



**THE CORPORATION OF THE MUNICIPALITY OF
MARKSTAY-WARREN
SPECIAL COUNCIL MEETING
AGENDA**

May 27, 2025

5:30 pm

Markstay-Warren Council Chambers

21 Main Street South

Markstay, Ontario

	Pages
1. Opening remarks and call meeting to order	
2. Land acknowledgment	
3. Roll Call	
4. Approval of the Agenda	
5. Disclosure of Pecuniary Interest and General Nature Thereof	
6. Reports from Committees, Municipal Officers, Department Head	
7. New Business	
7.a Sudbury East Planning Board	
7.a.1 Notice of Public Hearing	3
7.a.2 Schedule A (D. Clement & T. Beland)	14
7.a.3 By-Law 2025-15	15
7.b Housing Development Discussion	
8. Adjournment	

**LA CORPORATION DE LA MUNICIPALITÉ DE
MARKSTAY-WARREN
RÉUNION EXTRAORDINAIRE DU CONSEIL
ORDRE DU JOUR**

le 27 mai 2025

17 h 30

Salle du Conseil Markstay-Warren

Pages

1.	Remarques préliminaires et ouverture de la réunion	
2.	Reconnaissance des terres	
3.	Appel nominal	
4.	Approbation de l'Ordre du jour	
5.	Divulcation des intérêts pécunières	
6.	Rapports des Comités, Agents municipaux, Chefs de départements	
7.	Affaires nouvelles	
7.a	Sudbury East Planning Board	
7.a.1	Notice of Public Hearing	3
7.a.2	Schedule A	14
7.a.3	By-Law 2025-15	15
7.b	Housing Development Discussion	
8.	Levée de la réunion	

**NOTICE OF PUBLIC HEARING
CONCERNING A PROPOSED
AMENDMENT TO
ZONING BY-LAW 2014-27
OF THE MUNICIPALITY OF MARKSTAY-WARREN**

Respecting an application by Daniel Clement and Therese Beland
to rezone lands on Lot 5, Concession 5
in the Township of Awrey
now in the Municipality of Markstay-Warren
Territorial District of Sudbury
being Part 2, Plan 53R-8016
Parcel 35075 Sudbury East Section
(Roll No. 5208-000-005-066-00)
(SEPB File No. ZBA 25-07MW)

TAKE NOTICE THAT the Council for the Municipality of Markstay-Warren will hold a Public Hearing on **May 27th, 2025, at 5:30 p.m. at the Markstay-Warren Municipal Office, 21 Main Street South, P.O. Box 79, Markstay, Ontario, P0M 2G0.**

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, P0H 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 you wish to submit comments on this application, they are required to be submitted in writing to the Clerk at kmorris@markstay-warren.ca ahead of the meeting or by mail.

IF A SPECIFIED PERSON, PUBLIC BODY, OR REGISTERED OWNER would otherwise have an ability to appeal the decision of the Sudbury East Planning Board to the Ontario Land Tribunal but a specified person, public body, or registered owner, or does not make oral submission at a public meeting or make written submissions to the Sudbury East Planning Board before the by-law is passed, a specified person, public body, or registered owner is not entitled to appeal the decision.

IF A SPECIFIED PERSON, PUBLIC BODY, REGISTERED OWNER does not make oral submissions at a public meeting or make written submissions to the Sudbury East Planning Board before the by-law is passed, a specified person, public body or registered owner 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 7th day of May 2025.

Matthew Dumont, MCIP, RPP
Director of Planning

Purpose and Effect of the Proposed Zoning By-law Amendment

Re: Application No. ZBA 25-07MW
(Daniel Clement and Therese Beland)
Roll No. 5208-000-001-044-00

The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2014-27 Municipality of Markstay-Warren, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13.

An application has been received from JL Richards and Associates Limited, on behalf of Daniel Clement and Therese Beland, to rezone lands described as Lot 5, Concession 5, in the Township of Awrey, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, being Part 2, Plan 53R-8016 (Parcel 35075 Sudbury East Section).

The subject lands are currently zoned **Residential Rural (RR)**. This zoning designation does not permit two single detached residential dwellings on one lot. Therefore, the purpose of this Zoning By-law Amendment is to recognize and legalize the existing use of the property by allowing two principal residential dwellings on the same lot. If approved, this amendment would bring the property into compliance with the current Zoning By-law.

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).



**79 Park Drive OPA/ZBLA
Concept Plan**

JLR No: 32599
Date: July 9, 2024



**Municipality of
Markstay-Warren**

Legend

- Well Location
- 79 Park Drive

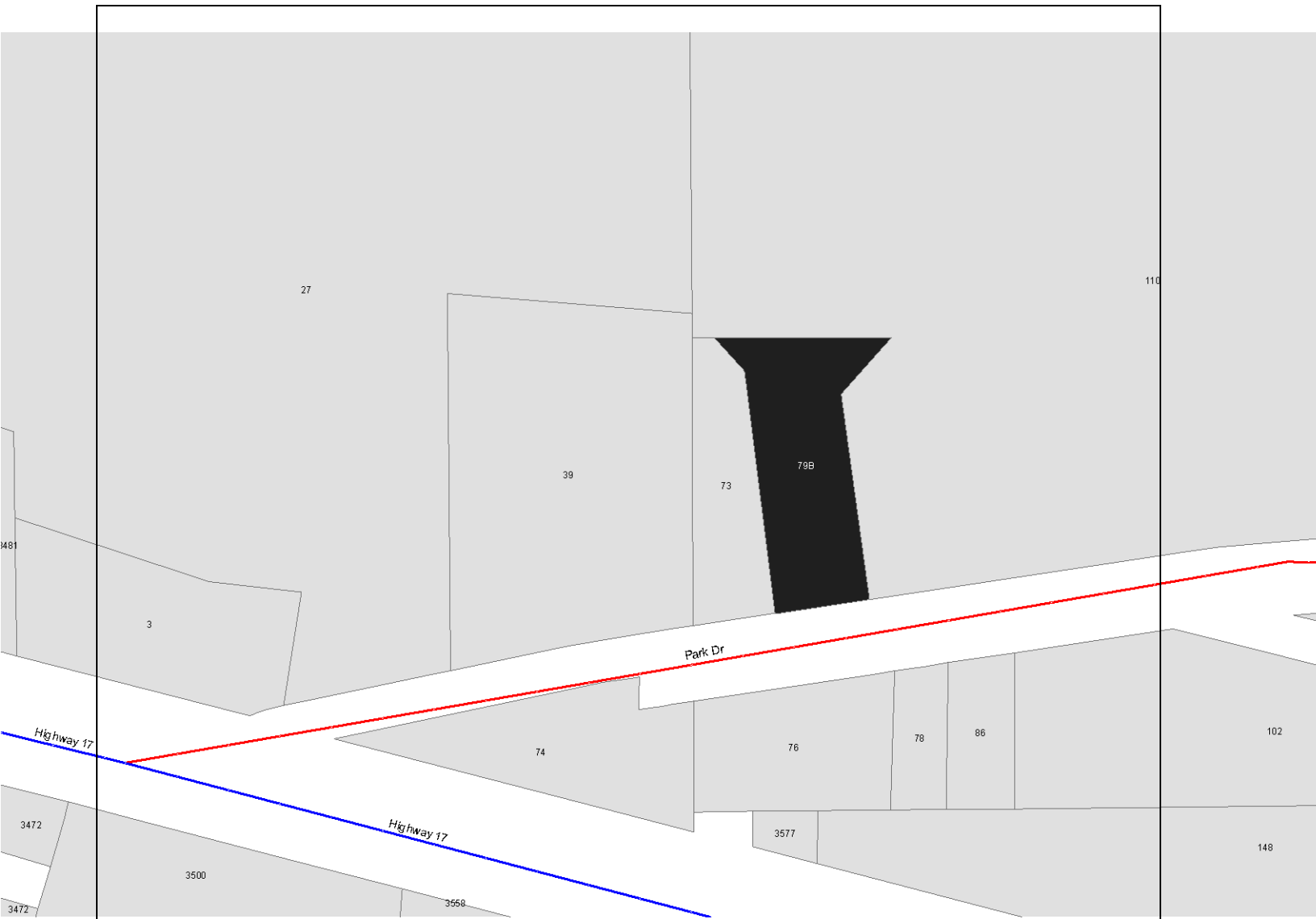
UTM NAD83 ZONE 17
Meters
20 10 0 20
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Data Source: Source Data has been provided by the Ministry of Natural Resources, Google, and the Municipality of Markstay-Warren.



SITE PLAN

Zoning By-law Amendment Application
(Municipality of Markstay-Warren)
Lot 5, Concession 5
in the Township of Awrey
now in the Municipality of Markstay-Warren
Territorial District of Sudbury
being Part 2, Plan 53R-8016
Parcel 35075 S.E.S.
(Roll No. 5208-000-005-066-00)
(SEPB File No. ZBA 25-07MW)



KEY MAP

Zoning By-law Amendment Application
(Municipality of Markstay-Warren)
Lot 5, Concession 5
in the Township of Awrey
now in the Municipality of Markstay-Warren
Territorial District of Sudbury
being Part 2, Plan 53R-8016
Parcel 35075 S.E.S.
(Roll No. 5208-000-005-066-00)
(SEPB File No. ZBA 25-07MW)



Planning Report: **APPLICATION FOR ZONING BY-LAW AMENDMENT**
Report to: **MUNICIPALITY OF MARKSTAY-WARREN**
Meeting Date: May 27th, 2025
Report Date: May 7th, 2025

Applicantss: Daniel Clement and Therese Beland
Owners: Same as Above
Agent/Solicitor: J.L Richards & Associates Limited
File Number: ZBA 25-07MW
Related Files: None
Property Description: Lot 5, Concession 5
in the Township of Awrey
now in the Municipality of Markstay-Warren
District of Sudbury
Being Part 2, Plan 53R-8016
Parcel 35075 Sudbury East Section
(Roll No. 5208-000-000-005-066-00)
79B Park Drive

APPLICATION:

The Sudbury East Planning Board has received a Zoning By-law Amendment application for the property located at 79B Park Drive. The subject property has a lot area of approximately 0.61 hectares and a frontage of 50 metres along Park Drive.

The subject property is located north of Highway 17, approximately 2.3 kilometers east of the intersection of Kukagami Lake Road and Highway 17 East. The surrounding area consists predominantly of rural properties, apart from some residential rural properties situated southwest of Highway 17 and west of Park Drive. To the east of the subject property, there is a mobile home park.

The property currently contains two primary single detached dwellings. According to municipal records, these dwellings were constructed in 1957 and 1983, respectively. Each dwelling has its own septic system (field bed), and both share access to a common well and hydro service. It is understood that the dwelling constructed in 1957 may have originally served as a 'cabin' when this portion of the municipality was considered unorganized territory.

The subject lands are currently zoned **Residential Rural (RR)**. This zoning designation does not permit two single detached residential dwellings on one lot. Therefore, the purpose of this Zoning By-law Amendment is to recognize and legalize the existing use of the property by allowing two principal residential dwellings on the same lot. If approved, this amendment would bring the property into compliance with the current Zoning By-law.

SUBJECT LANDS:

Lot Dimensions:		<u>Lot Area</u>	<u>Lot Frontage</u>
	Lot to be rezoned	0.61 hectares	50 metres
Access:	Publicly Maintained (Municipality of Markstay-Warren) year-round road (Park Drive).		
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well – shared well.		
School Busing:	Available.		
Garbage Collection:	Available.		
Fire Protection:	Available.		
Shore Road Allowance:	Not applicable		

APPLICATION REVIEW AND ANALYSIS:

PROVINCIAL PLANNING STATEMENT, 2024

The Provincial Planning Statement is a policy statement issued under the authority of section 3 of the Planning Act and came into effect on **October 20th, 2024**. The Provincial Planning Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after **October 20th, 2024**.

In respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act.

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government shall be consistent with the Provincial Planning Statement.

The applicant's proposal seeks approval to recognize and legalize the existing use of the property by allowing two principal residential dwellings on the same lot sever a portion of the property. Planning staff are of the opinion that the applicant's proposal would appear to be consistent with the Provincial policies regarding:

2.1 Housing

Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and

2.5 Rural Areas in Municipalities

1. Healthy, integrated and viable rural areas should be supported by:

a) building upon rural character, and leveraging rural amenities and assets;

2.6 Rural Lands in Municipalities

2. Development that can be sustained by rural service levels should be promoted.

3.6 Sewage, Water and Stormwater

4. Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used if site conditions are suitable.

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

GROWTH PLAN FOR NORTHERN ONTARIO, 2010

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario.

Section 3.4.3 Municipalities are encouraged to support and promote healthy living by providing for communities with a diverse mix of land uses, a range and mix of employment and housing types, high-quality public open spaces, and easy access to local stores and services.

Section 4.2.2 Municipalities and planning boards are encouraged to:

- a. align their official plan policies with their long-term community strategies developed in accordance with Policy 4.2.1

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).

2.1.6 Rural Policy Area Policies

1. Rural Policy Areas are intended to protect the natural amenities of the Sudbury East Planning Area as well as to provide opportunities for agriculture and resource-based uses, such as forestry, mining and aggregate operations, **as well as limited residential developments, where appropriate**

2.2.11 Rural

- (1) Lands designated "Rural" shall 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 not appropriate in Community or Village Policy Area, **as well as limited residential developments, where appropriate.**
- (3) **Upon filing an application for a rezoning, the proponent shall submit a study that not only justifies the**

proposed use of land but also demonstrates how the foregoing and any other requirements set out in this Plan will be met.

- (4) In addition to the uses permitted above, service and tourist commercial uses, publicly-owned open spaces, and **limited residential development in the form of single detached dwellings may be permitted in areas designated “Rural” without requiring an amendment to this Plan, but may be subject to a rezoning,** provided the proposed use meets the criteria established herein for Minimum Distance Separation formulae, separation distances from incompatible land uses, etc.

3.2.2 Economic Development

1. The Sudbury East Planning Board and its member municipalities will foster a favourable climate for economic development by:

f) identifying and promoting areas for specific types of development that are key to the economic base of the Planning Area. These include land for **housing**, tourist facilities, commercial and employment development, as well as agriculture.

3.3.2 Transportation

11. Direct access to Local Roads from abutting properties is permitted provided the access point is in a location where there are adequate sight lines considering the topography and the geometric design of the road.

3.4.2 Physical Services

2. **As a third priority, individual onsite systems may be used for development** in the Rural Policy Area and the Waterfront Policy Area subject to the proponent of development demonstrating to the Planning Board, applicable municipality and **local Health Unit** or the Province that the **proposed servicing scheme is feasible and appropriate.**

4.18 Amendments to the Plan

- feasible, consistent with the PPS and has regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines for uses;
- compatible with the surrounding land uses in terms of height, massing, setback, orientation and use in association with all provincial legislation and guidelines;
- capable of being provided with adequate sewage, water and other infrastructure services appropriate for the area in which it will be located;
- cognizant of any specific Official Plan amendment procedures and supporting information requirements as outlined in the policies of this Plan, which will apply in the consideration of the application and the completeness of the application, in accordance with the requirements of the Planning Act;
- suitable for the land on which it will be located; and

- appropriate, if for residential development, given the amount of land available within the urban areas of the municipalities.

Conformity with the Official Plan

The proposed Zoning By-law Amendment to permit two single detached dwellings on the subject property conforms to the policies of the Sudbury East Planning Board Official Plan. The property is designated Rural Policy Area, where limited residential development is permitted, provided it is appropriate and compatible with surrounding uses. The existing development is consistent with this intent, as it consists of low-density residential use in a predominantly rural area. The proposal maintains the character of the area, utilizes existing infrastructure (shared well and hydro, individual septic systems), and demonstrates the feasibility of continued service through individual on-site systems, as supported by Section 3.4.2(2). The development is also compatible with surrounding land uses and has safe access from Park Drive, consistent with Section 3.3.2(11). The amendment brings the property into zoning compliance without necessitating changes to the Official Plan, and aligns with the Plan's broader goals of supporting appropriate rural housing and economic development.

ZONING BY-LAW (BY-LAW 2014-27)

Proposed Zoning: Site-Specific Residential Rural (RR-46) Zone

The subject property at 79B Park Drive is currently zoned Residential Rural (RR), which permits uses such as single detached dwellings, home occupations, home industries, and bed and breakfast establishments. The RR zone, however, does not permit two principal dwellings on one lot. The purpose of the proposed amendment is to establish a site-specific RR zone to recognize and legalize the existing use of the property, which contains two single detached dwellings.

Zoning Compliance

Permissions

The existing use of two detached dwellings has been longstanding, with dwellings constructed in 1957 and 1983 respectively. While not permitted under current RR zoning provisions, the amendment seeks to bring this historical use into compliance by formally recognizing it. All other permitted uses in the RR zone would remain unchanged.

Lot Area and Frontage:

- Required Lot Area (RR zone): 0.8 ha
- Existing Lot Area: 0.61 ha
- Required Lot Frontage (RR zone): 60 m
- Existing Lot Frontage: 50 m

Although the lot does not meet the minimum area and frontage requirements, Section 6.26 of the Zoning By-law provides that legally existing lots with less-than-minimum dimensions are deemed to comply, provided they meet all other provisions. The subject lot qualifies under this provision, as it was legally created and held separately from adjacent parcels.

Lot Coverage and Setbacks:

- Maximum Lot Coverage (RR zone): 10%
- Existing Lot Coverage: 4.6%

The existing buildings — two single detached dwellings and two sheds — collectively result in a lot coverage well below the maximum allowed. All existing setbacks (front yard, side yards, rear yard) and building height conform to the requirements of the RR zone.

Parking Requirements

The Zoning By-law requires two parking spaces per single detached dwelling, with each space having dimensions of 3.0 m by 6.0 m and direct, unobstructed access to the street. Based on a site inspection, the property can accommodate the required parking for both dwellings.

Conformity with the Intent of the Zoning By-law

While the existing two-dwelling configuration is technically not permitted under the current RR zone, the proposal respects the *intent* of the Zoning By-law in the following ways:

- **Rural Character:** The use remains low-density and residential in nature, consistent with the surrounding rural character of the area.
- **Compatibility:** The dwellings have coexisted on the site for decades without land use conflicts. The use is compatible with adjacent residential and rural uses.
- **Minimal Impact:** No new construction or intensification is proposed. The amendment merely formalizes the existing built form and use.
- **Technical Compliance:** The property meets or can meet all other applicable zoning standards, including lot coverage, setbacks, and parking, and qualifies under provisions for undersized lots.

In this context, the amendment is a reasonable, appropriate, and technically sound method of bringing the property into conformity with the Zoning By-law's intent while recognizing a long-standing 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:

Chief Administrative Officer (CAO) and Clerk: no issues.

Fire Department: no concerns.

Manager of Public Works: Whereas the two dwellings share a common driveway, the property address is listed in MPAC as 79B with a mailing address of 79A, note that the driveway address is assigned the address of 79. To be consistent with road and driveway numbering, the dwelling closest to the road would be designated as dwelling A and the dwelling towards the rear of the property is designated as dwelling B.

There is an inconsistency in the measured frontage. The frontage of the property is 45m translating to 147.9 feet. I believe this is a typographical error.

Chief Building Official: no concerns.

PUBLIC CONSULTATION

Notice of the rezoning application was sent to surrounding property owners on May 6th, 2025, 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 have been received from neighbouring property owners.

RECOMMENDATION:

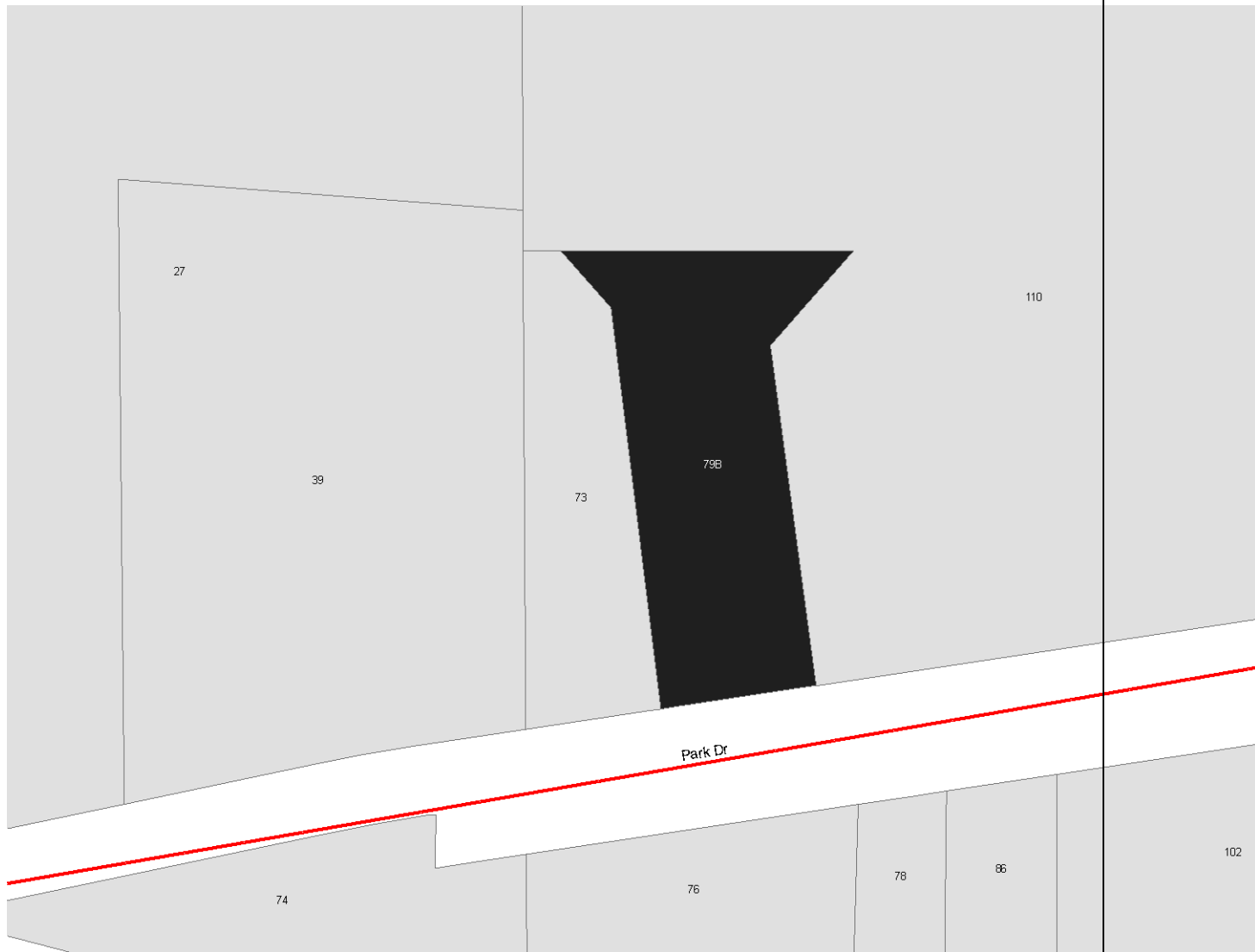
That the Municipality of Markstay-Warren approve application for Zone Change, File Number ZBA 25-07MW, for lands owned by Daniel Clement and Therese Beland, which proposes to change the zoning of lands described as Lot 5, Concession 5, in the Township of Awrey, in the Municipality of Markstay-Warren, and known municipally as 79B Park Drive, from 'Residential Rural Zone (RR)' to the 'Special Residential Rural Zone (RR-46)' to recognize and legalize the existing use of the property by allowing two principal residential dwellings on the same lot on the subject site.

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

Respectfully submitted,

'Matthew Dumont'

Matthew Dumont MCIP, RPP
Director of Planning



This is Schedule “A-1” to By-law 2025-15 of the Municipality of Markstay-Warren, passed this 27th day of May 2025.

Chair / Mayor

Secretary-Treasurer / Clerk



Lands zoned Residential Rural (RR), subject to Special Provision 46 (S46), on Lot 5, Concession 5, in the Township of Awrey, now in the Municipality of Markstay-Warren, Territorial District of Sudbury; being Part 2, Plan 53R-8016, Parcel 35075 Sudbury East Section. (Roll No. 5208-000-005-066-00)

THE MUNICIPALITY OF MARKSTAY-WARREN

BY-LAW 2025-15

Being a By-law to amend Zoning By-law 2014-27, as amended
(Daniel Clement and Therese Beland)

WHEREAS By-law 2014-27 Municipality of Markstay-Warren has been passed, being a Zoning By-law to regulate the use of land and the character, location, and use of buildings and structures, in the Municipality of Markstay-Warren, under the authority of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council for the Municipality of Markstay-Warren may amend such By-law in accordance with the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council for the Municipality of Markstay-Warren has received an application to amend such By-law;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN ENACTS AS FOLLOWS:

1. Schedule A7 (Awrey Township) of By-law 2014-27 of the Municipality of Markstay-Warren, as amended, is hereby further amended by the addition of Special Provision 46 (S46) to the Residential Rural Zone, on Lot 5, Concession 5, in the Township of Awrey, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, being Part 2, Plan 53R-8016, Parcel 35075 Sudbury East Section, and as shown on Schedule "A-1" affixed hereto.
2. Section 8 of By-law 2014-27 of the Municipality of Markstay-Warren is hereby amended by the addition of the following Special Provision:
 46. Notwithstanding any provisions to the contrary of Section 7.6.1 of By-law 2014-27, within the lands zoned Residential Rural (RR), described as Lot 5, Concession 5, in the Township of Awrey, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, being Part 2, Plan 53R-8016, Parcel 35075 Sudbury East Section, the following special provisions shall apply:
 - (i) Permitted Uses:
 - two main/principal residential dwellings on the same lot
3. Schedule "A-1" is hereby declared to form part of this By-law.
4. This By-law shall take effect on the date of passage and come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13.

READ A FIRST AND SECOND TIME this 27th day of May 2025.

CHAIR / MAYOR

SECRETARY-TREASURER / CLERK

READ A THIRD TIME AND FINALLY PASSED this 27th day of May 2025.

CHAIR / MAYOR

SECRETARY-TREASURER / CLERK