



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

AGENDA

Special Meeting of Council

September 15, 2021 at 5:15 PM
Electronic Meeting (via Zoom)
St.-Charles, Ontario

1.0 MEETING CALLED TO ORDER & ROLL CALL

1.1 Resolution to open the meeting

BE IT RESOLVED THAT Council for the Corporation of the Municipality of St.-Charles hereby opens the Special Meeting of Council at 5:15 p.m. on September 15, 2021.

2.0 ADOPTION OF AGENDA

2.1 Resolution to adopt the agenda

BE IT RESOLVED THAT the agenda for the Special Meeting of Council held September 15, 2021 be adopted as presented.

3.0 DISCLOSURES OF PECUNIARY INTEREST

4.0 PUBLIC HEARING FOR ZONING BY-LAW AMENDMENT

4.1 SEPB File No. ZBA 21-13-14SC

Request: Rezone lands as described from Rural (RU) to Residential Rural (RR) to recognize the intended use of the lot for both the creation of a RR lot and the lot addition.

5.0 ADJOURNMENT

5.1 Resolution to adjourn the meeting

BE IT RESOLVED THAT Council for the Corporation of the Municipality of St.-Charles hereby adjourns the Special Meeting of Council at _____ p.m. on September 15, 2021.

**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 FOR A PROPOSED AMENDMENT TO ZONING BY-LAW 2014-26 OF THE
MUNICIPALITY OF ST. CHARLES**

Respecting an application for consent and zoning by-law amendment by Danika Bisailon & Greg McDonald
to the Sudbury East Planning Board
E ½ W Part Lot 1, Concession 6
in the Township of Jennings
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 1151 Sudbury East Section
(Roll No. 5204-000-002-203-00)
(SEPB File No. B/34-35/21/SC & ZBA 21-13-14SC)

TAKE NOTICE THAT the Sudbury East Planning Board will hold a **Public Hearing Electronically** to analyze and discuss **Application B/34-35/21/SC** at its meeting on **August 12th, 2021, at 5:30 p.m. at the French River Municipal Office, 44 St. Christophe Street, Suite 1, Noelville, Ontario.**

AND TAKE NOTICE THAT the Council for the Municipality of St.-Charles will hold a **Public Hearing Electronically** on **September 15th, 2021, at 5:15 p.m. at the St.-Charles Municipal Office, 2 King Street East, St.-Charles, Ontario** for application **ZBA 21-13SC & ZBA 21-14SC.**

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 make written or verbal representations either in support of or in opposition to the Proposed Zoning By-law Amendment. If you wish to submit comments on this application, they are required to be submitted in writing to the Clerk (Tammy) tgodden@stcharlesontario.ca ahead of the meeting or by mail.

IF A PERSON OR PUBLIC BODY would otherwise have an ability to appeal the decision of the Council for the Municipality of St. Charles to the Ontario Land Tribunal but the person or public body does not make written submissions to the Council for the Municipality of St. Charles 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 written submissions to the Council for the Municipality of St. Charles 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 Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Dated at Warren, this 29th day of July 2021.

Matthew Dumont, MCIP, RPP
Secretary-Treasurer

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 Consent and Zoning By-law Amendment

Re: Application Nos. B/34-35/21/SC & ZBA 21-13-14SC
(Danika Bisailon and Greg McDonald)
Roll nos. 5204-000-002-203-00

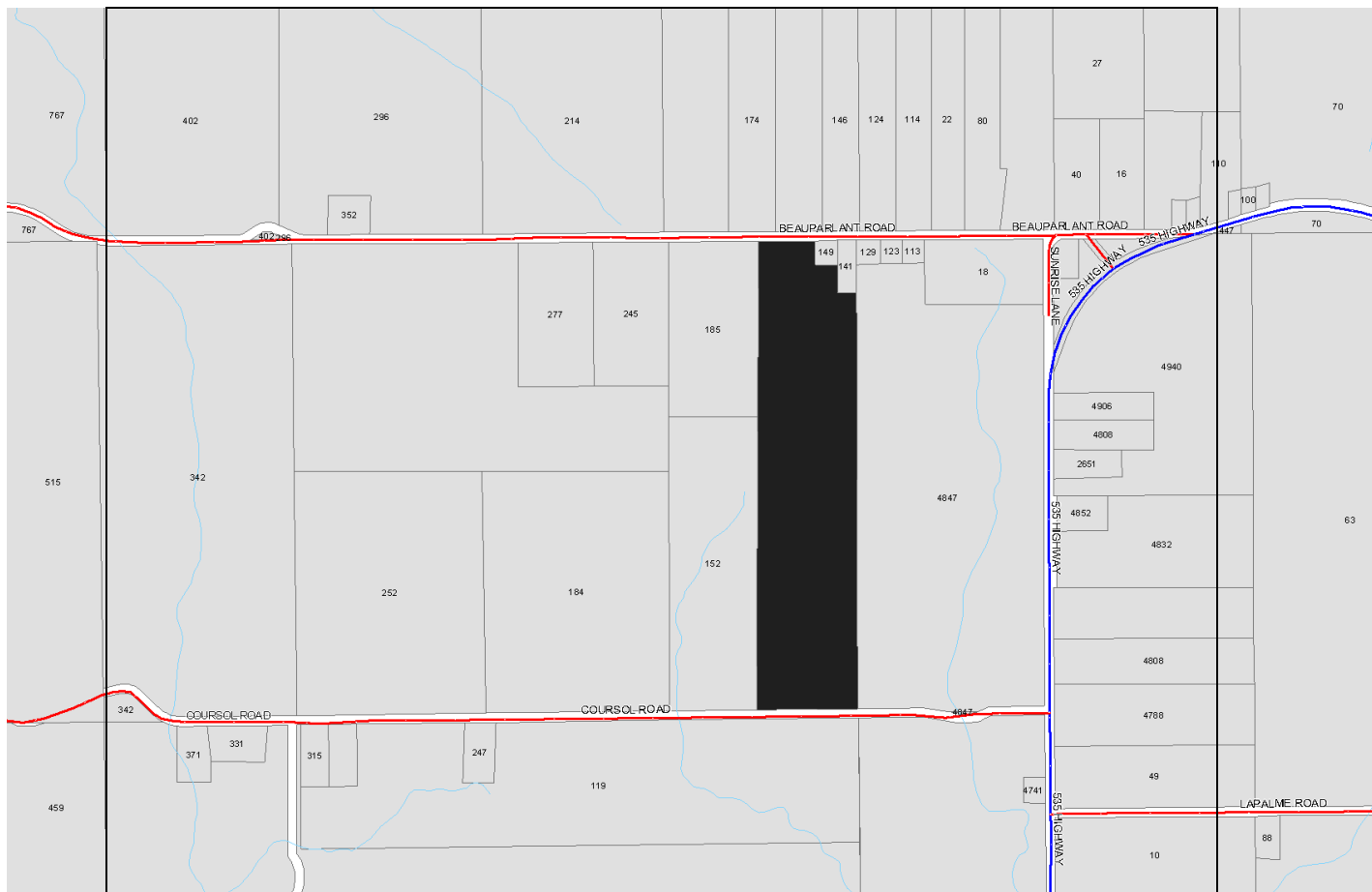
The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2014-26 of the Municipality of St. Charles, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13 and a consent under section 53(5) of the Planning Act, R.S.O. 1990.

An application has been received from Danika Bisailon and Greg McDonald to rezone lands described as E ½ W Part Lot 1, Concession 6, in the Township of Jennings, now in the Municipality of St. Charles, Territorial District of Sudbury, (Parcel 1151 Sudbury East Section).

The subject lands are presently zoned Rural (RU) under Zoning By-law 2014-26 of the Municipality of St. Charles. The Proposed Zoning By-law Amendment will rezone the lots to be severed through consent application B/34-35/21/SC to Residential Rural (RR) and Residential Rural with Special Provision 24, to ensure that the lot to be created and the lot addition comply with the requirements for the Residential Rural Zone.

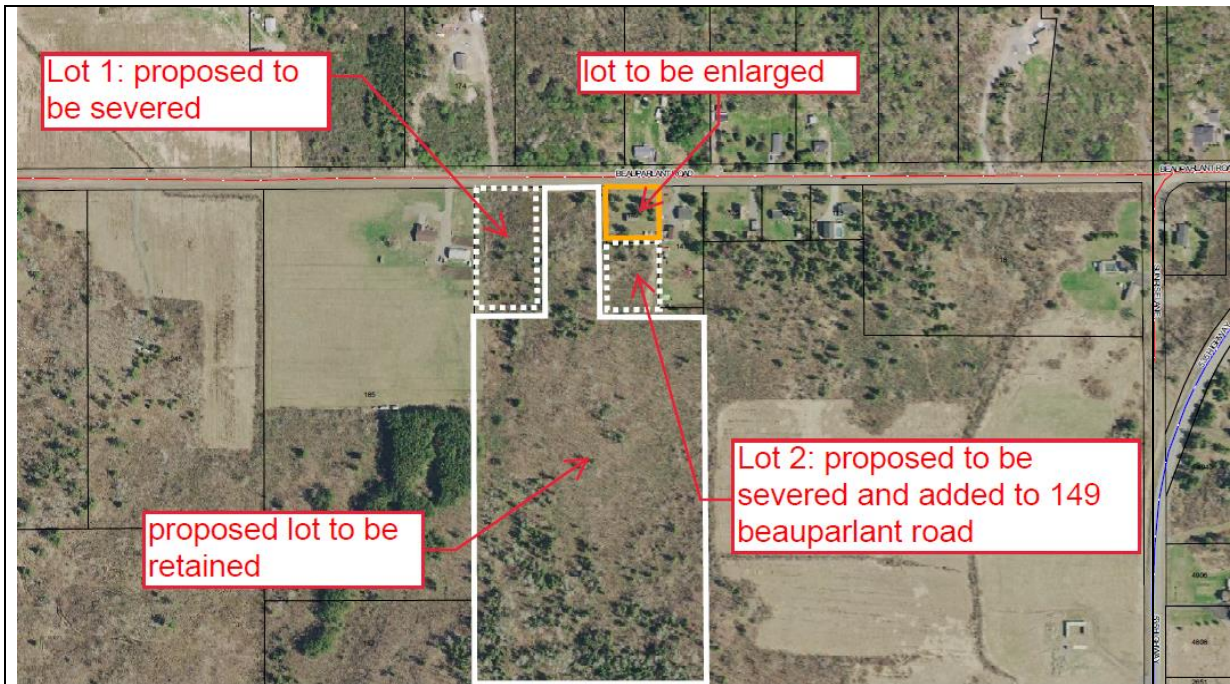
The subject property is located within the **Rural Policy Area** designation of the Official Plan for the Sudbury East Planning Area (adopted April 27th, 2010, approved by the Ministry of Municipal Affairs and Housing September 28th, 2010).

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KEY MAP

Consent & Zoning By-law Amendment Applications
 (Greg McDonald & Danika Bisaillon)
 E ½ W Part of Lot 1, Concession 6
 in the Township of Jennings
 now in the Municipality of St.-Charles
 Territorial District of Sudbury
 Parcel 1151 S.E.S.
 (Roll No. 5204-000-002-203-00)
 (SEPB File No. B/34-35/21/SC & ZBA 21 13-14SC)



AERIAL PHOTOGRAPHY

Consent & Zoning By-law Amendment Applications
 (Greg McDonald & Danika Bisailon)
 E ½ W Part of Lot 1, Concession 6
 in the Township of Jennings
 now in the Municipality of St.-Charles
 Territorial District of Sudbury
 Parcel 1151 S.E.S.
 (Roll No. 5204-000-002-203-00)
 (SEPB File No. B/34-35/21/SC & ZBA 21 13-14SC)



Planning Report: APPLICATION FOR CONSENT & ZONING BY-LAW AMENDMENT
Report To: SUDBURY EAST PLANNING BOARD Meeting Date: August 12th, 2021
Report To: COUNCIL FOR MUNICIPALITY OF ST. CHARLES Meeting Date: September 15th, 2021

Applicants/Owners: Greg McDonald and Danika Bisailon
Agent/Solicitor: None
File Number: B/34-35/21/SC & ZBA 21-13-14SC
Property Description: E ½ W Part Lot 1, Concession 6
in the Township of Jennings
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 1151 Sudbury East Section
(Roll No. 5204-000-002-203-00)

APPLICATION:

The lands are located on the west side of Highway 535, south of Beuparlant Road, and north of Coursol Road. The subject property is approximately 1.10 kilometers west of the Village of St. Charles. The subject property is in an area of predominantly rural and residential uses.

The Sudbury East Planning Board has received an application for consent (severance) and zoning by-law amendment which proposes to create one (1) Residential Rural (RR) lot and to effect a lot addition on Beuparlant Road in the Municipality of St. Charles.

B34 - The proposed severed lot is to be approximately 0.94 hectares in lot area with a lot frontage of approximately 88.93 metres on Beuparlant Road. The proposed severed lot is presently vacant.

B35 – The proposed lot addition is to sever approximately 0.27 hectares (roll no. 5204-000-002-203-00) with no lot frontage and add such lands to 149 Beuparlant Road. Once the lands have been added, the enlarged parcel of land would contain a single-family home.

The proposed retained lot is to be approximately 19.52 hectares in lot area with a lot frontage of approximately 21.33 metres on Beuparlant Road and a lot frontage of approximately 215.00 metres on Coursol Road respectively; and is presently vacant.

ZBA 21-13-14SC – The intent of the zoning by-law amendment applications is to rezone such lot from ‘Rural (RU)’ to ‘Residential Rural (RR)’ to recognize the intended use of the lot for both the creation of a RR lot and the lot addition.

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
B (34) Severed Lot	0.94 hectares	88.93 metres
B (35) Severed Lot	0.27 hectares	no frontage
Enlarged Lot	0.48 hectares	47.0 metres
Retained Lot	19.52 hectares	215.00/21.33 metres
Access:	Publicly maintained (Ministry of St.-Charles) year-round road (Beauparlant Road & Coursol Road).	
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.	
School Busing:	Available.	
Garbage Collection:	Available.	
Fire Protection:	Available.	

APPLICATION REVIEW AND ANALYSIS:

PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement (2020) 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.

The applicant’s proposal seeks to effect a lot addition and the creation of a RR lot. Planning staff are of the opinion that the applicant’s proposal would appear to be consistent with the Provincial policies regarding **Section 1.1.5.2 residential development, including lot creation**, is permitted on rural lands located in municipalities, **that is locally appropriate**, provided that such development is compatible with the rural landscape and sustained by rural service levels.

No provincial interests, as expressed in the Provincial Policy Statement, are adversely affected by this application.

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)

Lands designated “Rural” are to be used primarily for agriculture, farm related and secondary uses as well as resource-based activities, such as forestry, mining and aggregate operations, and other industrial uses that are appropriate in settlement areas, as well as **limited residential developments**, where appropriate.

4.5.1 Consent Policies

Consents to sever land for the purposes of creating a new building lot shall only be **granted where a plan of subdivision has been determined not to be appropriate, no extension of services is required, adequate access to the severed and retained parcels can be provided from a year-round publicly maintained road, adequate sewage and water servicing can or will be provided, etc.**

Section 4.5.1 of the Plan contains policies pertaining to Consents. Subsection 1, outlines criteria that shall be considered when creating new buildings lots:

- a) **new lots that represent minor infilling;**
- b) the mortgaging of land beyond 21 years;
- c) **lot boundary adjustments;**
- d) facilitating the disposal of a second legal dwelling;
- e) separating existing legal uses;
- f) providing a retirement residence on non-prime agricultural lands for a farmer who worked on the subject farm much of their adult life;
- g) separating lots that have merged on title; and,
- h) easements or rights-of-way.

In this case, proposed severed Lot 1 and lot addition will **meet the requirements of the 'Residential Rural (RR)' Zone, once the lands are rezoned.** The retained parcel of land will continue will **meet the requirements of the 'Rural (RU)' Zone, providing sufficient lot frontage from Coursol Road.** Adequate access for the proposed lots to be severed and retained parcel of land are to be accessed from Beuparlant Road & Coursol Road, which is a **public road, maintained year-round** by the Municipality of St. Charles. The Chief Administrative Officer (CAO) did confirm that the proposed lot locations on Beuparlant Road would be suitable to have entrance permits issued once the severances are final and, the CAO preference was 66 feet road allowance on Beuparlant Road, since there are no road standards for the Municipality. The intent of the 66 feet road allowance is to allow for future development without compromising access from Beuparlant Road in the future. Minimum Distance Separation (MDS) is **not applicable** in this instance, as there are no farming related activities in the area based on the Director of Planning Site visit. With respect to servicing, the agent has provided previous comments obtained from the **Sudbury and District Health Unit that are supportive (July 5th, 2021).** Appropriate documentation with respect to availability of sewage hauling services (June 2nd, 2021) and probability of potable water (June 14th, 2021) was provided to the Boards office.

ZONING BY-LAW (2014-26)

Current Zoning:	Rural (RU)
Proposed Zoning:	Residential Rural (RR) -B34 Residential Rural (RR) -B35

Residential Rural (RR) -B34:

The minimum lot area and the minimum lot frontage requirements in the 'Residential Rural (RR)' Zone is 0.8 hectares and 60.0 metres respectively; the proposed severed lot, once rezoned to RR through application ZBA 21-13SC, is to

comply with the RR requirements having a lot area of 0.94 hectares and a lot frontage of 88.93 metres.

Residential Rural (RR) -B35:

The minimum lot area and the minimum lot frontage requirements in the 'Residential Rural (RR)' Zone is 0.8 hectares and 60.0 metres respectively; the proposed lot addition (enlarged lot), once rezoned to RR with a special provision through application ZBA 21-14SC, is to comply with the RR requirements. The special provision is to recognize a lot area of 0.27 hectares and a lot frontage of 47.0 metres. The benefiting land, 149 Beuparlant Road, is a lot of record meaning a lot of land that can legally be conveyed which included a parcel created by a land patent or any other distinct and separate holding, which the lot of land was legally created prior to the date of passing of this By-law.

Retained Parcel of Land

The Residential Rural (RR) Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. Once the propose lot is severed and rezoned to RR zone, the lot will exceed the minimum requirements of the RR Zone (lot frontage, 88.93 metres and lot area 0.94 hectares) and are intended to be used for residential uses as permitted by the zone.

AGENCY REVIEW

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

Bell Canada: no concerns with respect to the proposed application.

Clerk for the Municipality of St. Charles: property is subject to municipal drains and may require reapportionment.

Chief Building Official: no issues

Public Work Superintendent: no issues.

Fire department: no issues

Parks and Recreation Department: no issues

Sudbury District Health Unit: It appears that the proposed severed and retained lots are capable of development for installation of a septic system and leaching bed system.

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

PUBLIC CONSULTATION

Notice of the consent and zoning by-law amendment applications were sent to surrounding property owners on **July 29th, 2021**, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 72/18 and 73/18) thereto. **As of the writing of this report, no comments or concerns had been received from neighboring 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 2020 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.**

Zoning By-law Amendment:

That the Municipality of St. Charles approve application for Zone Change, File Number ZBA 21-13-14SC, for lands owned by **Greg McDonald and Danika Bisailon**, which proposes to change the zoning of the severed lands (B34 & B35) described as E ½ W Part Lot 1, Concession 6, in the Township of Jennings, now in the Municipality of St. Charles, Parcel 1151, from 'Rural (RU)' to 'Residential Rural (RR)' Zone.

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

Respectfully submitted,

NR For Matthew Dumont

Matthew Dumont, MCIP, RPP
Director of Planning

