification and redevelopment in accordance with criteria in policy 1.1.3.3., where this can be accommodated. The proposal is taking into account an existing building which has available infrastructure (sanitary sewer system) and public service facilities.
- c) Municipalities are to provide for an appropriate range and mix of housing types and densities required to meet the projected requirements of current and future residents. Presently, there is a demand for affordable housing in the Village of Noelville. The proposed triplex will address these needs.

OFFICIAL PLAN

Official Plan Designation: **Village Policy Area**, as identified in the Official Plan (OP) for the Sudbury East Planning Area (adopted April 27th, 2010, approved by the Ministry of Municipal Affairs and Housing September 28th, 2010)

Mixed-Use as per Schedule C: Land Use Plan for the French River Planning District

Village Policy Areas are intended to serve the surrounding Rural Policy Areas as well as to provide an alternative to the higher density urban character found in Community Policy Areas which have full municipal services. New development in the Village Policy Area is intended to occur through infill, intensification and redevelopment in the built-up area.

Section 2.2.5, lands designated ‘mixed-use’ are intended to be the primary focus for a wide variety of commercial, residential, institutional, and light employment uses in the Sudbury East Planning Area. Existing single detached dwellings may be converted to multiple dwelling units or to commercial buildings provided the external design of the building does not substantially change and servicing capacity is available.

Section 2.2.5.1(4) 4. Conversions of vacant office and retail buildings to residential uses is encouraged provided servicing capacity is available, parking is available, it does not remove needed commercial/office space from the inventory, and if it is more than one-storey, the ground floor can remain as commercial/office.

The above noted OP policy requires a planning rationale report, a retail market study, a traffic impact study and a servicing and storm water management plan when the main floor no longer remains as commercial use and commercial space (restaurant) is removed from the inventory. The intent of the proposal is to remove the commercial space on the main floor (formerly consisting of a restaurant) and convert the space to residential consisting of two (2) residential dwelling units while maintaining an existing residential dwelling unit on the upper floor. The aforementioned studies are not warranted based on a preliminary survey conducted on February 10th, 2019 of the area surrounding the subject property indicating there is a healthy supply of vacant commercial buildings within close proximity to the subject property. Additionally, the Director of Public works at the Municipality of French River confirmed that there is capacity in the municipality's lagoons, for effluent being generated by the proposed two additional apartment units. Lastly, the main floor of the building could be converted back to a commercial use, thus increasing the inventory of commercial space.

Section 3.2.1 Support economic development initiatives consistent with the principles of good land use planning.
f) Identifying and promoting areas for specific types of development that are key to the economic base of the Planning Area. These include lands for **housing**, tourist facilities, commercial and employment development, as well as agriculture.

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

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

Current Zoning: **Commercial Community (CC)**

Proposed Zoning: **Commercial Community (CC) with amended special provision**

The proposed amending Zoning By-law will establish provisions to permit a triplex; two (2) residential dwelling units on the main floor and one (1) residential unit on the upper floor, and four (4) parking spaces.

The Commercial Community zone requires a minimum lot frontage of 15.0 metres, but does not have a minimum lot area. The subject property has a lot frontage of 16.76 metres and a lot area of 0.0766 hectares. The lot is an existing lot of record which meets the lot frontage and area requirements.

The parking requirements of the Municipality of French River zoning by-law requires 1.0 parking spaces for each 30.0 m² of commercial floor space as well as 1.0 parking space per dwelling unit plus 0.25 spaces per dwelling unit for visiting parking. The commercial space on the main floor (restaurant) will be removed, therefore the parking requirements are no longer applicable. The conversion of commercial space to residential space will require a total of four (4) parking spaces because there are a total of three (3) residential dwelling units being proposed within the existing structure. The gravel parking area to the rear of the structure is of sufficient size to accommodate 4 parking spaces.

While the current zoning permits a multiple dwelling, the purpose of site specific zoning by-law amendment application is to address the fact that the OP policy does not support the removal of commercial space on the ground floor and/or the removal of commercial inventory in the surrounding mixed-use area. Therefore, rather than requesting an Official Plan Amendment, a site specific zoning by-law amendment recognizes the policy framework for the mixed use designation in the OP and also, proposed residential space on the main floor could be converted back if the need arose, thus aligning with the mixed use policies in the OP.

AGENCY REVIEW

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

The Public Works Superintendent for the Municipality of French River had no concerns regarding servicing capacity in the Municipalities lagoons.

No other comments were received through agency circulation.

PUBLIC CONSULTATION

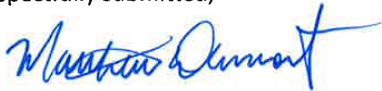
Notice of the rezoning application was sent to surrounding property owners on March 28th, 2019, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O. REG. 73/18) thereto. As of the writing of this report, no comments or concerns had been received from neighbouring property owners.

RECOMMENDATION:

That the Municipality of French River approve application for Zone Change, File Number **ZBA 19-06FR**, for lands owned by Gilles Longpre, which proposes to change the zoning of lands described as Part 1, Concession 3, in the Township of Cosby, in the Municipality of French River, and known municipally as 39 David Street N, as a site specific amendment to the Commercial Community (CC) Zone, in order permit a triplex consisting of two (2) residential dwelling units on the main floor and one (1) residential dwelling unit on the upper floor on the subject site.

That the amending by-law be referred to the By-law portion of the Municipal Council agenda for consideration.

Respectfully submitted,



Matthew Dumont MCIP, RPP
Director of Planning