



October 13, 2023

**RE: APPLICATION FOR SEVERANCE B07-2023 AND
APPLICATION FOR MINOR VARIANCE B08-2023
OWNER: James and Silvia Martin
LOCATION: Cottonwood Road, Neebing, Ontario
NOTICE OF THE DECISION OF THE COUNCIL OF THE MUNICIPALITY AND
NOTICE OF PASSAGE OF BY-LAW 2023-040 TO AMEND ZONING BY-LAW 2017-030**

You were advised by way of notice sent on September 14, 2023, of a public meeting of the Neebing Municipal Council, sitting as Committee of the Whole to be held on October 4, 2023, followed by a Council meeting.

The purpose of the meeting was to consider an application brought by James and Silvia Martin as the property owner. The land which was the subject matter of the application, is 40 Cottonwood Road, and legally described as "Concession 6 South Part Section 9, Part 1 on Reference Plan 55R2466, in the geographic Blake Township, in the Municipality of Neebing and Province of Ontario". A sketch was included with the notice for the public meeting.

PLEASE TAKE NOTICE that the Committee of the Whole recommended to the Council that the application for severance be approved. Council ratified that decision at the Council meeting held on October 4, 2023. Via Resolution #2023-10-327, Council resolved:

WHEREAS Council considers that approval of the application brought by James and Silvia Martin, the owners, to sever a parcel from property on Cottonwood Road and Copper Cliff Road East for the purposes of creating one new lot;

AND WHEREAS Council considers that the proposed locations for the severed and retained lots will not result in negative impacts to any nearby residential property owners;

AND WHEREAS Council recognizes that the approval of the application will not result in any additional service requirements from the Municipality,

NOW THEREFORE BE IT RESOLVED THAT, a public meeting having been held with respect to the application by James and Silvia Martin, the owners, relative to property known municipally as 40 Cottonwood Road, and legally described as Concession 6 South Part Section 9, Part 1 on Reference Plan 55R2466 in the geographic Blake Township and the District of Thunder Bay; the consent requested in Application B07-2023, as submitted, be approved, subject to the following conditions:

1. A survey is finalized and registered;
2. Driveway entrance for the new lot is approved by the Working Roads Foreman;

3. Satisfactory approval from the Thunder Bay District Health Unit relating to adequacy of the severed lots for septic services is obtained;
4. If it is not already in Municipal Ownership, that portion of Copper Cliff Road East that is adjacent to the Severed Lot is transferred to the Municipality, free of encumbrances, and at no cost to the Municipality;
5. Conveyance of the lot and road must occur within twenty-four (24) months of the date that this decision becomes final and binding.

ALSO TAKE NOTICE THAT the Council for The Corporation of the Municipality of Neebing passed By-law 2023-040 at the meeting held on October 4, 2023. (A copy of the by-law is enclosed.)

The applicants also sought permission to decrease the required frontage for both the severed and retained parcel. This is a site-specific amendment that will apply only to the subject property. More detail can be obtained through review of the enclosed by-law and/or discussion with the Municipality's Clerk-Treasurer, who can be contacted using the contact information on the letterhead on which this notice is printed.

AND FURTHER THAT the final day for submitting an appeal against this decision shall be twenty (20) days after the mailing of this notice being **Thursday, November 2, 2023**. Should there be no appeal, the Decisions will become final and binding. It is the applicant and/or agent's responsibility to fulfil the conditions of consent approval within two years of the date of this letter pursuant to Section 53 of the Planning Act. We will issue no further notice or warning of the expiration of the two-year period. If the conditions to consent approval are not fulfilled within two years from the date of this letter and the applicant is still interested in pursuing the proposal, a new application will be required.

Who Has Appeal Rights

Other than the applicant, only a "specified person" or "public body", as defined in s. 1(1) of the *Planning Act*, has the ability to appeal the decision to the Ontario Land Tribunal.

"Specified person" means,

- (a) *a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,*
- (b) *Ontario Power Generation Inc.,*
- (c) *Hydro One Inc.,*
- (d) *a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,*
- (e) *a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,*
- (f) *a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the Technical Standards and Safety Act, 2000, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,*
- (g) *a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply, or*
- (h) *a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply.*

How to File a Notice of Appeal

An appeal against the Decision may be made by sending written notice of appeal, outlining the reasons for the appeal, accompanied by the prescribed fee to the Clerk-Treasurer. The Appellant Form (A1) available from the OLT website at <https://olt.gov.on.ca/appeals-process/forms/>.

THIS NOTICE is sent to various public authorities and agencies, and to the property owners surrounding the Subject Property (as required by Ontario Regulations 200/96 and 197/96, as amended), for their information. It will also be posted on the Municipality's website at www.neebing.org/notices.

Yours truly,



Erika Kromm

Clerk-Treasurer

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

BY-LAW NUMBER 2023-040

Being a by-law to amend the Zoning By-law (Number 2017-030) as it applies to one property (Concession 6 South Part Section 9, Part 1 on Reference Plan 55R2466, Blake Township)

Recitals:

Section 34 (10) of the Planning Act R.S.O. 1990, c P.13 and amendments thereto, allows that an enacted Zoning By-law may be amended.

The Council of the Corporation of the Municipality of Neebing deems it expedient in the interest of the Municipality to amend the Zoning By-law.

In accordance with Subsections 34 (12) and 34 (13) of the Act, notice of a public meeting was given on September 14, 2023, and a public meeting was held on October 4, 2023.

The Corporation of the Municipality of Neebing held a public meeting of its Committee of the Whole on October 4, 2023 for the purpose allowing all interested persons to provide comments for or against the application for the minor variance. The Committee of the Whole recommended to Council that the application for minor variance be approved.

This minor variance is a site-specific amendment that impacts only the land that was subject to the application.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NEEBING ENACTS AS FOLLOWS:

1. The provisions of this By-law will apply only to those lands described as Concession 6 South Part Section 9, Part 1 on Reference Plan 55R2466, Blake Township, in the Municipality of Neebing in the District of Thunder Bay. Schedule "A" to this By-law is a pictorial representation of the property.
2. For the property identified in Schedule "A", the provisions of Section 3.3.2(2) shall not apply to the property, and the following provision shall apply in its stead:
 - The Minimum lot frontage for the property line along Cottonwood Road is 20 meters; and
 - The Minimum lot frontage for the property line along Copper Cliff Road East is 65 meters.
3. This By-law is in accordance with the Municipality of Neebing Official Plan, as amended.
4. This by-law shall come into force and effect on the day the approved severed lot in application B07-2023 is finalized and registered, in accordance with Subsection 34(21) or 34(30) of the Planning Act, as applicable.

ENACTED AND PASSED IN COUNCIL this 4th day of October, 2023, as witnessed by the corporate seal of the Corporation and the hands of its proper Officers duly authorized in that behalf.

Mayor

Clerk-Treasurer

Schedule "A" – Land Parcel which is Subject to this By-law

Subject
Property

