



**THE CORPORATION OF  
THE MUNICIPALITY OF SIOUX LOOKOUT  
PO BOX 158, SIOUX LOOKOUT ON P8T 1A4  
Department of Development Services  
Telephone: (807) 737-2700 Facsimile: (807) 737-3436  
www.siouxlookout.ca**

## **PLANNING REPORT**

**Municipality of Sioux Lookout  
Committee of Adjustment/Consent Granting Authority**

**Application for Consent C02-2023 (LWD Corporation)  
Application for Minor Variance M02-2023 (LWD Corporation)  
March 14, 2023**

### **Introduction/Proposal**

An application for Consent and an application for a Minor Variance has been submitted by Ben Cohen on behalf of LWD Corporation for the subject lands known locally as 1-29 Durante's Road in the Municipality of Sioux Lookout. The subject lands have a total lot area of approximately 2.9 hectares (7.2 acres) and has lot frontage on Alcona Drive. The subject lands are shown on Figure 1.

Figure 1: Subject Lands



The purpose of the Consent application is to create two new lots on the subject lands, for a total of three lots. Lot #1 is to contain the existing mobile home park, and Lots #2 and #3 are to be vacant following the proposed Consent. The applicants however are proposing a new commercial use (retail store) on Lot #3 and have submitted a preliminary plan of the proposed development. The proposed development plan for Lot #3 is attached to this report.

The proposed lot configuration is shown in Figure 2, and the proposed lot statistics are shown in Table 1.

Figure 2: Proposed Lot Configuration



Table 1: Proposed Lot Statistics

Lot	Approximate Lot Area (m <sup>2</sup> )	Approximate Lot Frontage (m)
Lot #1	13,000	75
Lot #2	12,500	32
Lot #3	3,500	36

Due to the proposed development on Lot #3, a Minor Variance application is required to ensure the proposed lots and the proposed development complies to the Zoning By-law.

The purpose of the Minor Variance application is to seek relief from various requirements of the Zoning By-law, including the following:

- Section 4.18.7 of the Zoning By-law requires that where a commercial zone abuts a residential zone or lot used for residential purposes, parking shall not be located in the required yard of the commercial property. Proposed Lot #3 contains parking spaces within the required interior side yard of 5 metres on the west portion of the property, which abuts a property that is zoned residential to the west.
- Section 4.22.1 of the Zoning By-law requires that where a lot in a CH Zone abuts an interior side lot line of a residential use, a 3 metre wide planting strip adjoining the shared lot line must be provided. A planting strip is not proposed on the west interior lot line for proposed Lot #3.

It is also noted that easements are required for legal access to the proposed lots, and for existing infrastructure (water and sewer lines) on the subject lands. Please refer to Figure 3.

### **Background**

The subject lands are located within the Urban Sioux Lookout Settlement Area of the Official Plan and are designated Residential and Highway Commercial. The subject lands are located within the Residential Mobile Home (RMH) Zone and the Highway Commercial (CH) Zone in the Zoning By-law. The existing mobile home park is located within the RMH Zone, and the remaining subject lands are located within the CH Zone. There is a mapped Provincially Significant Wetland identified in the Official Plan to the east of the subject lands.

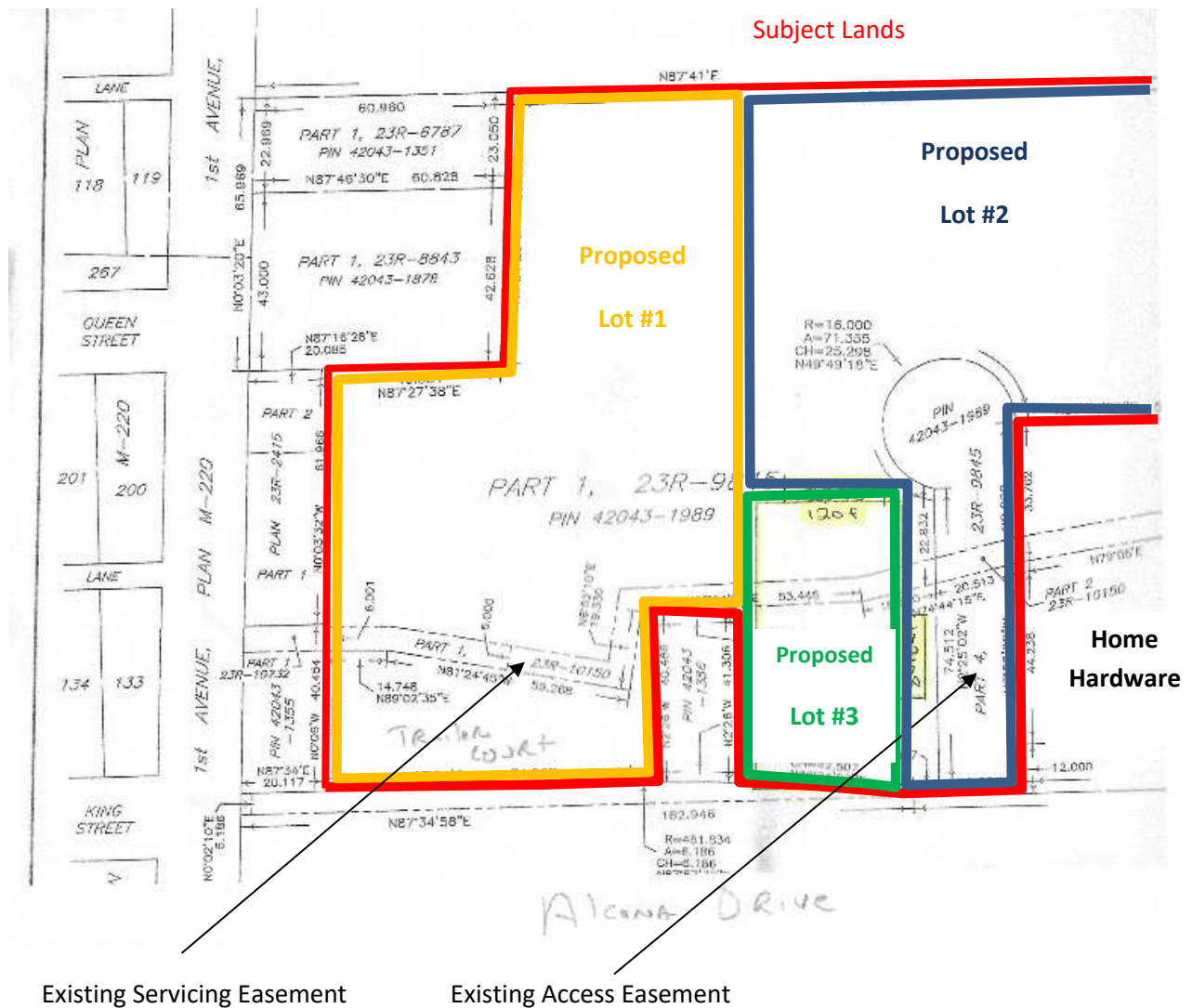
Surrounding land uses include residential, highway commercial (Home Hardware), and institutional (church).

The subject lands have lot frontage on Alcona Drive and also contains two internal private roads. It is understood that there is an existing access easement over the subject lands in favour of the adjacent Home Hardware property and the subject lands.

It was confirmed that the subject lands are serviced with municipal water and sewer services, however the existing services cross multiple properties and connects to the municipal services on First Avenue via private lines. It is understood that there is an existing easement established for the location of the water and sewer services over the subject lands.

The locations of the existing easement are shown on Figure 3.

Figure 3: Existing Easements



**Consent Application**

**Provincial Policy Statement (PPS)**

The PPS is a document that guides development in the Province. It provides policy direction on matters of Provincial interest and is intended to ensure that development in Ontario occurs in a manner that is sustainable from a financial, environmental, and social perspective.

The subject lands are located in the Urban Sioux Lookout Settlement Area. The PPS directs growth and development to be concentrated in Settlement Areas in Section 1.1.3.1. This includes providing opportunities for intensification and redevelopment where appropriate. The proposed

Consent would result in the potential for intensification on the subject lands. The proposed development is permitted on the subject lands in the context of the PPS.

The PPS states in Section 1.6.6.2 that municipal sewage services and municipal water services are the preferred form of servicing in Settlement Areas to support protection of the environment and minimize potential risks to human health and safety. However, the PPS also notes that infrastructure should be provided in an efficient manner, and that planning for infrastructure should be coordinated and integrated with land use planning and growth management so that they are financially viable over their lifecycle and available to meet current and projected needs (Section 1.6.1). The subject lands are currently serviced by an internal water and sewer line, which is recognized by an existing easement on the subject lands.

Based on the proposed Consent and the proposed development on Lot #3, the existing servicing is to be utilized. Due to the existing servicing, future development on Lot #2 (depending on the type of development and density) may require updates and upgrades to the existing servicing situation. The owners should be aware that servicing may have to be updated in the future, depending on the proposed use.

The PPS includes policies regarding natural heritage features and adjacent lands. There is a Provincially Significant Wetland identified on the adjacent property to the east. The wetland is mapped and is located approximately 50 metres from the proposed eastern boundary of Lot #3.

In response to the mapped adjacent Provincially Significant Wetland, LBE Group Inc. submitted a letter to address the potential impacts on the wetland. Although the wetland is mapped within 50 metres of the proposed Lot #3, portions of this area are already developed and disturbed. Based on using a measurement from the proposed Lot #3 to the existing forested area to the east, there is a setback of approximately 130 metres from the proposed eastern lot line. Considering the existing development on the adjacent lands and the setback of the forested area to the east, the conclusion provided is that with appropriate construction techniques and standard mitigation measures in place the proposed development will have no appreciable negative impacts on the nearby Provincially Significant Wetland.



The location of the proposed Lot #3 and the forested area to the east is shown on Figure 4.

Figure 4: Aerial Image of Proposed Lot and Forested Area to East



The proposed Consent is consistent with the policies of the PPS.

### **Official Plan**

The subject lands are located in the Urban Sioux Lookout Settlement Area. The western portion of the subject lands and proposed Lot #1 is designated Residential, and the eastern portion of the subject lands and proposed Lot #2 and Lot #3 are designated Highway Commercial. The Residential designation captures the existing mobile home park use.

The general policies for Settlement Areas in Section 3.1 of the Official Plan state that growth and development should be focused on the Urban Sioux Lookout Settlement Area. Section 3.1.2 discusses various policies for the Urban Sioux Lookout Settlement Area, specifically that compatible development through infill and intensification is strongly encouraged and that new development should be serviced with municipal water and sewer. The proposed Consent and development on the proposed lots conforms to this policy direction, as new development is encouraged within the Settlement Area.

Section 3.3 of the Official Plan deals with land use compatibility. Policies in this section are related to items like traffic, access, and parking requirements. The existing and proposed uses of the proposed new lots on the subject lands conform with the applicable land use designations of the Official Plan. No new sensitive uses, such as residential, are proposed at present time. It is recognized that the area does contain a residential use, specifically to the west and adjacent to proposed Lot #3. It is recommended that future buffering be provided along the western boundary of proposed Lot #3 in order to reduce the potential for land use conflicts in the future. These requirements can be implemented through Site Plan Control.

Section 4.15 of the Official Plan includes policies regarding Provincially Significant Wetlands. Section 4.15 c) requires that an Environmental Impact Study be prepared for development and site alteration within 120 metres of a Provincially Significant Wetland.

In response to the mapped adjacent Provincially Significant Wetland, LBE Group Inc. submitted a letter to address the potential impacts on the wetland. Although the wetland is mapped within 50 metres of the proposed Lot #3, portions of this area are already developed and disturbed. Based on using a measurement from the proposed Lot #3 to the existing forested area to the east, there is a setback of approximately 130 metres from the proposed eastern lot line. Considering the existing development on the adjacent lands and the setback of the forested area to the east, the conclusion provided is that with appropriate construction techniques and standard mitigation measures in place the proposed development will have no appreciable negative impacts on the nearby Provincially Significant Wetland.

Sewage, water, and stormwater services are described in the Official Plan in Section 6. The Official Plan does state that all development within the Urban Sioux Lookout Settlement Area shall be serviced with municipal sewer and water; however, the policy also states that where development cannot be serviced with municipal services due to “topography or other constraints”, private communal systems or individual private on-site systems may be considered.

Based on the proposed Consent and the proposed development on Lot #3, the existing servicing is to be utilized. Due to the existing servicing, future development on Lot #2 (depending on the type of development and density) may require updates and upgrades to the existing servicing situation. The owners should be aware that servicing may have to be updated in the future, depending on the proposed use.

The subject lands are currently accessed from Alcona Drive, which is an open and maintained municipal road. No new accesses on Alcona Drive are proposed through this application. The subject lands also contain two private roads, one named Durante’s Road and another that is unnamed. The easement and right-of-way will not be impacted by this Consent application to ensure that legal access is maintained to the Home Hardware. An additional easement is required to provide legal access to the proposed Lot #3. Easements on commercial properties for access are common in these cases, and legal access will be maintained to existing properties, and added to the proposed Lot #3.

Site Plan Control is discussed in Section 8.6 of the Official Plan. Site Plan Control is used to ensure that development in the Municipality is attractive and compatible with adjacent uses, and applies to all commercial, industrial, institutional, recreational, and multi-residential development. Future development on proposed Lot #2 may be subject to Site Plan Control depending on what development is proposed on the lot. Proposed Lot #3 is to be developed with commercial uses, being a retail store. The owners will be required to enter into a Site Plan Control Agreement with the Municipality.

Section 8.14 of the Official Plan includes policies regarding land division and Section 8.15 of the Official Plan includes policies regarding Consents. New lots must be suitable for the intended or permitted use, and all new lots shall have direct access on an open and maintained road. The proposed Consent would create new lots that are suitable for the intended and permitted uses and have lot frontage, and access on an open and maintained municipal road. The Official Plan notes in Section 8.15. d) that Consents should not create or aggravate patterns of scattered or ribbon development, but should generally have the effect of infilling existing areas of development.

The proposed Consent does not result in scattered or ribbon development and has the effect of infilling within the Urban Sioux Lookout Settlement Area.

The proposed Consent conforms to the policies of the Municipality of Sioux Lookout Official Plan.

### Zoning By-law

The subject lands are split-zoned between the Residential Mobile Home (RMH) Zone and the Highway Commercial (CH) Zone of the Zoning By-law. The provisions for the RMH Zone are included in Section 5.4.2 of the Zoning By-law and the provisions for the CH Zone are found in Section 5.10.2.

Proposed Lot #1 is located within the RMH Zone which is to contain the existing mobile home park. Proposed Lot #2 and Lot #3 are located within the CH Zone.

Based on the information provided in the application, the approximate lot configuration for each of the proposed lots is summarized in Table 2.

Table 2: Proposed Lot Configuration

Lot	Approximate Lot Area (m <sup>2</sup> )	Approximate Lot Frontage (m)
Lot #1	13,000	75
Lot #2	12,500	32
Lot #3	3,500	36

The required minimum lot area and lot frontage for the RMH Zone and the CH Zone are included in Table 3. The minimum lot area is based on the properties being serviced with municipal water and sewer.

Table 3: Required Lot Standards

Lot	Zone	Minimum Lot Area (m <sup>2</sup> )	Minimum Lot Frontage (m)
Lot #1	RMH	10,000	60
Lot #2	CH	1,400	30
Lot #3	CH	1,400	30

In terms of the proposed lot configuration and review of the most recent development plan submitted by the owners, the proposed lots comply with the required lot standards of the applicable zones.

Based on the latest development plan for Lot #3, variances are required to address the parking provisions in the Zoning By-law, specifically regarding the location of parking spaces in a required yard, where a commercial zone abuts a residential zone, and the requirement for a 3 metre wide planting strip for a commercial property where it abuts a residential zone. These variances are discussed in the next section of this report.



Regarding the number of parking spaces, Section 4.18.1 of the Zoning By-law includes regulations for parking requirements for a commercial use. The proposed retail building has an approximate gross floor area of 886 square metres. Approximately 260 square metres of the building is dedicated to warehousing space, while the remaining 626 square metres will be used for the retail floor. The Zoning By-law requires that where a building accommodates more than one use, the parking space requirement shall be the sum of the requirements for the separate parts of the building. In this case, the required parking for a warehouse use (0.8 parking spaces per 100 square metres of gross floor area) and a retail use (3.4 square metres per 100 square metres of gross leasable floor area) combine to require a total of 24 standard parking spaces. The Zoning By-law also requires loading spaces in Section 4.13.1, where a building with a gross floor area of 886 square metres would require one loading space be provided. Barrier-free parking spaces must also be provided based on the number of standard parking spaces provided; this provision is found in Section 4.18.4 of the Zoning By-law. In this case, 1 barrier-free parking space is required to be provided. All told, the number of parking spaces required by the Zoning By-law and the number of parking spaces indicated in the site plan is shown in Table 4:

Table 4: Parking Requirements

<b>Parking Space Types</b>	<b>Required</b>	<b>Provided</b>
Standard Parking Spaces	24	30
Loading Spaces	1	1
Barrier-Free Parking Spaces	1	2

The proposed provided parking spaces complies with the requirements of the Zoning By-law.

Although the proposed development on Lot #3 requires variances to the Zoning By-law, the variances are in keeping with the intent of the Zoning By-law and are discussed in the next section of this report.

### **Minor Variance Application**

#### **The Four Tests of a Minor Variance**

Two variances are required to ensure that proposed Lot #3 complies with Zoning By-law 85-18. The following variances are required:

- Section 4.18.7 of the Zoning By-law requires that where a commercial zone abuts a residential zone or lot used for residential purposes, parking shall not be located in the required yard of the commercial property. Proposed Lot #3 contains parking spaces within the required interior side yard of 5 metres on the west portion of the property, which abuts a property that is zoned residential to the west.
- Section 4.22.1 of the Zoning By-law requires that where a lot in a CH Zone abuts an interior side lot line of a residential use, a 3 metre wide planting strip adjoining the shared lot line must be provided. A planting strip is not proposed for Lot #3 along the western interior side lot line which abuts a property that is zoned residential to the west.

In considering the variance application, the Committee needs to be satisfied that the proposal is in-keeping with the “Four Tests” of a minor variance as is set out in the *Planning Act*. Based on the information provided in the application package, a review of the four tests was conducted and summarized below.

Information pertaining to the four tests of a minor variance follows:

**1. *Is the Variance In-Keeping with the Intent of the Official Plan?***

The subject lands are designated as Residential and Highway Commercial in the Official Plan. The Residential designation recognizes existing residential areas and lands for future residential uses. The Highway Commercial designation is intended to provide land for the development of commercial uses that cater to the travelling public and local residents and that may require larger land areas for development. The proposed lots and the proposed uses conform to the Official Plan.

The requested variances are required due to the location of the parking lot and spaces on proposed Lot #3.

The requested variances for parking on the proposed Lot #3 are required to permit the parking spaces within the required yard and to permit a reduction to the required width of a planting strip. The subject lands are located within a Settlement Area and therefore a compact development form is encouraged. The reduction to these requirements can be offset by site design measures, such as a fence, between the proposed commercial lot and the existing residential to the west.

The proposed variances are in-keeping with the intent of the Official Plan.

**2. *Is the Variance In-Keeping with the Intent of the Zoning By-law?***

The subject lands are split-zoned Residential Mobile Home (RMH) and Highway Commercial (CH) in the Zoning By-law. The existing and proposed uses are permitted on the proposed lots.

The following includes a review of the required variances:

- Section 4.18.7 of the Zoning By-law requires that where a commercial zone abuts a residential zone or lot used for residential purposes, parking shall not be located in the required yard of the commercial property. Proposed Lot #3 contains parking spaces within the required interior side yard of 5 metres on the west portion of the property, which abuts a property that is zoned residential to the west.

The intent of this provision is to provide a separation distance between parking spaces on a commercial property and adjacent residential uses. The parking spaces on proposed Lot #3 are currently shown at a setback of 1.2 metres in the front yard and 1.7 metres in the rear yard, from the western lot line. Through discussions with the owner, they are willing to construct a fence in this case in order to provide a buffer from the adjacent residential property to reduce potential

negative impacts on the residential use. This can be implemented through Site Plan Control. Pending site design and fencing, parking spaces to be located 1.2 metres from the western interior lot line in the front yard and parking spaces to be located 1.7 metres in the rear yard on Lot #3 are appropriate.

- Section 4.22.1 of the Zoning By-law requires that where a lot in a CH Zone abuts an interior side lot line of a residential use, a 3 metre wide planting strip adjoining the shared lot line must be provided. A planting strip is not proposed on the west interior lot line for proposed Lot #3.

Similar to the above variance, this provision is meant to provide a buffer area between commercial and residential uses. Due to the location of the proposed parking areas, a planting strip is not required on proposed Lot #3 if the owners construct fencing along the western interior lot line of proposed Lot #3.

The proposed variances are in-keeping with the intent of the Zoning By-law.

### **3. Will the Variance Provide for the Desirable Development of the Land?**

The subject lands are designated and zoned for residential and highway commercial use. Surrounding land uses include other highway commercial (retail/building supply and lumber outlet) uses and residential uses. The proposed variances will allow the development of Lot #3 with a commercial use. Considering the owners are subject to Site Plan Control and there are no negative land use compatibility issues anticipated, the requested variances are desirable.

The proposed variances will provide for the desirable development of the land.

### **4. Is the Variance Minor?**

The proposed variances appear to be minor based on a review of the three previous tests of a minor variance. All other provisions of the Zoning By-law are met and the variances assist in promoting new development within the Settlement Area in a compact development form.

## **Comments Summary**

At the time of report submission no comments concerning these applications had been received.

## **Recommendation – Consent**

It is recommended that Consent Application C02-2023 (LWD Corporation), being an application for Consent to create two new lots on the subject lands, and to approve a servicing easement and access easements on the subject lands, be approved subject to the following conditions:

1. The following documents must be provided for the transaction:

- a. The original executed Transfer/Deed form, a duplicate original and one photocopy for our records.
  - b. A Schedule to the Transfer/Deed form on which is set out the entire legal description of the parcel in question; and,
  - c. A reference plan of survey which bears the Land Titles Office registration number and signature as evidence of its deposit therein, illustrating the parcel to which the consent approval relates.
2. The Transfer/Deed form noted shall not identify the Transferor and Transferee as the same person.
  3. That the owners submit a payment of Cash in Lieu of Parkland (\$1,500.00) be paid to the Municipality prior to final approval.
  4. That the owners enter into a Site Plan Control Agreement with the Municipality prior to the development of Lot #3 to address the recommendations for site buffering on the west portion of Lot #3, abutting the existing residential lot, to the satisfaction of the Municipality.
  5. That the existing easement for water and sewer services be maintained over proposed Lot #1, Lot #2 and Lot #3 and be updated as necessary as a result of the proposed lot creation.
  6. That the existing access easement located on proposed Lot #2 be maintained and updated to include legal access to Lot #3.

Notes:

1. It is the applicant/and or agent's responsibility to fulfill the conditions of consent approval within two years from the date of this letter pursuant to Section 53 of the Planning Act. No further notice or warning of the expiration of the two-year period will be issued.
2. 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 Consent application will be required.

**Recommendation – Minor Variance**

Based on a review of the four tests of a Minor Variance, Committee should be confident that the proposed variances are minor in nature, are in keeping with the general intent and purpose of the Municipality's Official Plan and Zoning By-law, and are desirable for the appropriate development and use of the land. Based on our review of the Minor Variance application, it would appear that the four tests of a minor variance have been met. It is recommended that a variance be approved to permit:

- A minimum setback of 1.2 metres for parking spaces from the western interior lot line for Lot #3 (in the front yard);

- A minimum setback of 1.7 metres for parking spaces from the western interior lot line for Lot #3 (in the rear yard);
- A planting strip shall not be required along the western interior lot line for Lot #3.

A condition of provisional Consent is recommended, that the owners enter into a Site Plan Control Agreement with the Municipality prior to the development of Lot #3 to address the recommendations for site buffering on the west portion of Lot #3, abutting the existing residential lot.

Respectfully Submitted,

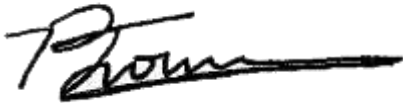


Kristen Bartmann, MPLAN

Planning Coordinator

Reviewed by:

**MHBC PLANNING**



Patrick Townes, BA, Bed  
Associate



Jamie Robinson, BES, MCIP, RPP  
Partner