

Municipality of Shuniah – Application for Zoning By-Law Amendment

5.3 How long have the subject lands been in the owner’s possessions? 6 years (since 2019)

6. Existing use of property:

Storage garage

Zoning: Rural	Official Plan Designation: Rural
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6.1 How long has this existing use continued? Since 1988 when shed was constructed

6.2 Is the property located in a high-density area? If so, what is the Green Star status (none, partial or full)?
No

7. Description of all existing use buildings or structures:

(e.g., Recreational, permanent dwelling, commercial shop)

One garage currently used as storage and previously owner painted cars within.

[] or Vacant Land

8. List of all existing buildings and structures (provide all measurements in METRIC units):

Type of buildings or structures	All yard setbacks (m)				Building dimensions	Ground floor area	Height	When built
	Front	Rear	Side	Side				
1. Garage					7 m x 9 m			1988
2.								
3.								
4.								
5.								

9. Describe the drainage of the site and any on-site or nearby water sources (e.g., creeks, ponds, ditches):

Generally flat and flows toward existing roadside ditches.

10. Former Use of Property Table (check as applicable):

Does the Owner own Adjoining Property?	☒ Yes	☐ No	☐ Unknown
Is there any reason to believe that the subject property or adjacent property may be environmentally contaminated?	☒ Yes	☐ No	☐ Unknown
Has an industrial or commercial use, or an orchard, been on or adjacent to the property?	☒ Yes	☐ No	☐ Unknown
Has lot grading been changed by adding or removing earth or other material?	☐ Yes	☒ No	☐ Unknown
Has a gas station been located on the subject property or adjacent land at any time?	☐ Yes	☒ No	☐ Unknown
Has there been petroleum or other fuel stored on the subject property or adjacent land?	☐ Yes	☒ No	☐ Unknown
Has the Ministry of the Environment, Conservation and Parks, or any other agency formally or informally advised the owners that the property is or may be contaminated?	☐ Yes	☒ No	☐ Unknown

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10.1 What information did you use to determine the answers to the above questions on former uses?

The landowner and the Municipality provided background information during the consent to severance

application process. Phase 1 ESA revealed potential contaminant. Phase 2 ESA undertaken and no contaminants on site.

10.2 If you answered YES to any of Section 10 Former Use of Property Table, a previous use inventory showing all former uses of the subject property, or if appropriate, the land adjacent to the subject property is needed. Is the previous use inventory attached? ☐ Yes ☒ No

If the inventory is not attached, please explain.

Phase 1I and II ESA provide detailed site history, please refer to ESA reports.

10.3 If you answered Yes to any of the questions related to Section 10, Former Use of Property Table, was an Environmental Site Assessment (ESA) conducted under the Environmental Assessment Act or has a Record of Site Condition (RSC) been filed? ☒ Yes ☐ No ☐ Unknown

If no, why not? Explain on a separate page, if necessary.

With no change in use and RSC is not required, we have completed both a Phase I ESA and Phase II ESA to the satisfaction of the municipality.

11. Uses adjacent to the subject property:

North Vacant land -

South Vacant land -

East Vacant land -

West Vacant land -

PART 2

ZONING BY-LAW AMENDMENT

12. Indigenous land claims:

12.1 Does the proposed zoning by-law Amendment apply to lands subject to any indigenous land claims or provincial/indigenous co-management agreement? ☐ Yes ☒ No

If known, provide any information you may have below or as an attachment to the application.

Not to our knowledge.

12.2 Have you consulted with Indigenous Peoples on this request for a zoning by-law Amendment? ☐ Yes ☒ No

If yes, provide any information you have on the consultation process and the outcome of the consultation. Attach a separate page, if necessary

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13. Consultation Strategy:

Please describe in detail your proposed strategy for consulting with the public with respect to this requested amendment. Please explain below or attach on a separate page.

Standard circulation requirements outlined in the Municipality's OP and the Planning Act.

14. What is the proposed zoning by-law amendment?

The proposal is for a temporary zoning by-law amendment which would permit the existing garage to remain on the Subject Site for three (3) years without a main use dwelling.

15. Describe the purpose of the proposed amendment:

Explain on a separate page, if necessary

The proposed amendment would satisfy the Municipality's conditions for the previous consent for severance, which stated that the applicant should seek a temporary use bylaw for three years. This temporary use bylaw is to bring the land into conformance with the ZBL, as there is currently a storage garage but no main use dwelling, which is not permitted under the current ZBL.

16. Do the existing parts of the Zoning By-Law that would be affected by the requested Zoning By-Law Amendment conform with the Municipality of Shuniah Official Plan? ☒ Yes [] No

If yes, explain how.

The Rural zone conforms with the OP and supports the OP designation of Rural, which permits limited residential development and accessory uses while respecting the environment and resources.

17. Does the proposed Zoning By-Law amendment conform with the Municipality of Shuniah Official Plan?

If yes, explain how. (Read and cut and paste all relevant policies sections. Use a separate page as needed).

The proposed ZBA conforms with the OP because it addresses the non-conforming use that currently exists. It maintains the lands as rural and, other than the storage garage, respects permitted uses of the Rural OP designation.

18. Describe how the proposal will fit in with the existing land uses in the area.

The surrounding area is primarily rural lands with some low-density residential uses, particularly along the shoreline. Enabling the garage to remain on the property will fit in with the existing land uses as the Subject Property has maintained the garage without main use since 1988.

19. Describe in detail how the proposed amendment conforms with the intent of the Zoning By-Law.

The proposed amendment conforms with the intent of the ZBL as it seeks to bring the Subject Site into conformance with the ZBL as the result of an existing situation. The ZBA seeks to fulfill the conditions set by municipal staff. The ZBL's purpose is to implement minimum standards of health, safety, and general welfare, and this proposal seeks conformance with those minimum standards.

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20. Other planning applications

20.1 Has the subject land ever been or is it currently the subject of any other planning application, including applications before the Ontario Land Tribunal (OLT), for approval of either:

- ☐ Zoning By-law Amendment
- ☒ Consent
- ☐ Minor Variance
- ☐ Site Plan Approval
- ☐ Official Plan Amendment
- ☐ Plan of subdivision or condominium
- ☐ Minister’s zoning order

If yes, and if known, specify: the file number; the approval Authority; the land it affects; its purpose; its status, and its effect on the proposed amendment:
A consent application was made and conditionally granted. The consent created four (4) new lots. The approval authority: Municipality of Shuniah, file number: B23-5. The proposed amendment is to satisfy a condition of the consent for severance.

21. If the subject property is within an area where zoning with conditions may apply, how the application conforms to the official plan policies relating to zoning with conditions:

N/A

22. Description of proposed buildings or structures
(e.g., Recreational, permanent dwelling, commercial shop)

N/A

23. List of proposed buildings or structures on the property

Type of buildings or structures	All yard setbacks (m)				Building dimensions	Ground floor area	Height	When built
	Front	Rear	Side	Side				
1. N/A								
2.								
3.								
4.								
5.								

24. Describe the general topography and any special characteristics that may affect development (ravines, rocks, marshlands)

Generally flat. No ravines or rock outcrops.

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PART 3	SERVICING
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25. Description of Street/Road:

☐ Opened	☐ Paved	☐ Gravelled	☒ Public	☐ Private
Width of Street or Road20 m right of way				
Is the road maintained by the Municipality?	☒ Yes	☐ No	☐ Unknown	
Has the road been dedicated/transferred to the Municipality?	☐ Yes	☒ No	☐ Unknown	
Is the Road privately owned and/or privately maintained?	☐ Yes	☒ No	☐ Unknown	

26. Road access and/or frontage:

Name of Road:5 Road South

Type of Road (i.e. Provincial Highway, Regional Road, Local Public Road, Private Road, Other)
Local Public Road

If Other, specify details, including water and right of ways, if access to the subject land will be y water only, the parking and docking facilities used of to be used, and the approximate distance of these facilities from the subject land and the nearest public road.

Frontage on to 5 Road South and near Pearl Bay Road (to the south), both of which are local public roads.

27. Describe what type of sewage disposal system is or will be provided to the subject land; and if it meets Provincial standards:

Existing septic system on the property.

If the proposed amendment would permit development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent would be procure per day and/or results in the development of more than 5 lots/units, a *serving options report* and a *hydrogeological report* is required.

28. Describe how water will be provided to the subject property:

Existing private well on property.

If the proposed amendment would provide water through a privately owned and operated individual or communal well, the development of more than 5 lots/units may need a hydrological report. If lake or other water body water is proposed to be used, a permit To Take Water may be required (taking more than 50,000 litres of water per day requires a permit from the Ministry of Environment and Climate Change).

29. Describe how storm drainage will be managed (i.e. ditches, swales, others):

Storm drainage will flow into existing roadside ditches.

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PART 4 PROVINCIAL POLICY

30. Provincial Policy Statement (PPS):

30.1 Is the proposed amendment consistent with the PPS under subsection 3(1) of the *Planning Act*?

☒ Yes ☐ No

30.2 Explain how the requested amendment is consistent or not consistent with the PPS. Attach a separate page, if necessary. Submit a copy of a planning report, if applicable. (Read and cut and paste the relevant sections).

The proposed amendment is consistent with the PPS as aligns municipal policy and respects the municipality's purview to zone and regulate.

31. Is the subject land within an area of land designated under any provincial plan or plans? ☐ Yes ☐ No

If yes, does the proposed amendment conform to or does not conflict with the provincial plan or plans:

CURRENTLY, THIS DOES NOT APPLY.

32. Significant Features:

32.1 Has a site assessment been carried out by a qualified person to determine if natural heritage features exist on or within 120 metres of the subject property? ☐ Yes ☒ No

32.2 Have any studies been completed to assess the impacts of the proposed development on any existing natural heritage features and adjacent lands? ☐ Yes ☒ No

32.3 Are any of the following uses or features on the subject lands of the proposed amendment or within 500 metres of the subject property of the proposed amendment, unless otherwise specified.

Significant Features checklist (Please check all appropriate boxes, if any apply.)

Use or Feature	On the Subject Property	Within 500m of Subject Land (indicate approx. distance)	Potential information needed
Class 1 Industry*			If sensitive land uses proposed within 70m from the boundary lines, a noise/odour/particulate study may be needed
Class 2 industry**			If sensitive land uses proposed within 300m from the boundary lines, a noise/odour/particulate study may be needed
Class 3 industry***			If sensitive land uses proposed within 1000m from the boundary lines, a noise/odour/particulate study may be needed
A landfill site (closed or active)			If sensitive land use is proposed, and if within 500 m of the perimeter of the fill area, address possible leachate and groundwater impacts, noise, methane gas control, odour, vermin and other impacts may be needed.
A sewage treatment plant or waste stabilization pond			Assess the need for feasibility study for residential and other sensitive land uses.

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Provincial Highway			Consult Ministry of Transportation if access to provincial highway is proposed. If located in proximity to provincial highway, a traffic impact and a stormwater management report may be needed.
An active railway line and major highways			Evaluate impacts of noise within 100m
Electricity generating station, hydro transformer, railway yard, etc.			If sensitive land use is proposed, and if within 1000m, a noise study may be needed to determine possible noise impacts and appropriate mitigation measures.
High voltage electric transmission line			Consult the appropriate electric power service.
Transportation, infrastructure and utility corridors			Will there be a negative impact on a planned corridor?
Cultural heritage and archaeology			Adverse impact on significant built heritage resources and significant cultural heritage to be mitigated. Development is only allowed on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved.
An agricultural operation, including livestock facility or stockyard			Development to comply with Minimum Distance Separation Formulae (MDS)
An active mine site or an aggregate site operation site within 1000m of the subject land			Will development hinder or be incompatible with continued operation or extraction?
Mineral aggregate resources areas			Will development hinder access to the resource or the establishment of new resources operations?
A non-operating mine site within 1000m of the subject property			Demonstrate that the mine has been rehabilitated OR all potential impacts have been investigated and mitigated.
A rehabilitated mine site, abandoned mine site or mine hazard			If proposal is on, adjacent to, or within 1000m, consult with the Ministry of Northern Development, Natural Resources & Forestry
A significant coastal wetland A significant habitat of endangered species and threatened species A provincially significant wetland within 120 metres of the subject property species			Development and site alteration are not permitted in the features. Are any significant coastal wetlands or unevaluated wetlands present on the subject property or within 120 m? Are any known significant habitats present on the subject property or within 50 m? Has there been preliminary site assessment to identify whether potentially significant habitats are present?
A significant wildlife habitat A significant Areas of Natural and Scientific Interest (ANSI)			Development not permitted, unless demonstrate no negative impacts. Indicate if there are any significant wildlife habitat, and Areas of Natural and Scientific Interest (ANSIs) on the subject lands or within 50 m.
Fish habitat			Development and site alteration are not permitted in fish habitat except in accordance with provincial and federal requirements. Is any fish habitat on the subject property or within 30 m? Is any lake trout lake on the subject lands or within 300 m? If yes to any of the above, an environmental impact study may be required.
Adjacent lands to natural heritage features and areas			Not permitted unless demonstrated that ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts.
Floodplain			Identify if located in floodplain and address accordingly, as per policies and Lakehead Region Conservation Authority.
A contaminated site			Assess an inventory or previous uses in areas of possible soil contaminations.
Hazardous sites****			Demonstrate that hazards can be address.
Erosion hazards			Determine feasibility within the 1:100 year erosion limits of river valleys and streams.
Sensitive surface water features and sensitive groundwater features			Restricted in or near sensitive surface water features and sensitive groundwater features. Demonstrate suitable mitigation measures and/or alternative development approaches to protect, improve or restore sensitive surface water features, sensitive groundwater features and their hydrologic functions.
A municipal or federal airport			Evaluate impacts of noise.
Crown land (identified by the Ministry of Natural Resources & Forestry as being of special interests, such as a lake access point)			Consult Municipality for assistance in dealing with planning issues relating to proposals requiring the acquisition or use of Crown lands. Contact the Ministry of Natural Resources and Forestry (MNRF) District Office regarding the actual acquisition or use of Crown land.

*Class 1 industry: Small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

**Class 2 industry: Medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

***Class 3 industry: Processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

****Hazardous sites: property or lands that could be unsafe for development or alteration due to naturally occurring hazard. These hazards may include unstable soils or unstable bedrock.

Note: The information in this application and all other information, studies, reports and comments received relative to the processing of this application is collected for the purpose of creating a record that is available to the general public.

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Schedule A

Owner Name(s): Glenn Grann

Address

Phone Number

Attention: Clerk

Subject: Letter of Authorization

RE: Subject Lands at Lot: 1 Plan: 55R5347

Address: 711 #5 Road South Municipality of Shuniah

Dear Approval Authority:

I, Glenn Grann, am the owner of the land that is the subject of this application for a minor variance and I authorize Emma Borho, Stantec Consulting to make this application on my behalf as described in the attached site plan. For the purposes of the Freedom of Information and Protection of Privacy Act I authorize Emma Borho, Stantec Consulting as my agent for this application, to provide any of my personal information that will be included in this application or collected during the process on of the application.

Please do not hesitate to contact me if there are any further questions. Yours truly,



Owner Signature

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Schedule B

- A Planning Justification Report is a report provided by an applicant as part of a complete application which:
- describes the subject property, its existing physical conditions, and its context within the surrounding community;
 - outlines the Proposed Application;
 - provides an overview of the relevant planning policy and regulations that affect the planning application, including Provincial Policy Statement, Growth Plan for Northern Ontario, the Shuniah Official Plan and any other related policy, regulations and guidelines;
 - details potential adverse effects or impacts;
 - summarizes each of the technical studies triggered by the potential adverse effects or negative impacts;
 - details how adverse effects or negative impacts will be minimized or the mitigation measures with contingency plans; and,
 - provides planning opinion and justification for the proposed development Application.

The level of detail for the planning justification shall be appropriate to the complexity or potential impact of the proposal; and/or in accordance with relevant official plan policy sections.

In the case of a Zoning Amendment, the Planning Justification Report is a brief (because most of the information has already been stated in the application form above) statement which summarizes the information required by the Planning Act; and also gives the applicant an opportunity to explain in their own words what they are seeking to achieve and why.

The Planning Justification Report must describe if the zone is being changed and/or if the permitted uses are changing, and if it is specific to the subject property only.

It must conclude by addressing potential adverse effects and compatible development (see *below).

Sample Planning Justification Report for a Zoning By-Law Amendment

Title: Planning Justification for a Zoning By-Law Amendment application to allow:....., located at.....

In summary, the reason for the request is to

The proposed development is beneficial to the community because.....

The potential adverse effects are.....; but will have little to no impact because the following (mitigation) measures will be implemented.....(reference technical studies).

Therefore, the resulting development will be compatible. (See *below for explanation of compatible development and adverse effects).

*Compatible Development (excerpt from the 2020 Shuniah Official Plan)

In order to proceed, all new development requiring a Planning Act approval shall be compatible with existing uses in the vicinity by avoiding adverse effects or minimizing adverse effects to acceptable or negligible levels, and where applicable, in accordance with Provincial guidelines and Shuniah staff.

Where a development initiative has the potential to be incompatible with or cause adverse effects to other land uses/users in the vicinity, appropriate technical studies evaluating compatibility; and mitigation using avoidance, buffering, separation distances or other measures, shall be part of the planning justification in a complete application (see section 4).

Potential Adverse Effects

- Common potential adverse effects of a proposed development relate to, but are not limited to:
- pattern, scale, massing, design of development, servicing levels of existing and future development;
 - visual impacts relating to outdoor storage;
 - shadowing and/or lighting and/or visual impacts on surrounding land uses including privacy of adjacent residential uses
 - traffic volume and safety
 - vehicle access and parking
 - hydrological and hydrogeological functions
 - surrounding natural heritage features and cultural heritage resources; and,
 - noise, vibration, odour, dust and other contaminants or emissions.

Potential adverse effects for sensitive uses as defined in the Environmental Protection Act, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;

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- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.