



1121 BARTON STREET
THUNDER BAY ON P7B 5N3

P | (807) 623-2500
F | (807) 622-7808
E | info@busetlaw.com

December 16th, 2024

Municipality of Neebing
Attn: Erika Kromm, Clerk
4766 Highway 61
Neebing, ON P7L 0B5

Dear Ms. Kromm:

**RE: Application for Zoning By-law Amendment, Official Plan Amendment, Right-of-Way Easement and Consent to Sever – Albert Kapush Contracting Inc.
Our file no. 23282-5**

We are the lawyers for Albert Kapush Contracting Inc. (“the Applicant”) and we write with respect to the above noted Applications filed by the Applicant. We enclose an Application for a (1) Zoning By-law Amendment; (2) an Application for Consent to Sever; and (3) an Application for a Right-of-Way Easement (the “Applications”). The Applications are for the purpose of permitting the Applicant to build seasonal recreational and permanent dwellings along Lake Superior. The Applications are described in more detail herein.

Overview of Subject Property

The Applicant is the registered owner of the Subject Property. The Subject Property is vacant land and is approximately 400 acres and is all of PIN 62273-0496 (R). It is identified in Plan 55R11303 as Mining Location K-16. Also on Plan 55R11303, identified as Part 1, is a shoreline road allowance along Lake Superior and along the entirety of the Subject Property. It is our understanding that the shoreline road allowance was closed by the Municipality of Neebing (the “Municipality”) sometime after 1998 and that the shoreline road allowance forms part of the Subject Property, which is wholly owned by the Applicant.

The entire Subject Property is currently zoned Extractive Industrial. No aggregate extraction activity has occurred on the Subject Property. More specifically with respect to the Severed Parcel, no aggregate extraction activity has occurred on the same.

Applicant’s Proposal

The purpose of the Applications is to permit the construction of permanent dwellings and/or seasonal recreational dwellings. An overview of the Applications are as follows:

1. Three severances of the Subject Property to create three new lots fronting onto Lake Superior (the “Lots”) with one parcel retained (the “Retained Parcel”). The Lots are collectively referred to herein as the Severed Parcel. The proposed Lots are identified on

the attached Reference Plan as Parts 1, 4, 5 and 6. Parts 1 and 6 would form one parcel and Parts 4 and 5 would be two new parcels.

2. A right-of-way easement (the “Right of Way”) which would run through the Severed Parcel and would connect to Margaret Street at the Southerly limit of the Severed Parcel at such time as the Applicant and Municipality agree to the connection of the Right of Way to Margaret Street. The proposed Right of Way is identified on the attached Reference Plan as Parts 2, 3 and 7.
3. A Zoning By-law Amendment to re-zone the Severed Parcel from Extractive Industrial to Lakefront Residential (LR). No Zoning By-law Amendment is being sought for the Retained Parcel.

Consent to Sever

The effect of the Severances is to permit the Applicant to build residential or seasonal recreational dwellings on the Lots. The lot area and frontage of the proposed Lots are as follows:

	Part 1+ Part 6	Part 4	Part 5	Retained Parcel
Frontage	168 metres	42 metres	42 metres	386 metres
Lot depth	146 metres	120 metres	120 metres	N/A
Lot Area	6 acres	1.20 acres	1.20 acres	390 acres

Zoning By-law Amendment

In conjunction with the Severance and Lot Addition applications, the Applicant is also making an Application for a Zoning By-law amendment for the Lots to permit the construction of permanent residential or seasonal recreational dwellings.

Zoning By-law Amendment

The Applicant is seeking to re-zone the Lots from Extractive Industrial to Lakefront Residential to permit the construction of seasonal recreational and permanent dwellings.

Right of Way Easement

To provide access to the Lots, the Applicant proposes a Right of Way. Parts 4 and 5 would be subject to the Right of Way. The proposed Right of Way would be 20 metres in depth and 316 metres long across the entire Severed Parcel. The Right of Way would also provide access to the Retained Parcel by connecting to the municipally owned road allowance at the Northerly limit of the Severed Parcel. The Right of Way would be 20 metres wide and would run approximately 386 metres along the entirety of the Severed Parcel.

Enclosed with this letter are the Applications along with a draft reference plan.

We trust this provides you with a satisfactory overview of the Applicant’s Applications. If you require more information, please do not hesitate to contact me.

Regards,

BUSET LLP

Per:

A handwritten signature in black ink, appearing to read 'J. Pasquazzo', written over the printed name below.

J. MATTHEW PASCUZZO

Encl.