



City of North Bay Report to Council

Report No: CSBU-2022-039

Date: June 29, 2022

Originator: Beverley Hillier, MCIP RPP

Business Unit:
Community Services

Department:
Planning & Building Department

Subject: Proposed Closure of an Unopened Road Allowance – Ross Drive

Closed Session: yes ☐ no ☒

Recommendation

1. That the application by Steven and Anne Walkom to close the unopened municipal road allowance, as shown on Schedule "A" attached to Report to Council CSBU 2022-039, be approved;
2. That the closure of the unopened road allowances be subject to the granting of any required easements; and
3. That the Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject lakeshore road allowance.

Proposal

The property owner of 400 Ross Drive has submitted an application to close the road allowance abutting their property and add these lands to their property. The owner has stated that the purpose of this closure is to add extra land to their holdings to facilitate the future redevelopment of their property.

Figure 1: Map of Subject Property and Surrounding Area



Summary

Section 34(1) of the Municipal Act 2001 (S.O. 2001, c.25) permits municipalities to pass By-laws for "stopping up any highway or part of a highway".

The road allowance is used to provide access to the dwelling located at 400 Ross Drive. However, the road is not built to municipal standards and is not maintained by the City of North Bay.

Only one other property, located at 420 Ross Drive, abuts the subject road allowance. This abutting property is currently undeveloped but recently received approval for a draft plan of subdivision by City Council.

Ross Drive is a cul-de-sac, with no connections to any other road. The property at 400 Ross Drive is the last dwelling unit on this municipal street. Ross Drive is built to a municipal standard for the majority of the road. A turnaround circle is presently constructed two lots south of the subject property, which for most drivers would mark the end of the road. Ross Drive then narrows into a road that more closely resembles a private driveway. The City does provide winter maintenance for one additional lot (390 Ross Drive). The City does not maintain the road allowance in front of 400 Ross Drive and that owner currently uses and maintains this section of the road allowance and their private driveway.

The property owner has requested the closure of the road allowance in order to acquire additional lands that would eventually facilitate the redevelopment of their property. Relative to other lots with frontage on Trout Lake, their lot is shallow. Staff estimates the depth of the lot to be 45m-50m. The Zoning By-law requires a front yard setback (the Trout Lake side of the property) of 30 metres and a rear yard setback (the road side of the property) of 12 metres.

The protection of Trout Lake is one of the Official Plan's core objectives. There are multiple policies stating this goal. Section 3.5.1 of the Official Plan states that "*This*

Official Plan recognizes that Trout Lake is a valuable community resource in that it is the sole source of drinking water for the City of North Bay as well as for private systems which draw their water directly from the lake; that this water body is a significant recreational resource at the fringe of the urban area which offers unique opportunities not found in such close proximity to most Canadian communities; that the shoreline of this water body has a special aesthetic appeal for the development of seasonal and permanent residential uses; and that the general population of North Bay wishes to see that special care is taken through strict lake and watershed development controls to maintain or improve its existing level of water, aesthetic and fishery quality.”

The proposed closure of the road allowance would help achieve this objective once the property at 400 Ross Drive is developed and the new house would be further set back from its current location.

The neighbouring property, located at 420 Ross Drive, was recently approved for a three lot Draft Plan of Subdivision. The approved Plan of Subdivision is attached to this report as Schedule B for reference purposes. The lot abutting the subject road allowance is labelled as Lot 3; the other two lots are located further north of Lot 3.

The proposed lots are irregularly shaped. Lot 3 could gain access to Ross Drive via the subject road allowance. The other two lots will need to gain road access via Ross Drive further to the south. In anticipation of the proposed new lots, the property owner at 420 Ross Drive constructed a private driveway that leads to the north part of the property where Lots 1 and 2 are being constructed. This is shown in dashed lines on the Draft Plan attached as Schedule B.

Correspondence

This proposal was circulated to the abutting property owner, as well as to several municipal departments and agencies that may have an interest in the application. In terms of correspondence received from these departments and agencies, the Planning Department received the following comments:

- 1) Bell Canada: No objections
- 2) Engineering Department: No objections
- 3) Ministry of Transportation: No objections
- 4) Hydro One: No objections

Should City Council elect to move forward with the road closure, staff would contact all utility companies a second time to determine whether or not an easement is required for their services.

The property owner at 420 Ross Drive has expressed opposition to the proposed road closure as Lot 3 could use this road allowance to access Lot 3. Alternatively, if the City proceeds with the road closure, they have asked to acquire half of the laneway.

No other correspondence was received on this file.

Financial/Legal Implications

There are no financial implications to the City of North Bay. The legal implications to the City would be the transfer of a parcel of unopened road allowance into private ownership.

Corporate Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input checked="" type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

- Promote and support public and private sector investment

Options Analysis

Planning staff considered the competing requests and identified four potential outcomes, as identified and contemplated below:

Option 1: Sell the entire road allowance to the property owner at 400 Ross Drive for their exclusive use

As previously noted, the Zoning By-law requires minimum setbacks of 30m and 12m from the Lake and rear yard respectively. At the property's current configuration, this leaves very little building envelope. The addition of the road allowance to the existing holdings would at a minimum enable the property owner to increase the distance to Trout Lake. A similar road closure application was previously deployed at the end of West Peninsula Road, which allowed that property owner to move their building further back when they reconstructed.

Option 2: Sell the entire road allowance to the property owner at 400 Ross Drive with a requirement that an access easement be provided to 420 Ross Drive.

This option would allow the neighbouring property owner to benefit from the road closure while still allowing the property at 400 Ross Drive to relocate further back. However, it should be noted that access easements are not ideal, sometimes creating conditions that lead to long-term disagreements (for example, disputes about ongoing maintenance standards or future rehabilitation requirements/costs).

Option 3: Divide the road allowance between the two property owners

Dividing the road allowance would allow each property owner to benefit. However, a divided road allowance likely does not leave enough space for two driveways. It also reduces the distance that property owner at 400 Ross Drive can move back their home in the future. It is also staff's opinion that considering the differing sizes of the two properties in question, the addition of land to 400 Ross Drive would have a significant

benefit to that property, whereas the addition of extra land to 420 Ross Drive would have little effect.

Option 4 Keep the road allowance in City ownership and allow 420 Ross Drive to gain access to Lot 3 via the road allowance

This option would allow the property owner at 420 Ross Drive to access Lot 3 through the road allowance. However, it should be noted that to do so, the property owner would need to build the road to full municipal standard. It also would not remove the property owner's requirement to construct a private driveway in order to access Lots 1 and 2.

Option 1 is the recommended option. The property at 400 Ross Drive would receive the greatest benefit from the proposed road closure. Adding this property to their holdings would provide them more development options on their property.

Protection of Trout Lake and its water quality is one of the primary objectives of the City's Official Plan. There are many measures put in place through this document to achieve this objective, including generally preventing new lots from being created on Trout Lake, increased setbacks from the shore and the requirement for natural vegetation adjacent to the Lake.

Selling the road allowance to the property owner at 400 Ross Drive would help achieve this objective, once their property is redeveloped.

The benefit to the property owner at 420 Ross Drive is less significant; they may benefit by being able to reduce their development cost by accessing Lot 3 through the road allowance. However, this is uncertain, as they would be required to bring Ross Drive to Municipal standards, while at the same time still fully needing the private driveway to access Lots 1 and 2. The cost to extend the driveway to Lot 3 may well be less than the cost to build Ross Drive to municipal standards.

Lots 1, 2 & 3 of the recently draft approved subdivision all already front on Ross Drive, an open maintained municipal road. For this reason and those stated above, there is no planning justification to not transfer the unopened road allowance subject to this application to the applicant.

Recommended Option

Option 1 is the recommended option

1. That the application by Steven and Anne Walkom to close the unopened municipal road allowance, as shown on Schedule "A" attached to Report to Council CSBU 2022-039, be approved;
2. That the closure of the unopened road allowances be subject to the granting of any required easements; and
3. That the Chief Administrative Officer be authorized by Council to initiate normal

closure procedures for the subject lakeshore road allowance.

Respectfully submitted,

Name: Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

We concur with this report and recommendation.

Name: Ian Kilgour, MCIP, RPP

Title: Director, Community Development and Growth

Name: David Euler, P.Eng., PMP

Title: Chief Administrative Officer

Personnel designated for continuance:

Name:

Peter Carello, MCIP, RPP

Title: Senior Planner – Current Operations

Schedule A



Schedule B

