

The Corporation of the
Municipality of Neebing
4766 Highway 61, Neebing, Ontario P7L 0B5
Telephone: 807-474-5331 Facsimile: 807-474-5332

**APPLICATION FOR AN AMENDMENT TO THE ZONING BY-LAW
OR TO THE OFFICIAL PLAN**

THE APPLICANT CONSENTS TO AN INSPECTION OF THE PROPERTY BY MEMBERS OF THE COMMITTEE OF WHOLE AND BY MUNICIPAL STAFF.

The undersigned hereby applies to the Municipal Council under the Planning Act, R.S.O. 1990, c. P.13, as amended.

THE INFORMATION IN THIS APPLICATION IS COLLECTED FOR THE PURPOSE OF CREATING A RECORD THAT IS AVAILABLE TO THE GENERAL PUBLIC.

OWNER/APPLICANT/AGENT INFORMATION

<p>Owners' Names & Addresses: Albert Kapush Contracting Inc. (Jack Kapush) 1490 Broadway Avenue West, Thunder Bay, ON P7K 1M1</p>	<p>Telephone and/or facsimile: 807-707-9696</p>	<p>Email Address: jackkapush@hotmail.co.uk</p>
<p>1(a) Agent's Name & Address (if an Agent is engaged): Matthew Pascuzzo, Buset LLP 1121 Barton Street, Thunder Bay, ON P7B 5N3</p>	<p>Telephone and/or facsimile: 807-623-2500</p>	<p>Email Address: mpascuzzo@busetlaw.com</p>

PROPERTY/DEVELOPMENT INFORMATION

<p>Property legal description:</p> <p>Registered Plan No. _____</p> <p>Reference Plan No. <u>(Draft attached)</u></p> <p>Concession No. _____</p> <p>Mining Location No. <u>K-16</u></p> <p>Assessment Roll Number: <u>58-01-030-006-35000-0000</u></p>	<p>Lot No. _____</p> <p>Part No. _____</p> <p>Sec. No. _____</p> <p>Municipal Address: _____</p>
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If there are existing easements, rights of way, restrictive covenants, mortgages, or any other encumbrances on the property now, please provide details, including names and addresses of interested parties. If there are none, please indicate so.

Physical Description/Dimensions of the Property: See attached

Frontage: _____ meters Depth: _____ meters
Area: _____ hectares

Number of buildings and structures existing: 0 proposed: 2

(Attach a list of the existing buildings/structures, the dates that each was constructed. Attach a list of the proposed buildings/structures. If any of the buildings are proposed to be demolished/removed as part of the development, indicate which ones. Be sure to include both existing (including any to be removed) and proposed buildings/structures on the diagram, including all set back dimensions and building heights)

Use of the land: existing: Vacant proposed: Residential

Number of years existing use has been ongoing: 50

Year the Applicant purchased the Property: 1976

Official Plan Designation: Rural Existing Zoning: Extractive Industrial

Are you seeking a new Official Plan designation? If so, please indicate what is desired (attach more pages if necessary):

Are you seeking a site-specific Official Plan policy amendment? If so, please indicate what is desired (attach more pages if necessary):

Are you seeking a new Zone? If so, indicate which one: Lakefront Residential (LR)

Are you seeking changes to the Zone Regulations (set-backs)? If so, please indicate the details (attach more pages if necessary):

Frontage:	Current Requirement: _____	Change Sought: _____
Minimum Front Yard:	Current Requirement: _____	Change Sought: _____
Minimum Side Yard:	Current Requirement: _____	Change Sought: _____
Minimum Rear Yard:	Current Requirement: _____	Change Sought: _____
Minimum set back from water:	Current Requirement: _____	Change Sought: _____
Maximum Height:	Current Requirement: _____	Change Sought: _____
Minimum building area:	Current Requirement: _____	Change Sought: _____

Describe in detail what new development is being proposed on this Property. If there is no new development being proposed, describe the reasons for the application:
See attached Schedule "A"

Road Access to the Property See attached for detailed explanation

Provincial Highway	<input type="checkbox"/>	Municipal Road	<input type="checkbox"/>
Private Road	<input type="checkbox"/>	Right of Way	<input checked="" type="checkbox"/>
Water only	<input type="checkbox"/>		

Where access is proposed by water only, indicate on the sketch or below the parking and docking facilities to be used, and the approximate distance of these facilities, as well as the nearest public road, from the subject land.

Describe the parking facilities to be used and the approximate distance of these facilities between the subject land and the nearest public road:

See attached Schedule "A"

Water supply to the Property See attached for detailed description

Privately owned and maintained individual well	<input checked="" type="checkbox"/>
Lake	<input checked="" type="checkbox"/>
Other:	_____

Septic Service to the Property

Privately owned and maintained individual septic system	<input checked="" type="checkbox"/>
Outhouse/privy <input type="checkbox"/>	Communal septic system <input type="checkbox"/>
Other:	_____

NOTE: if the application seeks development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed, a servicing options report and a hydrogeological report must be provided.

Stormwater Drainage:

Storm sewer	<input type="checkbox"/>	Ditches	<input checked="" type="checkbox"/>
Swales	<input type="checkbox"/>	Other:	_____

List any previous or current Planning Act applications that apply to this property. Include the relevant File or Application Numbers. Add additional pages if necessary.
 See attached Schedule "A"

Is any boundary line of the Property within 500 metres of an agricultural operation? Yes No
 Is any boundary line of the Property within 500 metres of a landfill operation? Yes No
 Is any boundary line of the Property within 500 metres of mineral aggregate operations or a pit or a quarry? Yes No
 If yes, will the development hinder continued operations of extraction? Yes No
 Is any boundary line of the Property within 125 metres of a significant wetland? Yes No
 Does any portion of the Property contain habitat of any endangered or threatened species of wildlife (plant or animal)? Yes No

How, in your view, will the proposed development fit in with the other existing land uses in the vicinity of the Property? Add additional pages if necessary.
 See attached Schedule "A"

Describe in detail how your development is consistent with the Provincial Policy Statement issued under Subsection 3(1) of the Planning Act. Attach additional pages if necessary.
 See attached Schedule "A"

- A sketch of the Property must be provided. The plan must be complete, including all elements listed below, have metric dimensions indicated, and be on paper with maximum size 11 x 17 (inches):
- A north arrow, scale and legend;
 - Boundaries of the subject Property, including the area of the Property and the dimensions of each boundary line;
 - Existing and proposed buildings on the property, including building dimensions, distances from lot lines and/or other buildings, and height;
 - Locations of all natural and artificial features (easements, railways, pipelines, hydro transmission lines, highways, watercourses, drainage ditches, banks, slopes, wetlands, wooded areas, wells, septic fields, etc.) that are located on the subject Property and on land adjacent to the subject Property which may affect the application;
 - Nature of the existing uses of each adjacent land parcel (residential, commercial, etc.)

- The proposed development, including area and dimensions of any proposed new lot lines, the sizes and locations of buildings, parking areas (including the dimensions of the spaces and aisles), landscaping, amenity areas, etc.
- If applicable: fire access routes, outdoor equipment and storage, walkways, curbs, fences.
- Existing municipal infrastructure adjacent to the site (roads, lanes, sidewalks, existing entrances, drainage swales, boulevard trees, hydro poles, etc.)
- Location, width and names of all roads within or abutting the subject Property showing whether it is an unopened and/or unmaintained road, a public road, a private road or a right of way.


Provide, on additional pages, any other information you feel may be beneficial to the Municipality in assessing and reviewing this application.

CERTIFICATE OF THE APPLICANT

I/We JACK KAPUSH of
 the Municipality/Township/City of NEEDWIN in the Province of
 Ontario, solemnly declare that the statements contained in this application are true, and I/We make
 this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force
 and effect as if made under oath and by virtue of the Canada Evidence Act.

Jointly and severally (delete if not required) at the
 Municipality/Township/City of Thunder Bay

This 16th day of December, 2021





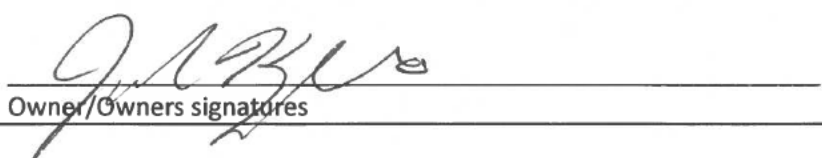
 Commissioner for Taking Affidavits

**JOHN MATTHEW PASCUZZO
 BARRISTER AND SOLICITOR**

If the applicant is a Corporation, the application shall be signed by an Officer of the Corporation and the Corporate seal shall be affixed – or written authorization from the Corporation signed by an individual who has authority to bind the Corporation.

Owner's/Owners' Authorization for an Agent to Make the application on his/her/their behalf/behaves:

I/We authorize Matthew Pascuzzo (name of agent) to act on my/our behalf in submitting this application, which is filed with my/our knowledge and consent.



 Owner/Owners signatures

Dec 16, 2021

 Date

SCHEDULE "A"

Schedule "A"
to
An Application for a Zoning By-law Amendment and Official Plan Amendment
Albert Kapush Contracting, Applicant

A. Physical Description/Dimensions of the Property

The entire Subject Property is approximately 400 hectares. If the severances are approved, the new lots and retained parcel would have the following dimensions:

	Part 1+ Part 6 (Lot 1)	Part 4 (Lot 2)	Part 5 (Lot 3)	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

B. Describe in detail what new development is being proposed on this Property. If there is no new development being proposed, describe the reasons for the application

Retained parcel

The retained parcel is currently vacant, and the Applicant is not proposing any new development on the retained parcel at this time. The intent of the Application is to permit the construction of seasonal recreational dwellings and/or permanent residential dwellings on the severed parcels.

Lot 1

The Applicant does not propose any new development on Lot at this time but is seeking re-zoning to permit the construction of seasonal recreational dwellings or permanent residential dwellings at such time as the Applicant is prepared to do so.

Lots 2 and 3

The Applicant is proposing the construction of one seasonal recreational or permanent residential dwelling on each of Lots 2 and 3.

C. Describe the parking facilities to be used and the approximate distance of these facilities between the subject land and the nearest public road

Lots 2 and 3 will each have their own driveway and parking area. The parking area will be over 20 metres from the Applicant's proposed Right of Way easement, which is how Lots 2 and 3 will be accessed. There is no proposed development requiring parking facilities on Lot 1 or the retained parcel.

D. List any previous or current Planning Act applications that apply to this property. Include the relevant File or Application Numbers.

This Application is made concurrently with an Application for Consent to Sever and an Application for a Right-of-Way easement.

E. Describe in detail how your development is consistent with the Provincial Policy Statement issued under Subsection 3(1) of the Planning Act.

The proposed development is consistent with sections 2.1(6), 2.2(1)(a), 2.1(1)(b)(1) and 2.1(1)(b)(2), 2.5(1)(a), 2.6(1)(b) and (c), 2.6(3), 3.1(1) and 3.6, 3.7, 4.2(1) of the 2024 Provincial Planning Statement (the “PPS”).

1. Section 2.1(6)(a)

Section 2.6(3) provides generally that planning authorities should accommodate a range of development, including housing options. The Applicant’s proposed development would permit the construction of permanent and/or seasonal recreational dwellings, which is consistent with the PPS’ objective of permitting and facilitating more housing options.

2. Section 2.2(1)(a), 2.2.(1)(b)(1) and 2.2(1)(b)(2)

Section 2.2(1)(a) provides generally that planning authorities must provide for an appropriate range and mix of housing options. Section 2.2.(1)(b)(1) sets out that planning authorities can provide for an appropriate range and mix of housing options by permitting and facilitating all housing options, whereas section 2.2(1)(b)(2) permits planning authorities to allow all types of residential intensification.

As the Applicant’s proposal would permit the construction of seasonal recreational dwellings and permanent dwellings, the Application is consistent with the above noted PPS sections in this regard. Additionally, the Applicant is making use of underutilized vacant land to facilitate the development of more housing, consistent with the above noted PPS sections.

3. Section 2.5(1)(a)

This section pertains to rural areas in municipalities. This section of the PPS encourages the support of healthy, integrated and viable rural areas by building upon rural character and leveraging rural amenities and assets.

The Applicant’s proposal is adjacent to an existing subdivision containing residential and recreational dwellings, and thus the Applicant’s proposal would be in conformity with the surrounding lot fabric and make up of the surrounding properties. Rural amenities is not defined in the PPS, but it can be assumed that rural amenities would include large lots with vegetation and close to bodies of water. In that regard, the Applicant’s Application is consistent with the PPS, as the proposed lots are over one acre in area with over 40 metres of frontage fronting onto Lake Superior.

4. Section 2.6(1)(b) and 2.6(1)(c)

Section 2.6 deals with permitted uses of rural lands in municipalities. Those permitted uses include resource based recreational uses and residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services.

As already stated, the Applicant's proposal would permit the development of either permanent residential dwellings or seasonal recreational dwellings, which would be consistent with the above noted sections. While hydrogeological studies have not yet been completed on the severed parcel, the existence of the adjacent subdivision suggests that site conditions on the Applicant's property would also be suitable for development. Further, the lots are large enough to facilitate a conventional septic system and failing the ability to drill individual wells on the proposed lots, water can be taken from Lake Superior for drinking water.

5. Section 2.6(3) and 3.1(1)

These sections specify that development in rural areas in municipalities shall be appropriate to the infrastructure which is planned or available and avoid need for uneconomical expansion of the same.

The Applicant submits that any additional infrastructure will be paid for and maintained by the owners of the new lots. Any new infrastructure will likely take the form of septic systems and systems for potable water, such as wells. There will be no unnecessary expansion of infrastructure and any expansion of the same will not place an undue burden on the municipality.

6. Section 3.6 and 3.7

These sections deal with the provision of sewage, water, stormwater and waste management. More specifically, these sections require that the provision of the above noted services are available and sustainable.

The Applicant submits that any provision of sewage, water, stormwater and waste management will be dealt with in accordance with the relevant regulations related to the same and that any provision of sewage, water, stormwater and waste management will be consistent with the provision of the same services in the adjacent subdivision abutting the Applicant's property.

7. Section 4.2(1)

This section provides for the protection of drinking water. To the best of the Applicant's knowledge, the construction of seasonal dwellings or permanent residential dwellings are unlikely to have an adverse impact on drinking water. Any hydrogeological or water potability studies can be completed by the Applicant through the conditions process or by whomever constructs new dwellings on the Lots through the building approval process.