



**Municipality of French River**

**AGENDA**

**COMMITTEE OF ADJUSTMENT**

held in the Council Chambers  
French River Municipal Complex

Wednesday, April 17, 2019 at 3:00 p.m.

1. Call to order and roll call
2. Appointment of Chair for 2018-2022 Term
3. Adoption of the agenda
4. Disclosure of Pecuniary Interest
5. Adoption of Minutes of  
October 3, 2018
6. Application A/03/19/FR  
by Raymond & Francine Gagnon
7. Adjournment



## Municipality of French River

### MINUTES OF THE COMMITTEE OF ADJUSTMENT AS DEFINED UNDER THE PLANNING ACT held in the Council Chambers Wednesday, October 3, 2018 at 5:30 p.m.

#### **Members Present:**

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

#### **Members Excused:**

#### **Officials Present:**

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

#### **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.

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Moved By Mike Bigras and Seconded By Gisele Pageau

Resol. 2018-5

**BE IT RESOLVED THAT** the agenda be accepted as distributed.

Carried

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#### **2.0 Disclosure of Pecuniary Interest**

None declared.

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#### **3.0 Adoption of the Minutes**

Moved By Dean Wenborne and Seconded By Claude Bouffard

Resol. 2018-6

**BE IT RESOLVED THAT** the minutes of the July 18, 2018 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 September 24, 2018 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.

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#### **4.0 Application A/04/18/FR by Lise Paden & Katherine Murrell**

The Chair then declared the Public Hearing to deal with Application A/04/18/FR by Lise Paden & Katherine Murrell.

The following variance(s) to the regulations of the 'Waterfront Residential (WR)' Zone have been requested for the proposed enlarged lot (191 Forest Hill Road) in order to facilitate the construction of the addition to the seasonal dwelling as follows:

- Relief from Section 7.2.2(b)(ii) Minimum interior side yard – permit a side yard of 2.12 metres instead of the required 3.0 metres for the proposed enlarged lot.

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.

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Moved By Mike Bigras and Seconded By Claude Bouffard

Resol. 2018- 7

**BE IT RESOLVED THAT** Application No. A/04/18/FR by Lise Paden & Katherine Murrell 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.

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#### **5. Others**

None.

**6. Adjournment**

Moved By Gisele Pageau and Seconded By Dean Wenborne

Resol. 2018-8

**BE IT RESOLVED THAT** the meeting for the Committee of Adjustment be adjourned at 5:39 p.m.

Carried

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**CHAIR**

\_\_\_\_\_  
**SECRETARY**

**NOTICE OF APPLICATION FOR CONSENT  
PURSUANT TO SECTION 53(5)(a) OF THE PLANNING ACT,  
R.S.O. 1990, CHAPTER P.13  
AND NOTICE OF PUBLIC HEARING CONCERNING A PROPOSED MINOR VARIANCE  
TO ZONING BY-LAW 2014-23 OF THE MUNICIPALITY OF FRENCH RIVER**

Respecting an application for consent by Raymond and Francine Gagnon  
to the Sudbury East Planning Board  
Plan M809, Lots 21 and 22 and Part of Victor Road  
in the Township of Delamere  
now in the Municipality of French River  
Territorial District of Sudbury  
being Parts 4 and 5, Plan 53R-19914  
Parcel 53457 Sudbury East Section  
(Roll No. 5201-010-000-290-00)  
(SEPB File No. B/07-08/19/FR and A/03/19/FR)

**TAKE NOTICE THAT** the Sudbury East Planning Board will analyze and discuss Application B/07-08/19/FR at its meeting on **May 9<sup>th</sup>, 2019 at 5:30 p.m. at the Sudbury East Planning Board Office, 39 Lafontaine Street, Unit 4, Warren, Ontario.**

**TAKE NOTICE THAT** the above noted application for minor variance, A/03/19/FR, will be heard by the Municipality of French River Committee of Adjustment on **April 17<sup>th</sup>, 2019 at 3:00 p.m. at the French River Municipal Office, 44 St. Christophe Street, Noelville, Ontario.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION** of the Sudbury East Planning Board in respect of the proposed consent, you must make a written request to the **Sudbury East Planning Board, 39 Lafontaine Street, Unit 4, and P.O. Box 250, Warren, Ontario, P0H 2N0.** The subject land is also subject to an application for a minor variance (**SEPB File No. A/03/19/MW**).

**IF A PERSON OR PUBLIC BODY THAT FILES AN APPEAL** of a decision of the Sudbury East Planning Board in respect of the proposed consent does not make written submissions to the Sudbury East Planning Board before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

**ADDITIONAL INFORMATION** is available for public review or a written copy of this Notice can be obtained Monday to Friday (8:30 a.m. to 4:00 p.m.) at the Sudbury East Planning Board Office.

Dated at Warren, this 4<sup>th</sup> day of April, 2019.

Matthew Dumont, MCIP, RPP  
Secretary-Treasurer

**DESCRIPTION OF THE APPLICATIONS:** the consent application proposes to re-establish Lots 21 & 22 on Plan

39 Lafontaine Street, Unit 4, P.O. Box 250 Warren, Ontario P0H 2N0  
Telephone: (705) 967-2174 Fax: (705) 967-2177 Watts: 1-877-540-7372  
[www.sepb.org](http://www.sepb.org)

M-809. The proposed severed lot is to have a lot area of 0.38 ha and a water frontage 30.0 metres. The proposed retained lot is to have a lot area of 0.31 ha and a water frontage of 31.0 metres. Both lots presently have a seasonal dwelling. Additionally, an associated application for consent will establish a legal right of way for the proposed lot to be severed.

The following variance is to the regulations of the 'Waterfront Residential (WR)' Zone have been requested for the proposed severed and retained lots in order to facilitate the severance:

Relief from Section 7.2.2(a)(i) Minimum lot frontage – permit a water frontage of 30.0 metres instead of the required 60.0 metres for the proposed severed lot.

Relief from Section 7.2.2(a)(ii) Minimum lot area – permit a lot area of 0.38 hectares instead of the required 0.80 hectares for the proposed severed lot.

Relief from Section 7.2.2(a)(i) Minimum lot frontage – permit a water frontage of 31.0 metres instead of the required 60.0 metres for the proposed retained lot.

Relief from Section 7.2.2(a)(ii) Minimum lot area – permit a lot area of 0.31 hectares instead of the required 0.80 hectares for the proposed retained lot.



**AERIAL PHOTOGRAPHY**

Consent and Minor Variance Applications  
(Raymond and Francine Gagnon)  
Plan M809, Lots 21 and 22 and Part of Victor Road  
in the Township of Delamere  
now in the Municipality of French River  
Territorial District of Sudbury  
Being Parts 4 and 5, Plan 53R-19914  
Parcel 53457 Sudbury East Section  
(Roll No. 5201-010-000-290-00)  
(SEPB File No. B/07-08/19/FR and A/03/19/FR)



**KEY MAP**

Consent and Minor Variance Applications  
(Raymond and Francine Gagnon)  
Plan M809, Lots 21 and 22 and Part of Victor Road  
in the Township of Delamere  
now in the Municipality of French River  
Territorial District of Sudbury  
Being Parts 4 and 5, Plan 53R-19914  
Parcel 53457 Sudbury East Section  
(Roll No. 5201-010-000-290-00)  
(SEPB File No. B/07-08/19/FR and A/03/19/FR)





**Planning Report:** APPLICATION FOR CONSENT AND MINOR VARIANCE  
**Report To:** SUDBURY EAST PLANNING BOARD Meeting Date: May 9<sup>th</sup>, 2019  
**Report To:** COMMITTEE OF ADJUSTMENT FOR THE MUNICIPALITY OF FRENCH RIVER Meeting Date: April 17<sup>th</sup>, 2019  
**Report Date:** April 5<sup>th</sup>, 2019

**Applicants/Owners:** Raymond and Francine Gagnon  
**Agent/Solicitor:** Tulloch Engineering (Kevin Jarus)  
**File Number:** B/07-08/19/FR and A/03/19/FR  
**Property Description:** Plan M-809, Lots 21 and 22 and Part of Victor Road in the Township of Delamere now in the Municipality of French River Territorial District of Sudbury being Parts 4 and 5, Plan 53R-19914 Parcel 53457 Sudbury East Section (Roll No. 5201-010-000-290-00) 368 C Turenne Road

### **APPLICATION:**

The purpose of the Applications for Consent is to re-establish Lots 21 & 22 on Plan M-809 with a minor reconfiguration of the rear lots to include Parts 11 & 10 respectively on the draft plan (formed part of the closed portion of Victor Road) which have already been consolidated with the overall parent parcel, and one (1) right of-way on land known Municipally as 368 C Turenne Road. The proposed severed lot is to have a lot area of 0.38 ha and a water frontage of 30.0 metres and presently contains a **seasonal dwelling** and accessory structures (two wood sheds and a gazebo). The proposed retained lot is to have a lot area of 0.31 ha and a water frontage of 31.0 metres and presently contains a **seasonal dwelling** and an accessory structure (sauna).

The subject lands were once separate lots in a plan of subdivision (M-809, Lots 21 & 22). On August 1<sup>st</sup>, 2000 an application to consolidate the two parcels (parcels 32232 and 31961) was registered on title, which merged the lots. The reason for such consolidation is not clear, however, the current owners would like to re-establish the prior approved lots.

The purpose of the right-of-way is to establish legal access for the subject lands (Lot 21, Plan M-809). The lands are located on the Bay of French River. The subject lands and adjacent lot (Lot 22, Plan M-809) access the properties via a registered right-of-way and a blanket easement (Victor Road closed by By-law 2007-54) extending from Turenne Road. The applicant is requesting legal access to recognize the **existing driveway** access which is to Lot 21, Plan M-809.

The purpose of the minor variance is to recognize the reduced lot areas and lot frontages of both the severed and retained lots from the 0.8 hectares and 60.0 metres required by the Waterfront Residential (WR)' provisions of the Zoning By-law 2014-23.

**SUBJECT LANDS:**

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
Severed Lot	0.38 hectares	30.0 metres
Retained Lot	0.31 hectares	31.0 metres
Access:	Publicly maintained (Municipality of French River) year-round road (Turenne 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.	
Surrounding Uses:	The lands are located on the south side of Turenne Road, north of Highway 64 and east of Highway 69. The subject lands are in an area of residential uses (waterfront) and is approximately 1.65 kilometers from the Village of Alban.	

**APPLICATION REVIEW AND ANALYSIS:**

**PROVINCIAL POLICY STATEMENT, 2014**

The Provincial Policy Statement (2014) directs that Ontario's long-term prosperity, environmental health and social well-being depend on wisely managed change and promoting efficient land use and development patterns. Efficient land use and development patterns supporting strong, liveable and healthy communities, protect the environment and public health and safety and facilitate economic growth. Under Section 3 of the Planning Act, where a municipality exercising its authority affecting a planning matter, such decisions "shall be consistent with" all policy statements issued under the Act.

As per policy 1.1.5.2 and 1.1.1(a), rural lands in municipalities are to be the focus of resource-based recreational uses (including recreational dwellings) and promote efficient development and land use patterns which sustain the financial well-being of the Municipality over the long term.

The applicant's proposal seeks to re-establish the prior approved lots and to establish a legal access by way of right-of-way to recognize an existing driveway access to the proposed severed lot. Planning staff are of the opinion that the applicant's proposal would appear to be consistent with the Provincial policies regarding prompting efficient development and recreational dwellings.

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 27<sup>th</sup>, 2010, approved by the Ministry of Municipal Affairs and Housing September 28<sup>th</sup>, 2010)

The Waterfront Policy Area is intended to provide the main locations for seasonal and limited permanent residential, recreational and tourism oriented commercial uses.

### **Consent**

As per Section 3.3.2.19, Private Roads are roads that are not owned or maintained by the Province or a municipality or maintained by a local roads board that service two or more properties in separate ownership. Development, i.e. lot creation on private roads is discouraged. At present, the three properties access the lands via a registered right-of-way and blanket the easement extending to Turenne Road. In order to provide a legal driveway access to re-establish Lot 21 which once was a separate lot in a plan of subdivision (M-809, Lot 21), the owners have submitted the current applications. Additionally, permitting the the re-severance of the lots would deal with the non-conformity of the existing parent parcel and bring the property into greater conformity with the intent of the Official Plan.

As per Section 2.5.5(6), infilling and rounding out of existing Waterfront Policy area are permitted to continue..." The re-establishment of Lots 21 and 22 constitutes minor infilling.

In accordance with Section 4.5.1, consents for separating lots that have merged on title; facilitating the disposal of a second legal dwelling; new lots that represent minor infilling; and easements or right-of-ways are permitted.

### **Minor Variances**

Section 4.2.5 of the Official Plan contains review criteria to be used in the evaluation of minor variances as follows

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 2014-23 section.

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

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

Current Zoning:           **Waterfront Zoning (WR)**

Proposed Zoning:       Same as above.

The 'Waterfront Residential (WR)' Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres.

The variances being sought would facilitate the creation of one (1) waterfront lot having a water frontage on the Bay of French River in the Municipality of French River. The lands are zoned "WR", Waterfront Residential under By-law 2014-23 being the Zoning By-law for the Municipality of French River. There is an application for consent (File # B/07/19/FR) which was submitted concurrently seeking approval for the creation of the said waterfront residential lot. The Director of Planning is supportive of the consent application and remains satisfied that the proposed waterfront residential lot conforms with the consent policies contained in Section 4.5.1 and 2.5.5(6) of the Official Plan for the Sudbury East Planning Area. The variances to facilitate the creation of the waterfront residential lot therefore largely technical in nature. The Director of Planning recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both Official Plan and Zoning By-law are maintained.

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

#### AGENCY REVIEW

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

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

#### PUBLIC CONSULTATION

Notice of the consent application was sent to surrounding property owners on April 5<sup>th</sup>, 2019, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 72/18 and O.REG 71/18) thereto. As of the writing of this report, no comments or concerns had been received from neighbouring property owners.

#### MATTERS UNDER SECTION 51(24) OF THE PLANNING ACT

Those matters under Section 51(24) have been reviewed and considered; there is no adverse effect expected from the proposed consent with respect to the listed criteria.

#### RECOMMENDATION:

##### **Consent:**

Whereas the application for consent is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, and the subject property is appropriately zoned, we are of the opinion that the application is acceptable from a planning perspective, and should be granted, subject to the appended conditions.

**Minor Variance(s):**

Whereas the variance(s) requested are minor variances from the provisions 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

**SUDBURY EAST PLANNING BOARD  
CONSENT-IN-PRINCIPLE - CONDITIONS**

**Planning Board Date of Decision:** May 9<sup>th</sup>, 2019  
**Date of Notice of Decision:** May 10<sup>th</sup>, 2019  
**Last Date of Appeal:** May 29<sup>th</sup>, 2019

**Applicants:** Raymond and Francine Gagnon  
**Owners:** Same as above  
**Agent/Solicitor:** Tulloch Engineering (Kevin Jarus)  
**File Number:** B/07-08/19/FR  
**Property Description:** Plan M-809, Lots 21 and 22 and Part of Victor Road  
in the Township of Delamere  
now in the Municipality of French River  
Territorial District of Sudbury  
being Parts 4 and 5, Plan 53R-19914  
Parcel 53457 Sudbury East Section  
(Roll No. 5201-010-000-290-00)

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, **SEPB File No. B/07-08/19/FR, which must be fulfilled within one year from the date of this letter**, are set out below. These conditions must be fulfilled prior to the granting of consent.

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**B/07/19/FR CONDITIONS:**

1. This approval applies to the creation of a waterfront residential lot of approximately 0.38 hectares in area with approximately 30.0 metres of water frontage, as applied for on Plan M-809, Lot 21, in the Township of Delamere, now in the Municipality of French River, Territorial District of Sudbury, and being Parts 1, 2, 3 and 11 (being former Lot 21 and Part 11(enclosed draft plan)), (Sudbury East Section).
2. Prior to the granting of Final Consent through the provision of the Certificate of the Official a fee of \$200.00 must be paid to the Sudbury East Planning Board.
3. The following documents shall be provided for the transaction described in Condition 1:
  - a) the original executed Transfer/Deed of Land Form, a duplicate original, and one photocopy for our records;
  - b) a Schedule to the Transfer/Deed of Land Form on which is set out the entire legal description of the parcel(s) in question. This Schedule must also contain the names of the parties indicated on Page 1 of the Transfer/Deed of Land Form; and
  - c) a reference plan of survey (***a paper copy and an electronic copy***), which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates.

4. If required, the Sudbury East Planning Board must be advised in writing by the Municipality of French River that the owner has conveyed up to 5% of the land to be severed to the Municipality of French River for park or other recreational purposes. Alternatively, the municipality may require cash-in-lieu of all or a portion of the conveyance.
5. A minor variance to Zoning By-law 2014-23 of the Municipality of French River for the severed lands and retained lands shall be approved, in order to recognize the reduced lot areas and lot frontages of each resultant lot.

**B/07/19/FR NOTES:**

The following notes are for the applicant's information:

1. The required Transfer/Deed of Land Form and Schedule shall contain a complete and accurate legal description. The Planning Board's certificate of consent will be affixed to the completed Schedule page. For this reason, the names of the parties also must be set out on the Schedule page, so that the consent may be properly related to the intended conveyance.

Inaccuracies or omissions with regard to the legal description in the Transfer/Deed of Land Form, the Schedule page, or the reference plan of survey, will result in the documents being returned without consent.

2. ***It is the applicant's and/or agent's responsibility to fulfill the conditions of consent approval pursuant to Section 53(41) of the Planning Act, R.S.O. 1990, Chapter P.13 within one year of the date that the Notice of Decision to grant Provisional Consent was given pursuant to Section 53(17) of the Planning Act. The Planning Board will issue no further notice or warning of the expiration of the one-year period.***

If the conditions to consent approval are not fulfilled within one year of the date of the Notice of Decision and the applicant is still interested in pursuing the proposal, a new application will be required. New applications must be accompanied by a fee.

3. Additional severances from the retained or severed property will not be allowed by the Planning Board.
4. An approved Building Permit must be obtained from the Municipality of French River prior to any demolition, new construction, addition, expansion, or alteration to buildings, structures, or changes in use, including the installation of private sewage disposal systems.
5. Prior to the installation of a subsurface sewage disposal system, a Certificate of Approval must be obtained from the Sudbury and District Health Unit.
6. If a well is used as the drinking water source, it must be constructed in accordance with Ontario Regulation 903 made under the *Ontario Water Resources Act*.

**B/08/19/FR CONDITIONS:**

1. This approval applies to the creation of a right-of-way of approximately 28 square metres in area (Parts 5 & 6 on applicant's draft plan), as applied for on Plan M-809, Lot 22, in the Township of Delamere, now in the Municipality of French River, Territorial District of Sudbury, and being Parts 4, 5, 6, 7, 8, 9 and 10 (being former Lot 22 and Part 10), (Sudbury East Section), severed through application B/07/19/FR, benefitting lands known as Plan M-809, Lot 21 and Part 11, in the Township of Delamere, now in the Municipality of French River, Territorial District of Sudbury, (Sudbury East Section).
2. Prior to the granting of Final Consent through the provision of the Certificate of the Official a fee of \$200.00 must be paid to the Sudbury East Planning Board.
3. The following documents shall be provided for the transaction described in Condition 1:
  - d) the original executed Transfer/Deed of Land Form, a duplicate original, and one photocopy for our records;
  - e) a Schedule to the Transfer/Deed of Land Form on which is set out the entire legal description of the parcel(s) in question. This Schedule must also contain the names of the parties indicated on Page 1 of the Transfer/Deed of Land Form; and
  - f) a reference plan of survey (***a paper copy and an electronic copy***), which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates.

**B/08/19/FR NOTES:**

The following notes are for the applicant's information:

1. The required Transfer/Deed of Land Form and Schedule shall contain a complete and accurate legal description. The Planning Board's certificate of consent will be affixed to the completed Schedule page. For this reason, the names of the parties also must be set out on the Schedule page, so that the consent may be properly related to the intended conveyance.

Inaccuracies or omissions with regard to the legal description in the Transfer/Deed of Land Form, the Schedule page, or the reference plan of survey, will result in the documents being returned without consent.



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If the conditions to consent approval are not fulfilled within one year of the date of the Notice of Decision and the applicant is still interested in pursuing the proposal, a new application will be required. New applications must be accompanied by a fee.

3. An approved Building Permit must be obtained from the Municipality of French River prior to any demolition, new construction, addition, expansion, or alteration to buildings, structures, or changes in use, including the installation of private sewage disposal systems.
4. The Endangered Species Act, 2007 applies to species listed on the Species at Risk in Ontario List (available here: [www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html](http://www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html)). If any protected species and/or habitats are observed, please contact the MNR Sudbury District Species-at-Risk Biologist as soon as possible.