



**The Corporation of the Municipality of Wawa
Staff Report**

Office of Protective Services

Prepared For: Committee of the Whole	Report No.: KS 2023 - 03
Agenda Date: March 21, 2023	File No.: C11

Executive Summary

This report provides a recommendation to the Committee of the Whole regarding an application for a deeming by-law for the properties located at 28 and 30 Third Avenue. The subject lands are designated Wawa Residential in the Official Plan and zoned Residential Third Density (R3) in Zoning By-Law No. 2821-15 as amended. The applicant is requesting to merge lot 1081 and lot 1082 into one lot in order to be able to construct an attached accessory structure on the enlarged parcel. A Deeming By-Law is required as the lands cannot be merged together without consent from Council. Section 50(4) of the Planning Act states that:


- (4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more. Which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50(4)

Application Review

The application has been reviewed, considering applicable Provincial and Municipal legislative documents.

Provincial Policy Statement

Subsection 3(5) of the Planning Act requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the Provincial Policy Statement.

Respectfully Submitted By: 	Prepared By: Kevin Sabourin Assistant Director Protective Services
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General Intent and Purpose of the Official Plan are Maintained

The subject property is designated Wawa Residential in the Official Plan of the Municipality of Wawa. The lands are existing lots of record that has been developed for residential purpose prior to the date of the adoption of the Official Plan. Residential uses are permitted and site alterations are permitted. No changes are proposed to private services. The accessory building will not have water or sewer hook-ups. The proposal meets the intent of the Official Plan and the use conforms to the Residential designation.

The General Intent and Purpose of the Zoning By-Law are Maintained

The subject property is zoned Residential Third Density (R3) in the Municipality of Wawa Zoning By-Law No. 2821-15, as amended. The R3 zone permits a Dwelling, Detached and related accessory buildings. The owner wishes to construct an attached garage to his present dwelling. With the merging of the two lots, allows the dwelling and accessory building to be compliant with the zone standards as set out in the Zoning By-Law. The general intent and purpose of the Zoning By-Law are maintained in this application.

The Merging of Lots is Desirable for Use of the Land or Structure

The proposed Deeming application represents desirable and appropriate use of the lands and are not anticipated to create any adverse impacts on the adjacent properties. The applicant is requesting to merge lot 1081 and lot 1082 into one lot in order to be able to construct an attached accessory structure on the enlarged parcel. The proposed modifications consider the functionality of the lands, while increasing the usability of the detached dwelling and usability of an existing residential parcel.

Technical Comments

Notice of the passing of the by-law will be given within 30 days of the passing in accordance with Section 50(29) and (30) of the Planning Act. Not notice is required prior to the passing of a by-law under Section 50 (4).

Conclusion

The requested Deeming application maintains the general intent and purpose of both the Municipality of Wawa Official Plan and Zoning By-Law No. 2821-15. The proposal is desirable for the appropriate development or use of the land, building or structure. Approval of this application will permit the construction of an accessory storage building. A Deeming By-Law is required as the lands cannot be merged together without consent from Council.

Recommendation

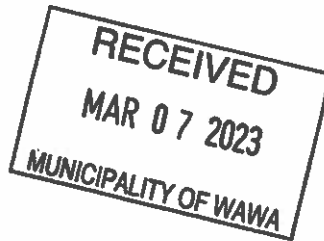
It is recommended that Council the enactment and passing and subsequent registration of a by-law under section 50 (4) of the Planning Act to deem Lot 1081, Plan M131 and Lot 1082, Plan M131 as not being registered blocks within a Plan of Subdivision.

Attachments

Application for Deeming By-Law.



THE CORPORATION OF THE
MUNICIPALITY OF WAWA



TO BE FILED WITH:

COMMITTEE OF ADJUSTMENT
P.O. BOX 500, 40 BROADWAY AVENUE
WAWA, ONTARIO, P0S 1K0
TELEPHONE: (705) 856-2244
FACSIMILE: (705) 856-2120

APPLICATION FOR

- | | |
|---|--|
| <input type="checkbox"/> MINOR VARIANCE - Zoning | <input type="checkbox"/> AMENDMENT ZONING BY-LAW |
| <input type="checkbox"/> CONSENT - Creation of New Lot | <input type="checkbox"/> AMENDMENT OFFICIAL PLAN |
| <input checked="" type="checkbox"/> DEEMING - Consolidate Parcels | <input type="checkbox"/> CORRECTION OF TITLE |
| <input type="checkbox"/> EASEMENT | |

FOR OFFICE USE ONLY

Date: MARCH 7, 2023

Application No. DA 01-23

NOTE TO APPLICANTS

The information in this form that must be provided by the applicant is indicated in *italics*. This information is prescribed in the Schedule to Ontario Regulation 41/95 made under the Planning Act. This mandatory information must be provided with the appropriate fee. If the mandatory information and fee are not provided, the Secretary-Treasurer will return the application, or refuse to further consider the application 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 planning evaluation of the consent 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. As a result, the application may be refused.

SUBMISSION OF THE APPLICATION

Please submit a completed application form, along with the applicable fee of \$100.00. Further questions or inquiries should be directed to Ms. Maury O'Neill, Secretary-Treasurer, Committee of Adjustment, (705) 856-2244 ext. 223.

1. APPLICANT INFORMATION

1.1 Name of Applicant Paul Patise
Address 54 Superior Avenue
P.O. Box 1306 Wawa, ON P05 1K0
Telephone Number(s) 705 852 0467

1.2 Name, telephone number and address of Owner(s), if different from the applicant. (Joint ownership must be shown.) An Owner's Authorization is required in Section 11.1, if the applicant is not the Owner.

1.3 Name, telephone number and address of the person who is to be contacted about the application, if different than the applicant. (This may be a person or firm acting on behalf of the applicant.)

2. LOCATION OF SUBJECT LAND (Complete applicable lines)

2.1 District District of Algoma
Municipality Municipality of Wawa
Lot Number(s) 1081 & 1082
Parcel Number(s) 92 & 361
Registered Plan No(s). M131
Lot(s), Block(s) _____
Mining Claim No. _____
Part Number(s) _____
Street No. 28 & 30 Name of Street/Road Third Avenue

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, please describe the easement or covenant and its effect.

3. PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box):

- | | |
|---|--|
| <input type="checkbox"/> CONSENT - Creation of New Lot | <input type="checkbox"/> AMENDMENT ZONING BY-LAW |
| <input checked="" type="checkbox"/> DEEMING - Consolidate Parcels | <input type="checkbox"/> AMENDMENT OFFICIAL PLAN |
| <input type="checkbox"/> MINOR VARIANCE - Zoning | <input type="checkbox"/> CORRECTION OF TITLE |
| <input type="checkbox"/> EASEMENT | |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Unknown

3.3 If a lot to be subdivided, identify the land of which the parcel that will be separated.

/

3.4 If lots to be consolidated, identify the all lands to which application applies.

29 Third Avenue
30 Third Avenue

3.5 If minor variance, identify nature and extent of relief applied for.

/

3.6 If amendment to Zoning By-Law, identify nature and extent of relief applied for.

/

3.7 If amendment to Official Plan, identify nature and extent of relief applied for.

/

3.8 Reason(s) for amendment to Zoning By-Law or Official Plan.

/

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land affected or retained:
FRONTAGE 28 Third 66' 30 Third 50' DEPTH 131' 131' AREA 8,646 SQ.FT. 6,550 SQ.FT.

Existing and Proposed Building(s) or Structure(s):

28 Third Ave. VANT LAND
30 Third Ave. DETACHED SINGLE FAMILY DWELLING

Type of Access (check appropriate box)

- Provincial Highway
- Municipal Road, maintained all year
- Municipal Road, seasonally maintained
- Other Public Road
- Right-of-Way

Type of Water Supply Proposed (check appropriate box)

- Publicly Owned and Operated Piped Water System
- Privately Owned and Operated Individual Well
- Privately Owned and Operated Communal Well

Type of Water Supply Proposed cont'd (check appropriate box)

- Lake or Other Water Body
- Other means

Type of Sewage Disposal Proposed (check appropriate box)

- Publicly Owned and Operated Sanitary Sewer System
- Privately Owned and Operated Individual Septic Tank
- Privately Owned and Operated Communal Septic Tank
- Privy
- Other means

(1) A certificate of approval from the Algoma Public Health (18 Ganley Street, (705) 856-7208) or Ministry of Environment (289 Bay Street, 3rd Floor, (705) 942-6354) submitted with this Application will facilitate the review.

4.2 Description of land intended to be severed:

FRONTAGE _____ DEPTH _____ AREA _____

Particulars of all Existing Building(s) and Structure(s) and Existing Use:

Particulars of all Proposed Building(s) or Structure(s) and Proposed Use:

Location of all Existing Building(s) or Structure(s):

Location of all Proposed Building(s) or Structure(s):

Type of Access (check appropriate box)

- Provincial Highway
- Municipal Road, maintained all year
- Municipal Road, seasonally maintained
- Other Public Road
- Right-of-Way

Type of Water Supply Proposed (check appropriate box)

- Publicly Owned and Operated Piped Water System
- Privately Owned and Operated Individual Well
- Privately Owned and Operated Communal Well

Type of Water Supply Proposed cont'd (check appropriate box)

- Lake or Other Water Body
- Other means

Type of Sewage Disposal Proposed (check appropriate space)

- Publicly Owned and Operated Sanitary Sewer System
- Privately Owned and Operated Individual Septic Tank
- Privately Owned and Operated Communal Septic Tank
- Privy
- Other means

- (1) A certificate of approval from the Algoma Public Health (18 Ganley Street, (705) 856-7208) or Ministry of Environment (289 Bay Street, 3rd Floor, (705) 942-6354) submitted with this Application will facilitate the review.

4.3 *Other Services (check if the service is available):*

- Electricity
- Telephone
- School Bussing
- Garbage Collection

5. **LAND USE**

5.1 What is the present OFFICIAL PLAN designation(s) of the subject land?

RESIDENTIAL

5.2 What is the present ZONING of the subject land?

28 THIRD AVE. RM1
30 THIRD AVE. R3

5.3 Are any of the following uses of features (A) on the subject land or (B) within 500 metres (1640 ft.) of the subject land, unless otherwise specified? Please check if any apply.

- | Use or Feature | (A) | (B) |
|---|--------------------------|--------------------------|
| • An agricultural operation, including livestock facility | <input type="checkbox"/> | <input type="checkbox"/> |
| • A landfill | <input type="checkbox"/> | <input type="checkbox"/> |
| • A sewage treatment plant or waste stabilization plant | <input type="checkbox"/> | <input type="checkbox"/> |
| • Flood plan | <input type="checkbox"/> | <input type="checkbox"/> |

- | Use or Feature | (A) | (B) |
|---|--------------------------|--------------------------|
| • An industrial or commercial use, specify use(s) | <input type="checkbox"/> | <input type="checkbox"/> |
| • An active railway line | <input type="checkbox"/> | <input type="checkbox"/> |
| • A municipal or federal airport | <input type="checkbox"/> | <input type="checkbox"/> |
| • A provincially significant wetland (Class 1, 2, or 3 wetland) | <input type="checkbox"/> | <input type="checkbox"/> |
| • A provincially significant wetland within 120 metres (395 ft.) of the subject lands | <input type="checkbox"/> | <input type="checkbox"/> |

6. **HISTORY OF SUBJECT LAND**

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

Yes

No

Unknown

If yes, and known, please provide the file number and the decision made on the application.

6.2 *Has any land been severed from the parcel originally acquired by the owner of the subject land?*

Yes

No

Unknown

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

7. **CURRENT APPLICATIONS**

7.1 *Is the subject land currently the subject of a proposed Official Plan or Official Plan Amendment that has been submitted to the Minister for approval?*

Yes

No

Unknown

If yes, and known, please specify the Ministry file number and status of the application.

7.2 *Is the subject land the subject of an application for a Zoning By-Law Amendment, minor variance, consent or approval of plan of subdivision?*

Yes

No

Unknown

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

8. **SKETCH (Use the attached a Sketch Sheet on page 11)**

The application must be accompanied by a Sketch showing the following:

- ◆ the boundaries and dimensions of the subject land;
- ◆ the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings and structures from the front yard line, rear yard lot line and side yard lot lines;
- ◆ the approximate location of all natural and artificial features on the subject land and adjacent lands that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded area, wells and septic tanks;
- ◆ The current zoning and uses of subject land and current zoning and use(s) on adjacent lands;
- ◆ the distance between the subject land and the nearest township lot line or landmark, such as a railway crossing or bridge;
- ◆ the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- ◆ 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; and
- ◆ 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 or other agencies in reviewing this application? If so, please explain below or attach on a separate page.

COMBINING THE LOTS WILL ACCOMMODATE THE CONSTRUCTION OF A GARAGE ADDITION TO THE NORTH SIDE OF THE HOUSE

10. AFFIDAVIT OR SWORN DECLARATION

10.1 I, Paul Patise, of the Municipality of Wawa, in the District of Algoma, make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true.

SWORN BEFORE ME AT THE
MUNICIPALITY OF WAWA
IN THE DISTRICT OF ALGOMA

[Signature]
COMMISSIONER OF OATHS

[Signature]
APPLICANT

Dated this 7th day of March, 20 23

Tiffany Christina Parent,
a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Municipality of Wawa.
Expires November 29, 2025.

11. AUTHORIZATION

11.1 If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

**AUTHORIZATION OF OWNER FOR AGENT
TO MAKE APPLICATION**

I, _____ am the owner of the land that is the subject of this application for a consent and I authorize _____ to make this application on my behalf.

DATE

SIGNATURE OF OWNER

11.2 *If the applicant is not the owner of the land that is the subject of this application, please complete the authorization of the owner concerning personal information set out below.*

**AUTHORIZATION OF OWNER FOR AGENT
TO PROVIDE PERSONAL INFORMATION**

I, _____ am the owner of the land that is the subject of this application for a consent and for the purposes of the **Freedom of Information and Protection of Privacy Act**, I authorize _____ as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE

SIGNATURE OF OWNER

12. CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

**CONSENT OF THE OWNER TO USE AND
DISCLOSURE OF PERSONAL INFORMATION**

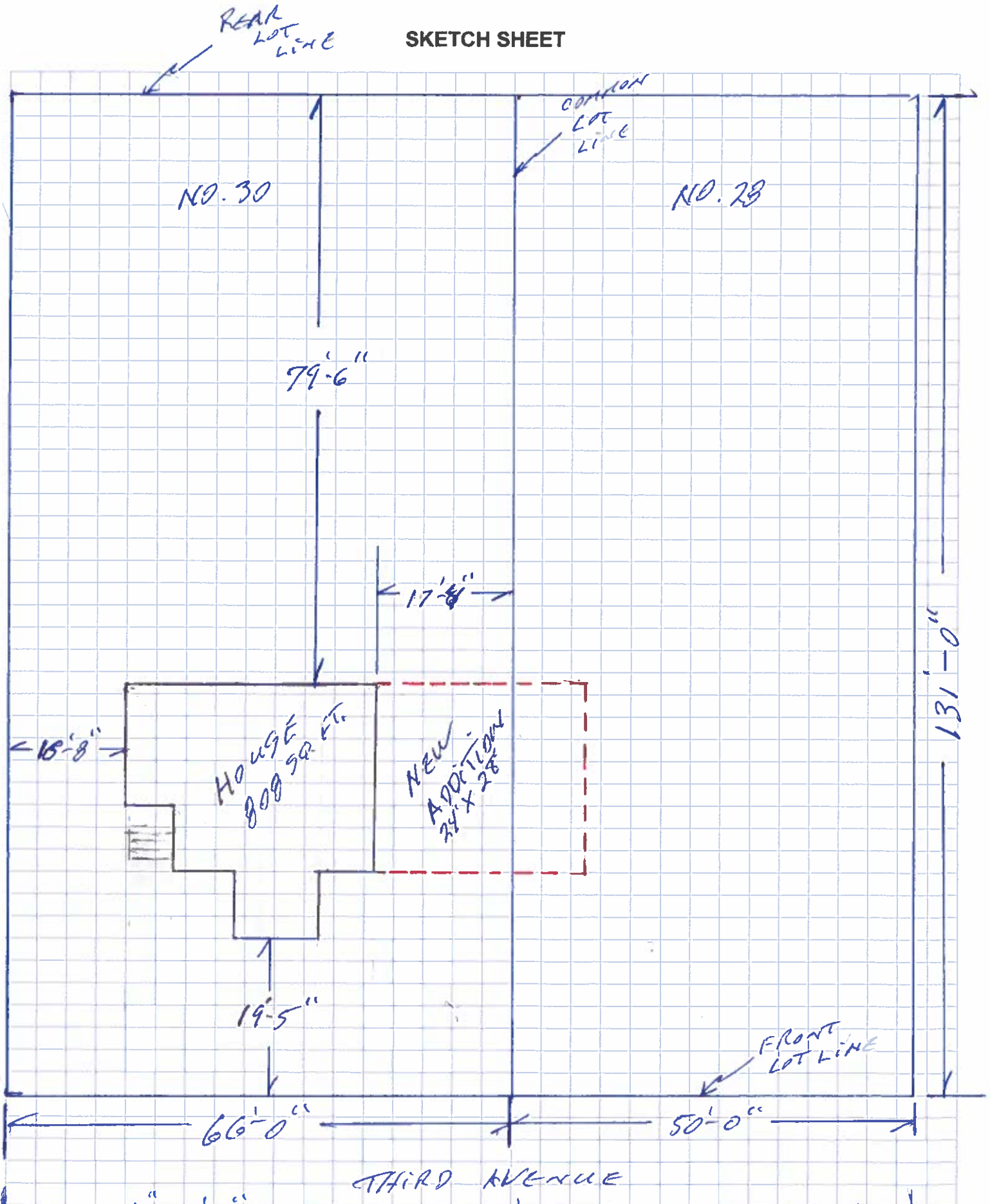
I, _____ am the owner of the land that is the subject of this application for a consent and for the purposes of the **Freedom of Information and Protection of Privacy Act**, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the **Planning Act** for the purpose of processing this application.

DATE

SIGNATURE OF OWNER

The Committee of Adjustment will assign a **FILE NUMBER** for complete applications and this should be used in all communications.

SKETCH SHEET



SCALE $\frac{1}{16}'' = 1'-0''$