

# TOWN OF FORT FRANCES

## Committee of Adjustment

### AGENDA - May 19, 2021 5:30 PM

#### MEETING - Held Virtually

#### Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 807-701-5975,,452705820#](#) Canada, Thunder Bay

Phone Conference ID: 452 705 820#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

Page

- |     |  |         |
|-----|--|---------|
| 1.  | <b><u>Call to Order</u></b>                                    |         |
| 2.  | <b><u>Declarations, Municipal Conflict of Interest Act</u></b> |         |
| 3.  | <b><u>Minutes of Previous Meetings</u></b>                     |         |
| 3.1 | April 14, 2021   | 2 - 3   |
| 4.  | <b><u>Committee Applications</u></b>                           |         |
| 4.1 | A6-2021: Application for Consent at Island G734                | 4 - 26  |
| 4.2 | A7-2021: Application for Minor Variance at Island G734         | 27 - 40 |
| 5.  | <b><u>Meeting Close</u></b>                                    |         |

## TOWN OF FORT FRANCES

### MINUTES

### COMMITTEE OF ADJUSTMENT

April 14, 2021

The meeting of Committee of Adjustment of the Town of Fort Frances was Held Virtually on April 14, 2021 from 5:31pm p.m. to 6:00 p.m.

**PRESENT:** Gary Rogozinski (Chair), Charleen Mallory, Donald Taylor, Barry Jackson, Don Eldridge

**ALSO PRESENT:** Cody Vangel, CBO/Municipal Planner, Joanna McQuarrie, Travis Green, Gabe Carpenter, Clare Brunetta

**1. Call to Order**  
5:31pm

**2. Declarations, Municipal Conflict of Interest Act**

2.1 Donald Taylor declared a conflict with Item 4.3

**3. Minutes of Previous Meetings**

3.1 March 17, 2021

- Approved as presented
  - Moved by Barry Jackson, seconded by Don Eldridge

**4. Committee Applications**

4.1 A3-2021: Application for Minor Variance at 908 Kaitlyn Drive

- Cody Vangel provided an overview of the application and supporting documentation
- The applicant had the opportunity to speak to the application
- The Committee engaged in a modest discussion on the matter and asked questions about the application
- No members of the public spoke against the application
- All Committee members present voted in favour of the application subject to the following condition:
  - That the applicant apply for a building permit within two years of approval of the application.

4.2 A4-2021: Application for Minor Variance at Island G669

- Cody Vangel provided an overview of the application and supporting documentation
- The applicant had the opportunity to speak to the application
- The Committee engaged in a modest discussion on the matter and asked questions about the application
- No members of the public spoke against the application
- All Committee members present voted in favour of the application subject to the following conditions:
  - That the applicant apply for a building permit within 2 years of approval of the application for construction of the cabin.
  - That Northwestern Health Unit approval be obtained for sewage/septic prior to constructing the cabin.
  - That a letter be obtained from the Northwestern Health Unit approving the proposed outhouse.

4.3 A5-2021: Application for Consent at 911-921 Keating Avenue

- Cody Vangel provided an overview of the application and supporting documentation
- The applicant had the opportunity to speak to the application
- The Committee engaged in a short discussion on the matter and asked questions about the application
- No members of the public spoke against the application
- Donald Taylor declared a conflict with this item and did not speak to it
- All Committee members present voted in favour of the application subject to the following condition:
  - Payment of the balance of any outstanding taxes and accounts payable, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Municipality.

**5. Information**

5.1 A1-2021 Minor Variance - Withdrawal of Application

**6. Meeting Close**  
6:00pm

\_\_\_\_\_  
Chair, Committee of Adjustment

\_\_\_\_\_  
C. Vangel, Chief Building Official / Municipal Planner  
Secretary to Committee of Adjustment

**Date:** May 19, 2021

**Report To:** Committee of Adjustment

**From:** Cody Vangel, Chief Building Official & Municipal Planner

**Re:** A6-2021: Application for Consent – Island G734

---

**Application Purpose**

An application for consent (lot creation) File A6-2021 has been submitted by authorized agent Edward Holbik on behalf of Canadian National Railway Company. The application proposes to sever an irregular shaped parcel (Part 1 on Ref Plan 48R-3592) and Parts 3, 4 & 5 on Ref Plan 48R-3592.

Part 1 on Ref Plan 48R-3592 will be transferred and is anticipated to be utilized for the construction of a cabin.

Parts 3, 4 & 5 on Ref Plan 48R-3592 will continue to be held by Canadian National Railway Company.

It should be noted for the Committee that Part 2 on Ref Plan 48R-3592 was approved by the Committee of Adjustment to be severed and transferred in 1996.

**Property History**

The Canadian National Railway Company currently uses Part 5 as a railway corridor.

Part 1, 3 and 4 are all vacant.

**The Official Plan**

Due to the current ownership by the CN Railway, the property is currently designated as an Employment Area, even though the Part 1 in question is vacant. Prior to issuing a permit for the construction of a seasonal cabin, and Official Plan amendment would be required to change the land use designation to a Living Area.

**Zoning By-Law**

Current zoning for the Part 1 in question is Seasonal Residential (SR). The following outlines the general provisions for the Seasonal Residential Zone.



#### 4.7 SEASONAL RESIDENTIAL (SR) ZONE

No person shall within a Seasonal Residential (SR) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### 4.7.1 Permitted Uses

- a) Single Detached Dwelling
- b) Sleep Cabin
- c) Home occupation<sup>1</sup>

##### 4.7.2 Regulations for Permitted Use

- |  |                                |
|--|--------------------------------|
| a) Minimum Lot Area                          | 1 ha                           |
| b) Maximum Lot Coverage                      | 10%                            |
| c) Minimum Front Yard and Exterior Side Yard | 30 metres from high water mark |
| d) Minimum Interior Side Yard                | 3 m                            |
| e) Minimum Rear Yard                         | 8 m                            |
| f) Minimum Floor Area for a Dwelling         | 56 m <sup>2</sup>              |
| g) Maximum Height for a Dwelling             | 12 m                           |

Part 1 on Ref Plan 48R-3592 (proposed lot creation) has a lot area of 0.9ha, which falls short of the required 1.0ha. The applicant has submitted a subsequent Minor Variance application to request relief from Section 4.7.2.a for reduction in lot area from 1.0ha to 0.9ha.

The applicant has also submitted the following relief requests within the subsequent minor variance application:

- 4.7.2.c - requires minimum front yard of 30m. Proposed application request reduction to 25m
- 3.2 - requires main use (cabin) prior to accessory buildings. Proposed application requests outhouse and sauna prior to constructing main cabin.

#### Provincial Policy Statements

The proposed severed portion of land including the proposed use appears to not conflict the [Provincial Policy Statement 2020](#).

#### Divisional Comments

Fort Frances Power Corporation: No comments received.

Fort Frances Fire Rescue: No comments received.

Fort Frances Operations & Facilities: No concerns noted.

Fort Frances Planning & Development:

- Minor variance subsequent to this application to be considered for lot size reduction and additional relief requests
- Official Plan amendment required prior to issuing building permit
- Health unit approval for septic required

## **Other**

If the Committee of Adjustment wish to impose conditions on the consent, Subsection 53(41) of The Planning Act states the following:

### **A. Conditions not fulfilled**

*(41) If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfil the conditions until the expiry of one year from the date of the order of the Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33). 2017, c. 23, Sched. 5, s. 100 (6).*

Additionally, applicants shall be aware of the following regarding consent application in Subsection 53(43) of The Planning Act:

### **B. Lapse of consent**

*(43) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent. 1994, c. 23, s. 32.*

## **Sample Conditions**

The Committee of Adjustment may wish to impose conditions on the consent including but not limited to the following:

- Payment of the balance of any outstanding taxes and accounts payable, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Municipality.
- That the Municipal Planner be provided with the legal description of the severed property for the issuance of the Certificate of Official.
- That an application to amend the Official Plan designation from an Employment Area to a Living Area for the subject land is received and approved by Town Council
  - o This may be completed as a condition, or afterwards prior to construction.

## **Summary**

Administration acts as an advisory body to the Committee of Adjustment. Comments received are provided in the form of information to assist the Committee.

The Planning Act sets the standard to which provincial interests, provincial and local policies and goals are implemented. Accordingly, review of the application to consider the following:

- Conform to Subsection 51(24) as required by Subsection 53(12) of The Planning Act.
- Conform to the Town of Fort Frances Official Plan.

- Conform to the Provincial Policy Statements as required by Subsection 3(1) of The Planning Act.

Should the Committee of Adjustment find it appropriate to approve this application, the previously noted conditions have been recommended.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Cody Vangel', with a stylized, flowing script.

Cody Vangel  
Chief Building Official & Municipal Planner



## Town of Fort Frances

## Application for Consent Section 53 of the Planning Act

### Notes to Applicant:

In this form the term "subject" land means the land to be severed and the land to be retained.

One application is required for each transaction (as identified in section 3.1).

Measurements are to be in metric units.

### Legislation information relative to a Consent:

1. In considering an application, the Committee of Adjustment shall have regard to matters described under Subsection 51(4) being whether the application is physically suitable, compatible with the surrounding land uses, premature, etc.)
2. The Committee of Adjustment may impose conditions of approval if considered appropriate and the conditions must be fulfilled before the Certificate is issued.

### Completeness of the Application:

**Black arrows (►)** located on the left side of the Section numbers indicates information that **must** be provided by the applicant. This information is prescribed in the Schedule to Ontario Regulation 197/96 made under The Planning Act. The mandatory information must be provided with the appropriate fee. If the mandatory information and fee are not provided, the application will be returned or further consideration refused until the information and fee have been provided.

The application form also sets out other information that will assist the Committee of Adjustment and others in their evaluation of the application. To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. Consequently, the application may be refused.

An application is considered to be received by the Planning Department on the date it is received with sufficient information and the correct fee.

### Submission of the Application:

Your submission should include:

- ☐ The original and Twelve (12) copies of completed application including site plan with all information as set out in Section 8.
- ☐ Any registered plans and reference plans for the subject property.
- ☐ Such other material as may be determined for the specific application.
- ☐ The applicable fee as indicated in the current Town of Fort Frances User Fee By-Law.

### For Help:

Cody Vangel  
Chief Building Official, Municipal Planner  
Sec. Treas. Committee of Adjustment  
Town of Fort Frances  
320 Portage Avenue  
Fort Frances, ON P9A 3P9  
Phone – 274-5323 ext. 1216  
Fax – 274-8479  
Email – [cvangel@fortfrances.ca](mailto:cvangel@fortfrances.ca)



**FORTFRANCES**  
BOUNDLESS  
APPLICATION FOR CONSENT

FOR OFFICE USE ONLY			
File Number: <b>A6 - 2021</b>			
Property: <b>Part of island G 734</b>		Roll #: <b>5912 010 001 180 00</b>	
Date Application Received: <b>Apr. 27, 2021</b>		Date Fee Received: <b>Apr. 27, 2021</b>	
Date Application Complete: <b>Apr. 27, 2021</b>		Receipt #:	Application Fee: \$ <b>585.15</b>

**Please Print and Complete or ( ✓ ) Appropriate Box(es)**

**1. Applicant Information**

▶ 1.1	Name of Applicant <b>EDWARD JOSEPH HOLBIK</b>	Home Telephone No. <b>807 939 1280</b>	Business Telephone No. <b>705 507 3563</b>
	Address <b>2155 WHITEGATES DRIVE THUNDER BAY ONTARIO</b>	Postal Code <b>P7K-1G2.</b>	
▶ 1.2	Name of Owner(s) (If different from the applicant). An owner's authorization is required in Section 11.1 if the applicant is not the owner.		
	Name of Owner(s) <b>CANADIAN NATIONAL RAILWAY COMPANY</b>	Home Telephone No.	Business Telephone No.
	Address <b>1 ADMINISTRATION RD P.O. BOX 1000 CONCORD VAUGHAN ONTARIO</b>	Postal Code <b>L4K 1B9.</b>	
1.3 Please indicate to whom all communications should be sent:		<input checked="" type="checkbox"/> Owner	<input checked="" type="checkbox"/> Agent

*Note: If this application is being submitted by an agent on behalf of the Property Owner, the owner's written authorization must accompany the application. If the applicant is a corporation acting without agent, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.*

**2. Location of Subject Land (Severed and Retained) Complete Applicable Boxes in Section 2.1**

▶ 2.1	Municipality <b>Fort Frances</b>		Township	Property Roll No. <b>5912 010 001 18000</b>
	Property descriptor: <b>G 734</b>	Lot/Section No.	Part No. <b>PART 1 PART 5</b>	Reference Plan No.
	Other Information (parcel #, etc.) <b>MINING LOCATIONS ISLAND G734 RAINY RIVER RAINY LAKE DISTRICT</b>			Registered Plan No. <b>48R 3592</b>
▶ 2.2	Are there any easements or restrictive covenants affecting the subject land?			
	If Yes, describe each easement or covenant and its effect			
▶ 2.3	Is there a mortgage or other encumbrance on title to the subject land?			
	If Yes, provide name, full mailing address and contact information of encumbrance holder			



### 3. Purpose of this Application

- 3.1 Type and purpose of proposed transaction ( X appropriate box):
- Transfer ☒ Creation of a new lot    ☐ Addition of a lot (see also 3.3)    ☐ An easement /encroachment agreement
- Other ☐ A charge    ☐ A lease    ☐ Correction of title
- ☐ Other purpose \_\_\_\_\_
- 3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged  
**EDWARD JOSEPH HOLBIK.**
- 3.3 If a lot addition, identify the lands to which the parcel will be added. Also show on accompanying sketch.

### 4. Existing or Proposed servicing information regarding the subject land.

		(complete each section)	Severed	Retained
► 4.1 Dimensions	Frontage (m) (# of ft x .3048)			
	Depth (m) (# of ft. x .3048)		SEE PART 1	PART 5
	Area (ha.) (# of acres x .4047)			
► 4.2 Use of Property	Existing Use(s)		NONE	RAILWAY LINE
	Proposed Use(s)		SEASONAL RESIDENTIAL	NO CHANGED PROI
► 4.3 Buildings or Structures	Existing		NONE	NONE
	Proposed		SEASONAL RESIDENTIAL	NONE
► 4.4 Access ( ✓ appropriate space)	Provincial Highway (secondary or primary)			
	Municipal Road (maintained all year)			
	Municipal Road (seasonally maintained)			
	Other Public Road			
	Right of Way			
► 4.5 Water Supply ( ✓ appropriate space)	Publicly owned & operated piped water system			
	Privately owned & operated individual well			
	Privately owned & operated communal well			
	Lake or other water body		✓	
	Other means			
► 4.6 Sewage Disposal ( ✓ appropriate space)	Publicly owned & operated sanitary sewage system			
	Privately owned & operated individual septic tank*			
	Privately owned & operated communal septic system			
	Privy			
	Other means	submit application SEPTIC/SEWAGE PERMIT.		
		*A certificate of approval from the local Health Unit or Ministry of the Environment and Energy submitted with this application will facilitate the review.		
► 4.7 Other Services ( ✓ if service is available)	Electricity			
	School Bussing			
	Garbage Collection			

- 4.8 If access to the subject land is by private road, or if "other public road" or "right of way" was indicated in section 4.4 above, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.

## 5. Land Use

- 5.1 What is the existing Official Plan designation(s), if any of the subject land? EMPLOYMENT
- 5.2 What is the zoning, if any, of the subject land? SEASONAL RESIDENTIAL
- 5.3 Are any of the following uses or features on or adjacent to the subject land. (X appropriate boxes if any apply)

Use or Feature	On subject land	Adjacent to subject land
An agricultural operation		
A landfill		
An industrial or commercial use (specify uses)		
An active railway line		X
A Municipal Airport		

## 6. History of the Subject Land

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act?

☒ Yes ☐ No ☐ Unknown

If Yes, and if known, provide the Ministry or Municipal Application file number and the decision made on the application

B8/96 REJECTED

B9/96 APPROVED.

- 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

PREVIOUS DECISION IN 1996 WAS REJECTED DUE TO POOR SITE CONDITIONS MAKING IT INCAPABLE OF SUSTAINING A CLASS IV SEWAGE SYSTEM AS PER NORTH WESTERN HEALTH UNIT COMMENTS.

- 6.3 Has any land been severed from the parcel originally acquired by the owner of the subject land?

☐ No ☒ Yes

If yes, provide for each parcel severed the date of transfer, the name of the transferee and the land use.

SEIG SCHEDULE "A" PART 2 96-12-16 SURVEY.

## 7. Current Applications

- 7.1 Is the subject land currently the subject of a proposed Official plan or Official Plan amendment, Zoning By-Law amendment, a minister's zoning order, a minor variance, an approval or a plan of subdivision or a consent?

☒ Yes ☐ No ☐ Unknown

If yes and if known, specify the appropriate file number and status of the application.

File number to be assigned



## 8. Sketch

- 8.1 The application shall be accompanied by a sketch showing:
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
  - (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
  - (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
  - (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
  - (e) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
    - i. are located on the subject land and on land that is adjacent to it, and
    - ii. in the applicant's opinion, may affect the application;
  - (f) the current uses of land that is adjacent to the subject land (*for example, residential, agricultural or commercial*);
  - (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
  - (h) if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and
  - (i) the location and nature of any easement affecting the subject land.

## 9. Other Information

- 9.1 Is there any other information that you think may be useful to the Committee of Adjustments for the Township or other agencies in reviewing this application? If so, explain below or attach a separate sheet.

## 10. Signature and Statutory Declaration

- 10.1 Signature and Statutory Declaration of Applicant

I, EDWARD JOSEPH HOLBIK of the Town of FORT FRANCES ONT  
In the DISTRICT of RAINY RIVER, make oath and say OR solemnly declare that the  
all of the above statements contained herein and all exhibits and supporting documentation submitted and attached  
hereto are true, and I 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.

Sworn/Declared before me at the Town of Fort  
Frances, in the District of Rainy River, this 23rd  
day of April, 2021

Commissioner for Oaths, etc.

[Signature]  
Applicant

**JOHN AUGUST DE BAKKER**  
Barrister, Solicitor & Notary Public  
In and for the Province of Ontario.  
My commission is of unlimited duration.



## 11. Notice of Collection – Municipal Freedom of Information and Protection of Privacy Act

- 11.1 Personal information collected on this form is collected under the authority of the *Planning Act*, R.S.O. 1990 as amended, and will be used to assist in making a decision on this matter. All names, addresses, opinions and comments will be made available for public disclosure. Questions regarding the Municipal Freedom of Information and Protection of Privacy Act should be forwarded to: Town Clerk, c/o Town of Fort Frances, 320 Portage Avenue, Fort Frances, Ontario P9A 3P9, Telephone (807) 274-5323, Ext. 236.

## 12. Owner's Authorization and Consent

- 12.1 This form must be used in all cases where individual(s) are being authorized on behalf of the owner to file an application and to act on behalf of the owner of property that is the subject of the application. Some instances where this authorization will be required are: where a solicitor is acting for an owner; where an agent is acting for an owner; where one owner is acting on behalf of other joint owners; where one owner with a percentage interest in a property is acting for other owners with a whole or percentage interest in a property; where a single spouse only has signed the application. Anyone having an interest in the property must provide a signed authorization. This form, or separate individual copies of this form must be appended to and duly executed by any and all owners of the property that is the subject of this application.

### Authorization to Applicant and Consent to Use and Disclosure of Personal Information

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ am the owner of the land that is the subject of this application and, as evidenced by my signature below, I hereby authorize \_\_\_\_\_ to make this application on my behalf and further to provide any of my personal information that will be included in this application or collected during the processing of the application.

SEE "LETTER" OF AUTHORIZATION - MARCH 8, 2021

Date

Signature of Owner

A File Number will be assigned by the Secretary for the Committee of Adjustment, which will be used in all communication.

### Applicant's Checklist: Have you remembers to attach


- ☐ 1 copy of completed application form
- ☐ 1 copy of sketch
- ☐ 2 copies of Certificate of Approval from Northwestern Health Unit or Ministry of Environment and Energy (if applicable)
- ☐ Application Fee by cash, certified cheque or money order

### Forward to:

Town of Fort Frances  
Committee of Adjustment  
320 Portage Avenue  
Fort Frances, On. P9A 3P9

JOHN AUGUST DE BAKKER  
Barrister, Solicitor & Notary Public  
in and for the Province of Ontario  
My commission is of unlimited duration

## SKETCH SHEET

Outline area to be severed in **GREEN** or 

Outline area to be retained in **RED**

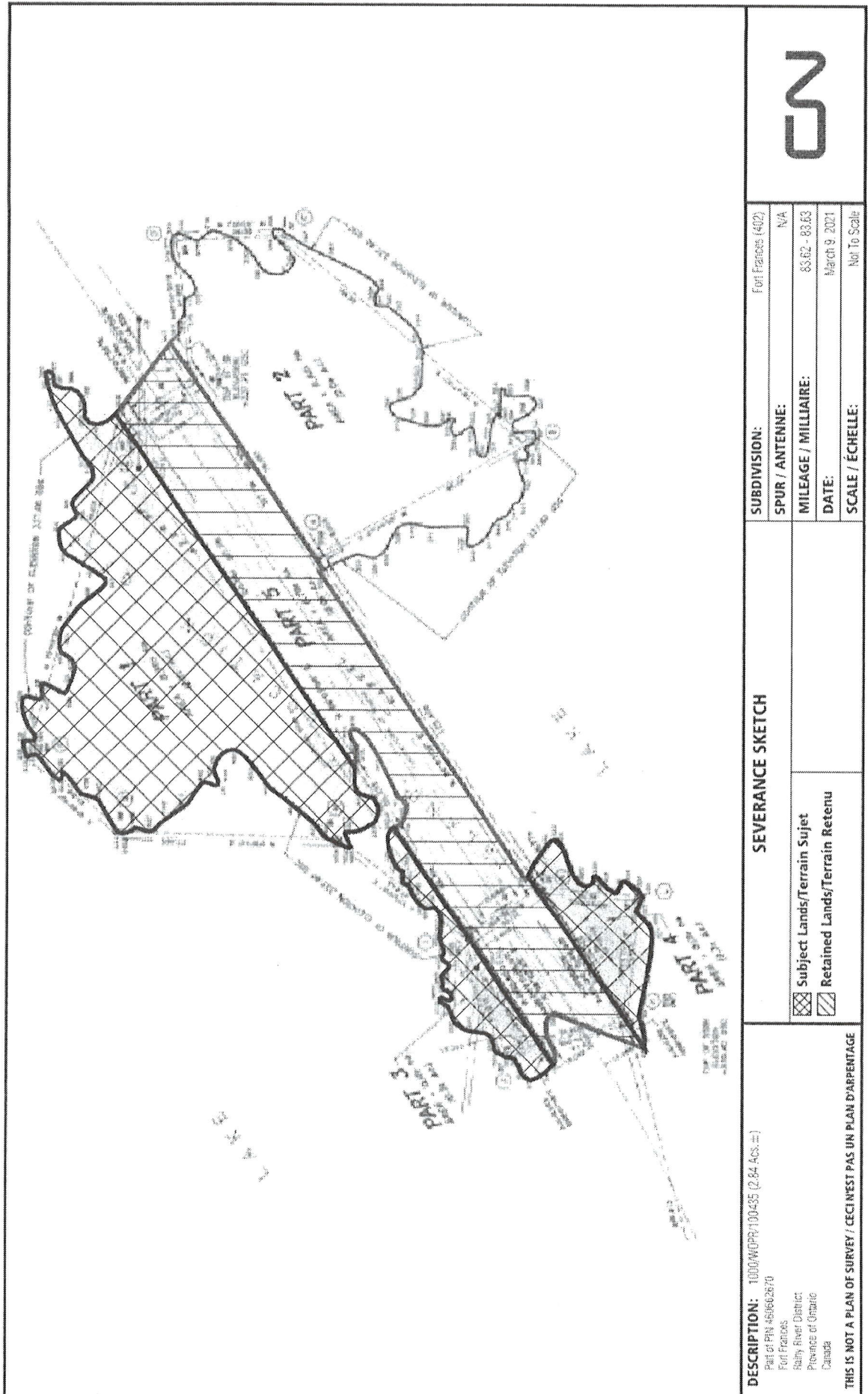
---

Sketch accompanying Application. (Use metric Units) (See Section 8)

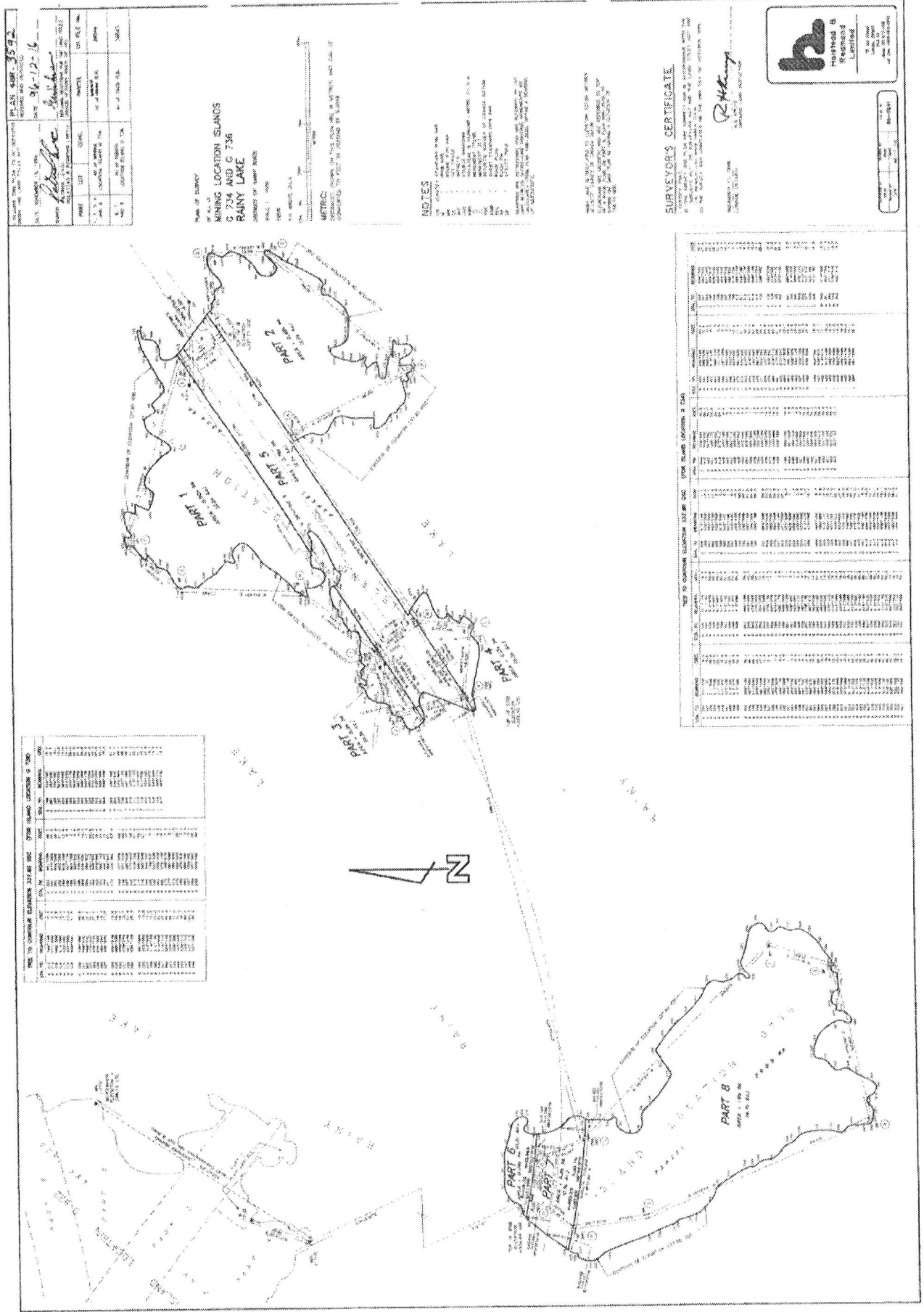
SEE SCHEDULE A

▲  
N

# SCHEDULE A / ANNEXE A







## LETTER OF AUTHORIZATION

**TO:** Town of Fort Frances

**DATE:** March 8, 2021

We, **Canadian National Railway Company**, of the **City of Vaughan**, hereby authorize and instruct, **Edward Holbik** to submit an application for the severance of the property described as Mining Location Island G734, Rainy Lake, Rainy River District, in the province of Ontario, being Parts 1, 3 and 4 of 48R3592 as shown crosshatched on Schedule "A" attached hereto of which we are the Registered Owner; and to appear on behalf of Canadian National Railway Company at any hearings with respect to such a severance application, and this shall be our good and sufficient authority to act on our behalf.

**CANADIAN NATIONAL RAILWAY COMPANY**

Signed: \_\_\_\_\_

  
Ernie Longo  
Real Estate Manager

I have authority to bind the Corporation.

## LETTER OF AUTHORIZATION

**TO:** Northwest Health Unit

**DATE:** March 8, 2021

We, **Canadian National Railway Company**, of the **City of Vaughan**, hereby authorize and instruct, **Edward Holbik** to submit an application for a Septic/Sewage Permit on the property described as Mining Location Island G734, Rainy Lake, Rainy River District, in the province of Ontario, being Parts 1, 3 and 4 of 48R3592, as shown crosshatched on Schedule "A" attached hereto of which we are the Registered Owner; and to appear on behalf of Canadian National Railway Company at any hearings with respect to such a severance application, and this shall be our good and sufficient authority to act on our behalf.

**CANADIAN NATIONAL RAILWAY COMPANY**

Signed: \_\_\_\_\_

  
Ernie Longo  
Real Estate Manager

I have authority to bind the Corporation.

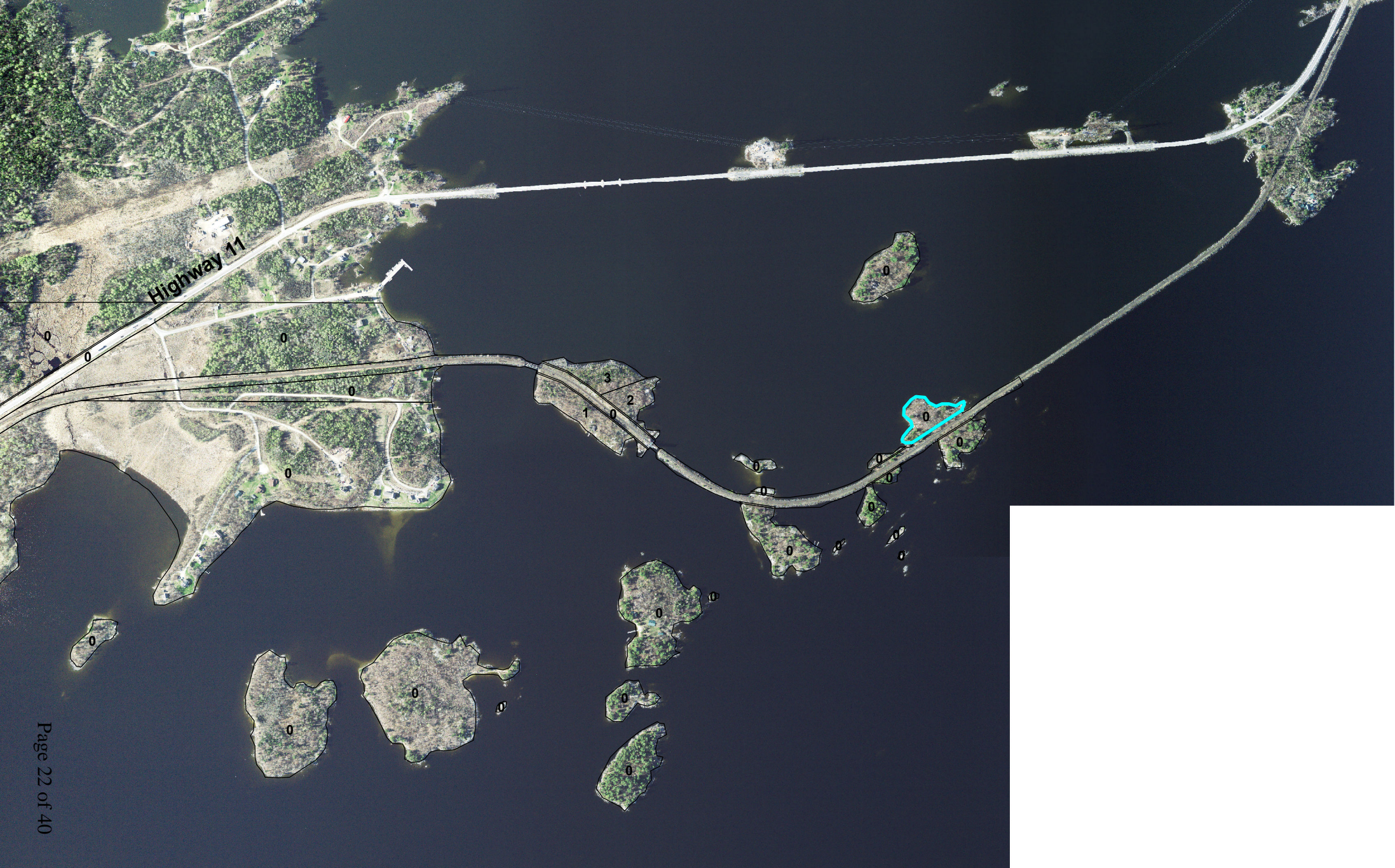














## LETTER OF AUTHORIZATION

**Town of Fort Frances**

**March 8, 2021**

**Canadian National Railway Company**, **City of Vaughan**, hereby authorize and instruct, **Edward Holbik** to submit an application for the severance of the property described as Mining Location Island G734, Rainy Lake, Rainy River District, in the province of Ontario, being Parts 1, 3 and 4 of 48R3592 as shown crosshatched Schedule "A" attached hereto of which we are the Registered Owner; and to appear on behalf of Canadian National Railway Company at any hearings with respect to such a severance application, and this shall be our good and sufficient authority to act on our

### CANADIAN NATIONAL RAILWAY COMPANY

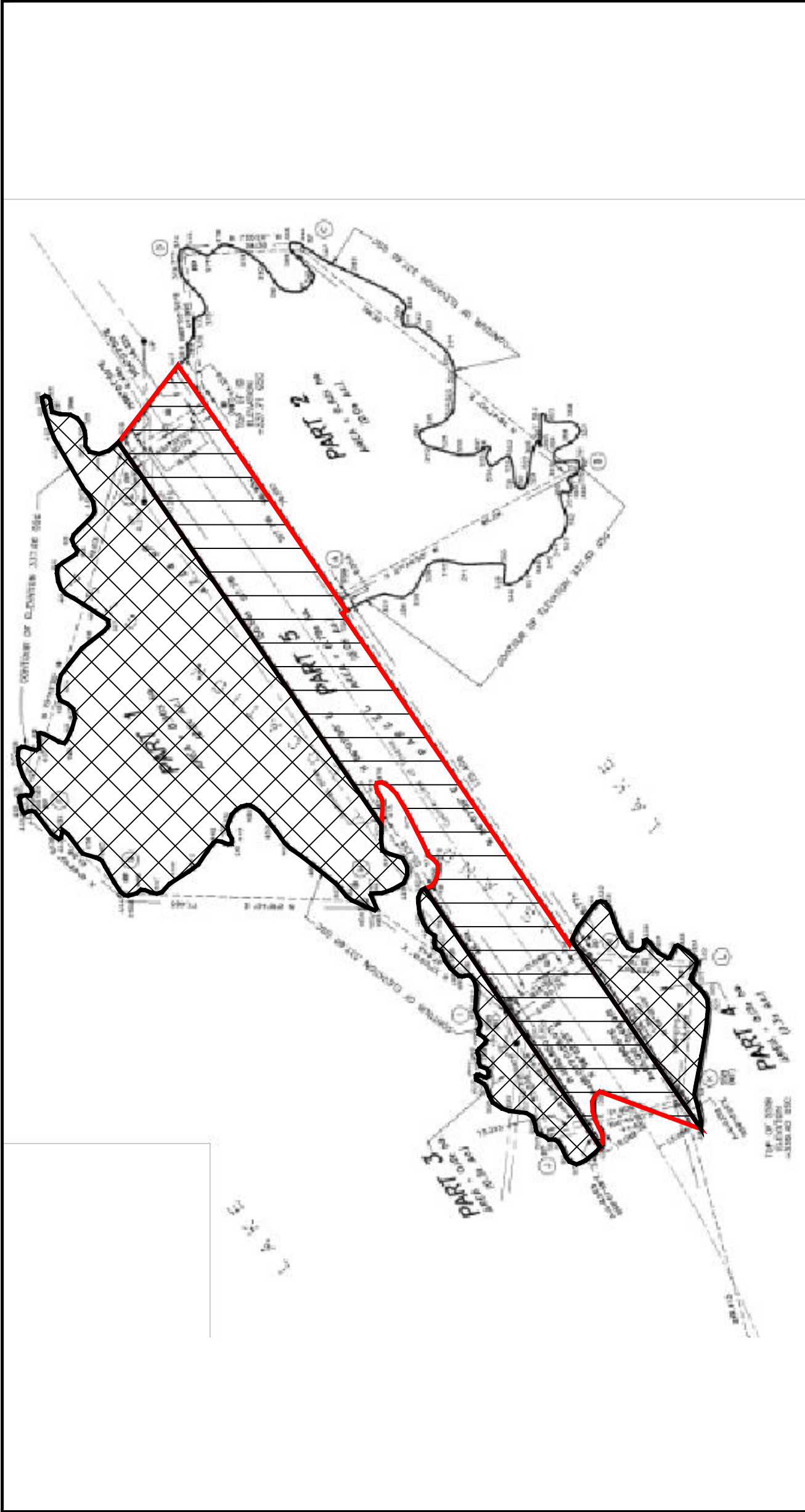
Signed: \_\_\_\_\_



Ernie Longo  
Real Estate Manager

I have authority to bind the Corporation.

SCHEDULE A / ANNEXE A



<b>DESCRIPTION:</b> 1000/WOPR/100435 (2.84 Acs.±) Part of PIN 460662670 Fort Frances Rainy River District Province of Ontario Canada		<b>SEVERANCE SKETCH</b>		<b>SUBDIVISION:</b> Fort Frances (402)	
		<div><div></div> Subject Lands/Terrain Sujet</div> <div><div></div> Retained Lands/Terrain Retenu</div>		<b>SPUR / ANTENNE:</b> N/A	
<b>MILEAGE / MILLIAIRE:</b> 83.62 - 83.63					
<b>DATE:</b> March 9, 2021					
<b>SCALE / ÉCHELLE:</b> Not To Scale					
<b>THIS IS NOT A PLAN OF SURVEY / CECI N'EST PAS UN PLAN D'ARPENTAGE</b>					




## LETTER OF AUTHORIZATION

**Northwest Health Unit**

**March 8, 2021**

**Canadian National Railway Company, City of Vaughan**, hereby authorize and instruct, **Edward Holbik** to submit an application for a Septic/Sewage Permit on the property described as Mining Location Island G734, Rainy Lake, Rainy River District, in the province of Ontario, being Parts 1, 3 and 4 of 48R3592, as shown crosshatched Schedule "A" attached hereto of which we are the Registered Owner; and to appear on behalf of Canadian National Railway Company at any hearings with respect to such a severance application, and this shall be our good and sufficient authority to act on our

**CANADIAN NATIONAL RAILWAY COMPANY**

Signed:  \_\_\_\_\_

Ernie Longo  
Real Estate Manager

I have authority to bind the Corporation.



**Date:** May 19, 2021

**Report To:** Committee of Adjustment

**From:** Cody Vangel, Chief Building Official & Municipal Planner

**Re:** A7-2021: Minor Variance Application – Island G734

---

**Application Purpose**

An application for minor variance (File A7-2021) has been submitted by has been submitted by authorized agent Edward Holbik on behalf of Canadian National Railway Company requesting a minor variance related to accessory buildings proposed for the property, lot line setbacks for the main structure and lot area.

Section 3.2 of the Zoning By-Law requires that the accessory buildings cannot be constructed prior to the principle building, structure or use being in existence on the lot. The applicant is requesting relief from this provision to allow the construction of an outhouse and sauna prior to constructing the main use as a cabin in the future.

Section 4.7.2.a of the Zoning By-Law required a minimum lot area of 1.0ha for the Seasonal Residential Zone (SR). The applicant is requesting relief from this provision to allow a lot area of 0.9ha.

Section 4.7.2.c of the Zoning By-Law also requires a 30m setback from the high water level for the main use (cabin). The applicants are requesting relief from the 30m setback to have it reduced to 25m.

**Property History**

Information contained on file does not indicate any prior building permits being issued.

The subject property is part of a subsequent Consent Application (File A6-2021), being Part 1 on Ref Plan 48R-3592.

**Official Plan**

Due to the current ownership by the CN Railway, the property is currently designated as an Employment Area, even though the Part 1 in question is vacant. Prior to issuing a permit for the construction of a seasonal cabin, and Official Plan amendment would be required to change the land use designation to a Living Area.

## **Zoning By-Law 03/14**

### **YARD, FRONT**

A **yard** extending across the full width of the **lot** between the **front lot line** and the nearest wall of any **building** or **structure** on the **lot** for which the yard is required. On islands where there is only one **lot**, all yards shall be considered as the **front yard**.

### **3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES**

Accessory **buildings** or **structures**, are permitted in any **yard**, in any **zone**, subject to the provisions of this By-law for the particular **zone** in which said **building**, **structure**, or **use** is located, provided the principle building, structure or use is already in existence on the lot<sup>1</sup>, and provided that the accessory **building**, **structure** or **use**:

#### **3.31 SETBACKS FROM NAVIGABLE AND NON-NAVIGABLE WATERCOURSES, HAZARD LAND AND MUNICIPAL SURFACE DRAINS**

Notwithstanding any other provisions of this By-law, a **building** in any zone is required to be no closer than 15 metres from the top of the bank of any **watercourse**, or municipal drainage ditch permanent or intermittent, which may or may not be navigable. In the case of **hazard lands**, no part of any **building** shall be constructed closer than 15 metres to the nearest point of the area to which the hazardous condition is deemed to exist.

### **4.7 SEASONAL RESIDENTIAL (SR) ZONE**

No **person** shall within a Seasonal Residential (SR) **Zone**, **use** any land or erect, alter or **use** any **building** or **structure** except in accordance with the following:

#### **4.7.1 Permitted Uses**

- a) Single Detached Dwelling
- b) Sleep Cabin
- c) Home occupation<sup>1</sup>

#### **4.7.2 Regulations for Permitted Use**

- |   |                                |
|---|--------------------------------|
| a) Minimum <b>Lot Area</b>                                    | 1 ha                           |
| b) Maximum <b>Lot Coverage</b>                                | 10%                            |
| c) Minimum <b>Front Yard</b> and<br><b>Exterior Side Yard</b> | 30 metres from high water mark |
| d) Minimum <b>Interior Side Yard</b>                          | 3 m                            |
| e) Minimum <b>Rear Yard</b>                                   | 8 m                            |
| f) Minimum Floor Area for a Dwelling                          | 56 m <sup>2</sup>              |
| g) Maximum <b>Height</b> for a Dwelling                       | 12 m                           |



### **Divisional Comments**

Fort Frances Power Corporation: No comments received.

Fort Frances Fire Rescue: No comments received.

Fort Frances Operations & Facilities: No concerns noted.

Fort Frances Planning & Development:

- Minor variance subsequent to this application to be considered for lot size reduction and additional relief requests
- Official Plan amendment require prior to issuing building permit
- Health unit approval for septic required

### **Sample Conditions**

The Committee of Adjustment may wish to impose conditions on the minor variance including but not limited to the following:

- That the owner/applicant apply for a building permit within an agreed upon duration of time upon approval of the application for construction of the cabin.
- That Northwestern Health Unit approval be obtained for sewage/septic prior to constructing the cabin.

### **Summary/Recommendation:**

Administration acts as an advisory body to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

Section 45(1) of the Planning Act gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

The four tests are:

1. The application maintains the general intent and purpose of the Town of Fort Frances Official Plan
2. The application maintains the intent of the zoning by-law;
3. The requested variance represents appropriate development of the land; and
4. The requested variance is minor.

Should the Committee of Adjustment find it appropriate to approve this application, the previously noted conditions have been recommended.

Respectfully submitted



Cody Vangel

Chief Building Official & Municipal Planner

## **APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

For applying under Section 45 of the Planning Act, R.S.O., 1990 (as revised)

---

It is the responsibility of the owner or authorized agent to provide complete and accurate information. This form will not be accepted as an application until such time as all questions have been answered and all requirements have been met in the manner requested herein. Please read the following carefully:

- APPLICATION:** One copy of the application is to be submitted to the Office of the Municipal Planner/Secretary-Treasurer of the Committee of Adjustment. Information to be provided is as set out in Ontario Regulation #200/96 of the Planning Act, R.S.O. 1990 (as revised). Therefore all questions must be answered in full detail or the application will not be accepted for processing.
- FEE:** The fee as set out in the User Fee By-Law is accepted in cash, cheque or debit and are payable to the Town of Fort Frances.
- OWNERSHIP:** Proof of Ownership is to accompany each application. Acceptable proof includes copy of current tax bill, deed or parcel register, etc. If more than one person own the subject lands, the application must be submitted under all names, and all parties are required to sign either the application form or an Authorization Form.
- AUTHORIZATION:** All agents must file an Authorization Form signed by all registered owners when filing on their behalf. All owners and/or agents must sign the Declaration as well. Failure to comply with this requirement will result in a delay.
- COMMISSIONERS' SIGNATURE** All applications **MUST** be signed before a Commissioner for taking Oaths. If more than one owner, all owners or the authorized agent must sign before the Commissioner. The Clerk, Deputy-Clerk and Treasurer are Commissioners for Taking Oaths.
- PLANS:** All drawings submitted must be clear and legible and must show the following:
- a. The boundaries and dimensions of the subject land
  - b. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from all lot lines, as well from each other.
  - c. The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks, etc.
  - d. The current uses on the land that is adjacent to the subject land.
  - e. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or right of way.
  - f. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
  - g. The location and nature of any easement affecting the subject land.

**If full size drawings are submitted, a copy reduced to no less than 8½" x 14" is also required and must be suitable for reproduction. Completed applications will also be accepted in PDF format.**

**Applicant shall be present or have representation during the meeting to allow for any questions by the Committee of Adjustment to be answered. Conference call will be made available if needed.**

**APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**  
For applying under Section 45 of the Planning Act, R.S.O., 1990 (as revised)

It is the responsibility of the owner or authorized agent to provide complete and accurate information. This form will not be accepted as an application until such time as all questions have been answered and all requirements have been met in the manner requested herein. Please read the following carefully:

FOR OFFICE USE ONLY	
FEE	FILE NO.
\$ <u>324.50</u>	A <u>7</u> / <u>2021</u>
PAYMENT RECEIPT STAMP	

PROPERTY INFORMATION	
Property Address	Part of Island G734
Tax Roll No.	59 - 12 - 010 - 001 - 18000
Legal Description	PCL 4224 SEC RAINY RIVER; ISLAND G 734 UNSURVEYED TERRITORY IN RAINY LAKE S OF CANADIAN NORTHERN RAILWAY PT 1, 3, 4 & 5 48R3592; DISTRICT OF RAINY RIVER
OWNER/APPLICANT INFORMATION	
Registered Owner(s)	Canadian National Railway Company
Application Contact	Ernie Longo
Full Mailing Address	1 Administration Road P.O. Box 1000 Concord Vaughan Ontario L4K 1B9
Telephone	
Email	
AGENT INFORMATION (if applicable)	
Company Name	
Application Contact	Edward Holbik
Full Mailing Address	2155 Whitegates Drive Thunder Bay Ontario P7K 1G2
Telephone	807-939-1280 705-507-3563
Email	holbik@tbaytel.net
Note – All communication will be sent to Application Contact unless otherwise requested	
MORTGAGEES, HOLDERS OF CHARGES OR OTHER ENCUMBRANCES	
Institution	
Contact/Reference	
Full Mailing Address	
Telephone	
Email	

1.	Describe the nature and extent of relief applied for (indicate what the by-law requirement is, the relevant section of the by-law, and what you are proposing):
	<p>Section ____ of Zoning by-law – to permit</p> <p>4.7.2.a - requires minimum lots area of 1ha. Proposed application requests reduction to 0.9ha</p> <p>4.7.2.c - requires minimum front yard of 30m. Proposed application request reduction to 25m</p> <p>3.2 - requires main use (cabin) prior to accessory buildings. Proposed application requests outhouse and sauna prior to constructing main cabin.</p>



# APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

For applying under Section 45 of the Planning Act, R.S.O., 1990 (as revised)

2. 

Why is it not possible to comply with the provisions of the by-law? (Provide an explanation of the circumstances that hinder or restrict your ability to comply)
<p>See Part 1 on attached reference plan 48R-3592 is 0.9ha versus the required 1.0ha</p> <p>Due to irregular shape, requesting reduction from 30m front yard to 25m</p> <p>Outhouse and sauna to be constructed prior to cabin, may utilize as shelter when constructing cabin. Also lumber prices creating some uncertainty on construction timeline.</p>
  
3. 

When did the current owner acquire the Property?	Unknown
--	---------
  
4. 

Provide the date of construction for all buildings and structures on the Property.
Vacant - no structures though railway runs through middle of island
  
5. 

What is the existing use of the Property?	Vacant - railway through middle of island
---	---
  
6. 

How long has the existing use of the Property continued?	Unknown
--	---------
  
7. 

What is the existing use of the abutting properties?			
North	South	East	West
Lake	Railway ROW and cabin	Lake	Lake
  
8. 

Dimensions of the Property:		
Property Dimensions	Metric	Imperial
Frontage:	See Part 1 on attached reference plan 48R-3592	
Depth:		
Area:		



**APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

For applying under Section 45 of the Planning Act, R.S.O., 1990 (as revised)

9. **Building/Structure Particulars**  
Describe the particulars (in metric) of all buildings and/or structures existing and proposed for the Property.

Main Building: Cabin	Existing	Proposed	
Ground Floor Area:	Vacant	120 m2	
Width:	Vacant	12m	
Length:	Vacant	10m	
# of Storeys:	Vacant	1	
Location of Building/Structure – Check geographic direction of Side Yard Setbacks			
Front Yard:	Vacant	25m	
Rear Yard:	Vacant	33m	
North <input type="checkbox"/> or East <input type="checkbox"/> - Side Yard:	Vacant		
South <input type="checkbox"/> or West <input type="checkbox"/> - Side Yard:	Vacant		
Accessory Building: Sauna/Outhouse	Existing	Proposed	
Ground Floor Area:	Vacant	12.5m2	4m2
Width:	Vacant	5m	2m
Length:	Vacant	2.5m	2m
# of Storeys:	Vacant	1	1
Height:	Vacant	2.5m	2.1m
Distance to Main Building:	Vacant	18m	10m
Location of Building/Structure - Check geographic direction of Side Yard Setbacks			
Front Yard:	Vacant	15m	
Rear Yard:	Vacant	41m	
North <input type="checkbox"/> or East <input type="checkbox"/> - Side Yard:	Vacant	50m	
South <input type="checkbox"/> or West <input type="checkbox"/> - Side Yard:	Vacant	26m	

Note – Above information to match Site Plan

10. Check the appropriate box to Indicate connected or available services to the Property:

Source of Service:	Municipal	Private
Water		Lake water
Sanitary Sewer		Septic approval by NWHU required
Storm Sewer		N/A



**APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**  
For applying under Section 45 of the Planning Act, R.S.O., 1990 (as revised)

11. Check the appropriate box to indicate access to the Property:
- | Source of Access: | Yes | No |
|-------------------|-----|----|
| Municipal Road    |     | No |
| Other Public Road |     | No |
| Water Access Only | Yes |    |
12. What is the Official Plan designation of the Property? Employment -  
Amendment Required for Cabin
13. What is the Zoning of the Property? Seasonal Residential
14. Has the Owner ever applied for a minor variance or permission regarding the Property?  
Yes ☐ No ☒ If Yes, provide details, including file number, date, decision, etc.
15. Is the Property the subject of a current application for consent under section 53 of the Planning Act, 1990, as revised? Yes ☒ No ☐ If Yes, provide details, including file number, date, etc.
- File number to be assigned
16. **DECLARATION**

I/We, Ed Holby solemnly declare that all the statements contained in this application are true and 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.

DECLARED before me at the Town of Fort  
Frances, in the District of Rainy River this

23rd day of April, 2021

A Commissioner, etc.

(Signature of Owner or Agent)

(Signature of Owner or Agent)

**JOHN AUGUST DE BAKKER**  
Barrister, Solicitor & Notary Public  
in and for the Province of Ontario.  
My commission is of unlimited duration.

**APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

For applying under Section 45 of the Planning Act, R.S.O., 1990 (as revised)

**17. A sketch showing the following:**

- i. The boundaries and dimensions of the subject land.
- ii. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- iii. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- iv. The current uses on land that is adjacent to the subject land.
- v. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way.
- vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- vii. the location and nature of any easement affecting the subject land.



**OWNER'S AUTHORIZATION, ACKNOWLEDGMENT & CONSENT**

(Must be signed by **each Owner** – print more copies as required)

I, \_\_\_\_\_, am an Owner of the property known as \_\_\_\_\_ in the Town of Fort Frances, that is the subject of this Application, and hereby

**Authorize Agent to Act (if applicable):**

1. Authorize and instruct EDWARD HGLBIK to act as my Agent and make this application on my behalf.

**Freedom of Information:**

2. Acknowledge that the information collected in this application is collected under the authority of The Planning Act, R.S.O. 1990, Chapter P13, as amended to assist in the processing of the application and will become part of a public record and, for the purposes of the Freedom of Information and Protection of Privacy Act, authorize and consent to the use by or the disclosure to, any person or public body of any personal information.
3. Acknowledge that full copies of the application are provided to the members of the Committee of Adjustment and as a result, **any information contained in it** is made public.

**Right to Enter Premises:**

4. Authorize the members of the Committee of Adjustment and/or staff of The Town of Fort Frances as may be required, to enter upon the lands and premises identified in section 5 that are the subject of this application for the purpose of evaluating the merits of this application and for so doing, this shall be good and sufficient authority; and

**Consent re Meeting:**

5. Consent to the application herein being considered at the next regular meeting of the Committee of Adjustment notwithstanding that section 45 of the Planning Act requires they be heard within thirty days after the secretary-treasurer receives the completed application.

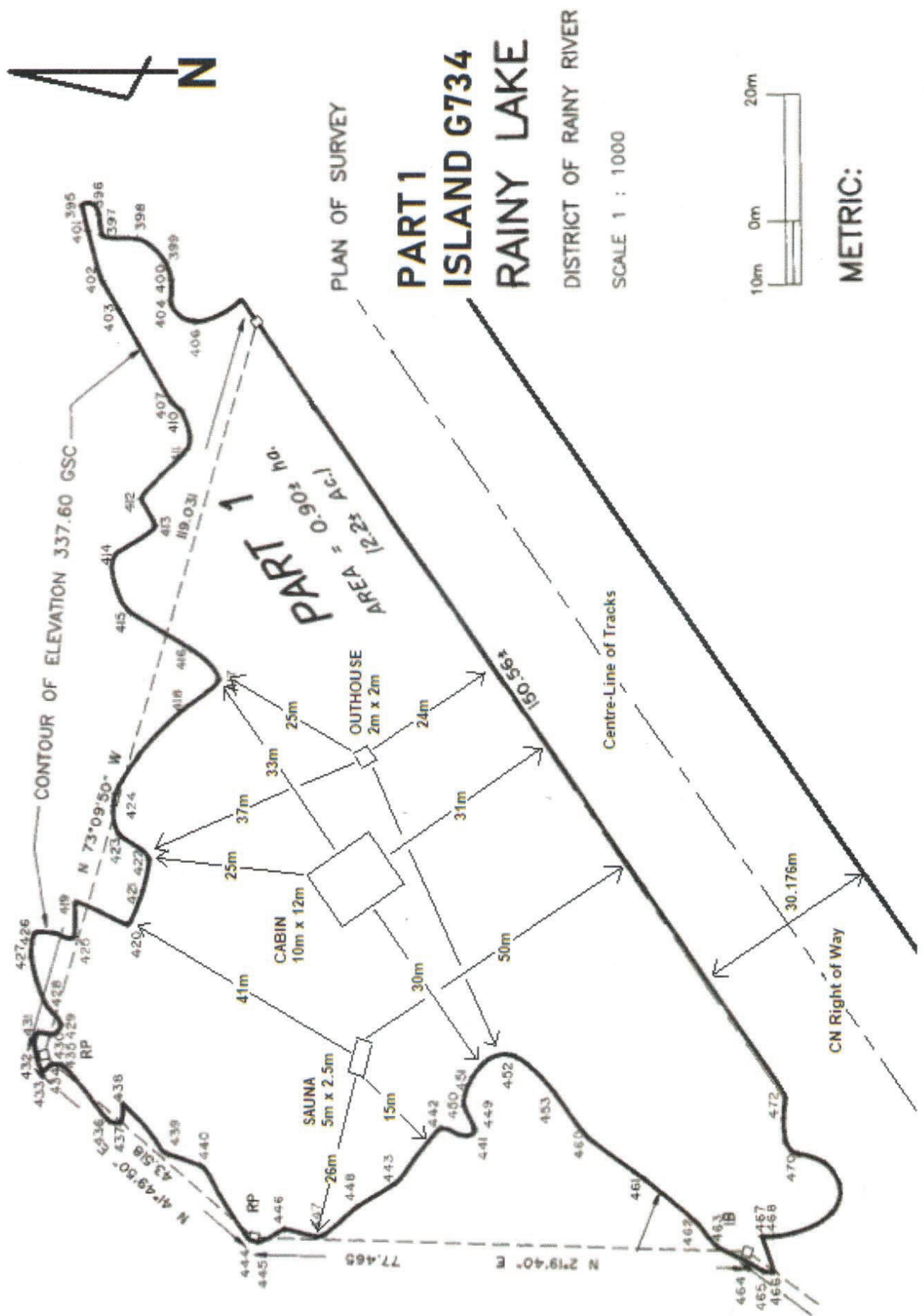
APRIL 26/2021  
Date

  
Owner Signature

\_\_\_\_\_  
Owner Signature







## LETTER OF AUTHORIZATION

**Town of Fort Frances**

**March 24, 2021**

**Canadian National Railway Company**, **City of Vaughan**, hereby authorize and instruct, **Edward Holbik** to submit an application for minor variance of the property described as Mining Location Island G734, Rainy Lake, Rainy River District, in the province of Ontario, being Parts 1, 3 and 4 of 48R3592 as shown crosshatched Schedule "A" attached hereto of which we are the Registered Owner; and to appear on behalf of Canadian National Railway Company at any hearings with respect to such a severance application, and this shall be our good and sufficient authority to act on our

### CANADIAN NATIONAL RAILWAY COMPANY

Signed: \_\_\_\_\_



Ernie Longo  
Real Estate Manager

I have authority to bind the Corporation.



SCHEDULE A / ANNEXE A

