



**The Corporation of the Municipality of  
St.-Charles**

# **AGENDA**

## **Committee of Adjustment**

May 16, 2023 at 6:00 PM  
Council Chambers (Municipal Office)  
St.-Charles, Ontario

### **1..0 MEETING CALLED TO ORDER & ROLL CALL**

- 1.1. Resolution to open the meeting

BE IT RESOLVED THAT the Committee of Adjustment meeting of May 16, 2023 be opened at 6:00 p.m.

- 1.2. Indigenous Land Acknowledgement

### **2..0 ADOPTION OF AGENDA**

- 2.1. Resolution to adopt the agenda

BE IT RESOLVED THAT the agenda for the Committee of Adjustment meeting held May 16, 2023 be adopted as presented.

### **3..0 DISCLOSURES OF PECUNIARY INTEREST**

### **4..0 ADOPTION OF MINUTES**

- 4.1. Resolution to adopt the minutes of the previous meeting

BE IT RESOLVED THAT the Committee of Adjustment hereby adopts the minutes of the Committee of Adjustment meeting held January 18, 2023.

## **5.0 APPLICATIONS**

5.1. Application A/02/23/SC - Fortin, Tammy

5.2. Resolution to approve Application A/02/23/SC

BE IT RESOLVED THAT Application A/02/23/SC by Tammy Fortin be approved and that the necessary Notice of Decision be prepared.

## **6.0 ADJOURNMENT**

6.1. Resolution to adjourn the meeting

BE IT RESOLVED THAT the Committee of Adjustment meeting held May 16, 2023 be adjourned at \_\_\_\_\_ p.m.



**The Corporation of the Municipality of  
St.-Charles**

**MINUTES  
Committee of  
Adjustment**

5:30 PM on January 18, 2023  
Council Chambers (Municipal Office)  
St-Charles, Ontario

**MEMBERS PRESENT:** Mayor / Chair: Paul Branconnier  
Councillor: Julie Laframboise  
Councillor: Monica Loftus  
Councillor: Mathieu Pothier  
Councillor: Joshua Lachance

**STAFF PRESENT:** Clerk: Tammy Godden  
Director of Planning, Sudbury East Planning Board: Matthew Dumont, MCIP, RPP  
Chief Administrative Officer: Denis Turcot

**PUBLIC PRESENT:** 2

**1.0 MEETING CALLED TO ORDER & ROLL CALL**

**1.1 Resolution to open the meeting**

**COA 2023-01**

**Moved by: Councillor Loftus**

**Seconded by: Councillor Lachance**

BE IT RESOLVED THAT the Committee of Adjustment meeting of January 18, 2023 be opened at 5:30 p.m.

Carried

**2.0 APPOINTMENT OF CHAIR FOR THE 2022-2026 TERM**

**2.1 Resolution to appoint the Chair for the Committee of Adjustment for the 2022-2026 Term**

**COA 2023-02**

**Moved by: Councillor Loftus**

**Seconded by: Councillor Lachance**

BE IT RESOLVED THAT the Committee of Adjustment hereby appoints Mayor Paul Branconnier to the position of Chair for the Committee of Adjustment for the 2022-2026 Term.

Carried

**3.0 ADOPTION OF AGENDA**

**3.1 Resolution to adopt the agenda**

**COA 2023-03**

**Moved by: Councillor Pothier**

**Seconded by: Councillor Lachance**

BE IT RESOLVED THAT the agenda for the Committee of Adjustment meeting held January 18, 2023 be adopted as presented.

Carried

**4.0 DISCLOSURES OF PECUNIARY INTEREST**

None declared.

**5.0 ADOPTION OF MINUTES**

**5.1 Resolution to adopt the minutes of the previous meeting**

**COA 2023-04**

**Moved by: Councillor Laframboise**

**Seconded by: Councillor Loftus**

BE IT RESOLVED THAT the Committee of Adjustment hereby adopts the minutes of the Committee of Adjustment meeting held June 1, 2022.

Carried

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Page 2 of 4

## **6.0 APPLICATIONS**

### **6.1 Application A/08/22/SC of Gary Veinot**

The Chair summarized the purpose of the Public Hearing to decide whether or not to approve a Minor Variance Application for Gary Veinot, Application No A/08/22/SC.

The Director of Planning informed the Committee that Notice of the Public Hearing was posted in the Municipal Office and was sent by mail to the assess owners within sixty (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. The Director of Planning also informed the Committee 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.

The Chair then declared the Public Hearing to deal with Application No. A/08/22/SC - Roger Lessard, Suzanne Lessard, Scott Maclean and Wendi Hollmer open.

The Director of Planning advised that the variance being sought would permit the construction of a detached garage providing a maximum height of 6.07m, where the maximum height of an accessory building or structure on a residential rural lot shall be 5.0m. The Director of Planning advised that he was supportive of the application and recommended that the variance be approved as it is minor in nature, appropriate in the development of the area, and meeting the intent of both the Official Plan and Zoning By-Law.

The Applicant was not present, so there were no comments on behalf of the Applicant.

No questions or comments were received from members of the public.

No questions or comments from the Committee members were made.

### **6.2 Resolution to approve Application A/08/22/SC**

**COA 2023-05**

**Moved by: Councillor Laframboise**

**Seconded by: Councillor Pothier**

BE IT RESOLVED THAT Application A/08/22/SC by Gary Veinot be approved and that the necessary Notice of Decision be prepared.

Carried

## **7.0 ADJOURNMENT**

**7.1 Resolution to adjourn the meeting**

**COA 2023-06**

**Moved by: Councillor Loftus**

**Seconded by: Councillor Lachance**

BE IT RESOLVED THAT the Committee of Adjustment meeting held January 18, 2023 be adjourned at 5:43 p.m.

Carried

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**NOTICE OF PUBLIC HEARING  
CONCERNING  
A PROPOSED MINOR VARIANCE TO ZONING BY-LAW 2014-26  
OF THE MUNICIPALITY OF ST. CHARLES**

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Respecting an application by Tammy Fortin  
for a variance(s) to lands on Part of Lot 1, Concession 1  
in the Township of Appleby  
now in the Municipality of St.-Charles  
Territorial District of Sudbury  
Being Part 1, Plan 53R-8543 and Part 1, Plan 53R-21506  
(Roll No. 5204-000-003-105-01)  
(SEPB File No. A/02/23/SC)

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**TAKE NOTICE THAT** the above noted application will be heard by the Municipality of St.-Charles Committee of Adjustment on **May 16<sup>th</sup>, 2023, at 6:00 p.m. at the St.-Charles Municipal Office, 2 King Street East, St.-Charles, 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 submit comments on this application, they are required to be submitted in writing to the Clerk at [tgodden@stcharlesontario.ca](mailto:tgodden@stcharlesontario.ca) ahead of the meeting or by mail. 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), at [planner@sepb.org](mailto:planner@sepb.org), 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 02<sup>nd</sup> day of May 2023.

Matthew Dumont, MCIP, RPP  
Director of Planning

**Variance(s) Requested to Zoning By-law**

Re: Application No. A/02/23/SC  
(Tammy Fortin)  
Roll No. 5204-000-003-105-01

**ZONING BY-LAW 2014-26 (Municipality of St.-Charles)**

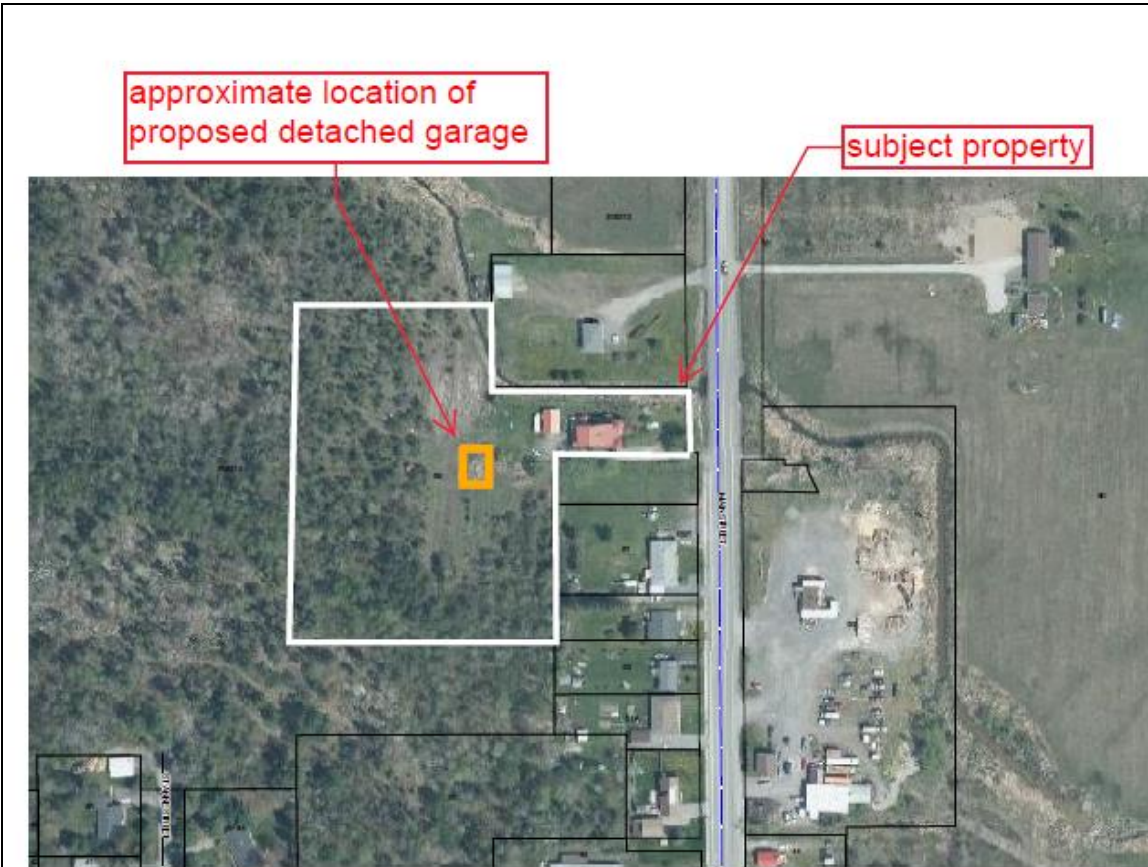
The following variance to the regulation of the Residential One (R1) Zone has been requested to permit relief from Part 7, Section 7.2.2, subsection (c)(iii), and Part 6, Section 6.2.2, subsection (c) of By-law 2014-26, being the Zoning By-law for the Municipality of St. Charles, as amended, to facilitate the construction of a detached garage providing a maximum height of 7.8 m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m





**KEY MAP**

Minor Variance Application  
 (Tammy Fortin)  
 Part of Lot 1, Concession 1  
 in the Township of Appleby  
 now in the Municipality of St.-Charles  
 Territorial District of Sudbury  
 Being Part 1, Plan 53R-8543 and Part 1, Plan 53R-21506  
 (Roll No. 5204-000-003-105-01)  
 (SEPB File No. A/02/23/SC)



**AERIAL PHOTOGRAPHY**  
Minor Variance Application  
(Tammy Fortin)  
Part of Lot 1, Concession 1  
in the Township of Appleby  
now in the Municipality of St.-Charles  
Territorial District of Sudbury  
Being Part 1, Plan 53R-8543 and Part 1, Plan 53R-21506  
(Roll No. 5204-000-003-105-01)  
(SEPB File No. A/02/23/SC)



**Planning Report:** APPLICATION FOR MINOR VARIANCE  
**Report to:** MUNICIPALITY OF ST. CHARLES  
**Meeting Date:** May 16<sup>th</sup>, 2023  
**Report Date:** May 2<sup>nd</sup>, 2023

**Applicant:** Tammy Fortin  
**Owner:** Same as Above  
**Agent/Solicitor:** Leo Chaloux  
**File Number:** A/02/23/SC  
**Property Description:** Part of Lot 1, Concession 1  
 in the Township of Appleby  
 now in the Municipality of St.-Charles  
 Territorial District of Sudbury  
 Being Part 1, Plan 53R-8543 and Part 1, Plan 53R-21506  
 (Roll No. 5204-000-003-105-01)  
 69 Main Street

**APPLICATION:**

The lands are located on the west side of Highway 535 in the **Village of St. Charles**, north of King Street West and south of Turcot Road. The subject lands are in an area of predominantly rural and residential uses.

An application has been received from Tammy Fortin, for a variance to the **Residential One (R1) Zone of By-law 2014-26**, as amended, to facilitate the construction of a detached garage, as shown on the attached sketch dated April 13<sup>th</sup>, 2023.

The following variance is requested:

	<u>Zone Requirement</u>	<u>Proposed</u>
7.2.2 (c)iii). All accessory buildings Maximum Building Height	5.0 metres or 1.5 storeys (whichever is the lesser)	<b>7.8 metres</b>

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	1.85 hectares	30.38 metres
Access:	Publicly maintained (Ministry of Transportation & / Municipality of St.-Charles) year-round road (Highway 535 & Main Street).		
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.		
School Busing:	Available.		
Garbage Collection:	Available.		
Fire Protection:	Available.		
Shore Road Allowance:	Not applicable.		

**APPLICATION REVIEW AND ANALYSIS:**

PROVINCIAL POLICY STATEMENT, 2020

The 2020 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: **Village 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)

Village Residential Policy Area are intend to provide a more of a limited range of land use, activities, and dwelling types than the Community Policy Ares due to the level of servicing that is available for new development.

Policy 2.1.4, subsection 8 states the following “in considering planning applications in Village Policy Areas, the Planning Board and/or the applicable municipality shall ensure that the character of the Village Policy Area is maintained, and to the extent possible, enhanced”. In addition, subsection 14 and 15 from policy 2.2.3.1 for the Village Residential area permits the use of accessory uses, which are established in the Zoning By-law.

Relief from Part 7, Section 7.2.2, subsection (c)(iii), and Part 6, Section 6.2.2, subsection (c) of By-law 2014-26, being the Zoning By-law for the Municipality of St. Charles, as amended, to facilitate the construction of a detached garage providing a maximum height of 7.8 m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m

Staff is of opinion that the request maximum height of 7.8 metres (25.59 feet) is reasonable and not excessive in nature. Staff conducted a site visit on May 1<sup>st</sup>, 2023, and it was noted that the detached garage would be situated in the rear yard of the Site. The proposed location of the detached garage is approximately 33.39 metres (110 feet) from the rear yard of 61 Main Street and 60.86 metres (200.00 feet) from the southern limit of the boundary lot line of the Site. The subject property is approximately 1.85 hectares (4.57 acres) in lot area while having an approximate lot frontage of 30.38 metres on Main Street. The proposed detached garage is to be in a pocket, screened by the mature trees to the west, south and east, thus providing adequate buffering from the adjacent properties on Main Street. The nearest single-family home is situated 78 metres (255 feet) east of the proposed location of the detached garage. Staff is satisfied that the additional height being 2.8 metres (9.18 feet) will not have any negative impact on the abutting residential properties. Staff recommends that the variance be approved as it is minor, appropriate development for the area and meets the intent of both the Official Plan and Zoning By-law.

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

ZONING BY-LAW (BY-LAW 2014-26)

Zoning: Residential One (R1)

Comments:

Relief from Part 7, Section 7.2.2, subsection (c)(iii), and Part 6, Section 6.2.2, subsection (c) of By-law 2014-26, being the Zoning By-law for the Municipality of St. Charles, as amended, to facilitate the construction of a detached garage providing a maximum height of 7.8 m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m

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:

Clerk/Treasurer: no concerns.

Chief Building Official: no issues. Note – no occupancy allowed in detached garage (loft space). Also, occupancy would need exterior emergency egress and ingress.

Fire Department: no issues.

Public Works Superintendent: no issues.

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

#### PUBLIC CONSULTATION

Notice of the minor variance application was sent to surrounding property owners on May 2<sup>nd</sup>, 2023, 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 neighboring property owners.

#### RECOMMENDATION:

Whereas the variance requested is a minor variances from the provision of the Zoning By-law for the Municipality of St.-Charles 2014-26, 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 St. Charles Zoning By-law 2014-26, we are of the opinion that the application is acceptable from a planning perspective, and should be granted.

Respectfully submitted,

'Matthew Dumont'

Matthew Dumont, MCIP, RPP  
Director of Planning

**MUNICIPALITY OF ST.-CHARLES**

**COMMITTEE OF ADJUSTMENT**

**NOTICE OF DECISION**

Minor Variance Application  
(Tammy Fortin)  
Part of Lot 1, Concession 1  
in the Township of Appleby  
now in the Municipality of St.-Charles  
Territorial District of Sudbury  
being Part 1, Plan 53R-8543 and Part 1, Plan 53R-21506  
(Roll No. 5204-000-003-105-01)  
(SEPB File No. A/02/23/SCC)

**DATE OF DECISION: May 16<sup>th</sup>, 2023**

**FINAL DAY FOR APPEAL: June 6<sup>th</sup>, 2022**

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

Application A/02/23/SC be approved and the following variance be granted to the provisions of the Residential Zone (R1) of Zoning By-Law 2014-26, as amended:

Relief from Part 7, Section 7.2.2, subsection (c)(iii). All Accessory Buildings – Maximum Building Height - to permit a height of 7.8 metres instead of the required 5.0 metres.

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

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

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

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

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**CERTIFICATION**

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

Dated at Warren, this 16<sup>th</sup> day of May 2023.

Matthew Dumont  
Director of Planning

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**NOTICE OF THE LAST DAY FOR APPEALING TO THE LOCAL PLANNING APPEAL TRIBUNAL**

45(12) The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the *Local Planning Appeal Tribunal Act, 2017* as payable on an appeal from a committee of adjustment to the Tribunal. 2017, c. 23, Sched. 5, s. 98 (3).

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