

**From:** [KNIGHT](#)  
**To:** [Planning Applications Wiarton](#)  
**Subject:** 848 Frank St - Rykor Enterprises Inc (Ryan Korpikoski) - Storage Facility  
**Date:** Saturday, June 1, 2019 8:51:06 PM

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Files: SBPOPA52 & Z-28-19.58  
Roll Number: 410258000323600

Peninsula Planning Office (Wiarton)

This response is regarding the Development Proposal regarding the “Residential” to “Residential Special Policy Area” on the above subject lands.

We object to any proposed zoning change to industrial from residential. We would like this parcel to remain as residential. If and when this parcel of land is ever sold, this property could potentially be any kind of business adjacent to our property. This could effect air quality, noise volume, health and safety issues, etc. This is not something we would be happy with when we proceed to build.

Thank you

Ron and Diane Knight  
820 Frank Street  
Wiarton, ON

Sent from iPad

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## MARGO AND ZIGGY RYGIER

416-520-6102  
416-532-5222  
[bythepark1@gmail.com](mailto:bythepark1@gmail.com)

800 Frank St.  
Warton, On  
N0H 2T0

June 17, 2019

MS. Amanda Herbert/Bruce County Planing and Development/Peninsula Planing  
Office Warton

268 Berford St., Box 129  
Warton Ontario N0H 2T0  
519-534-2092

Dear Ms. Herbert,

This letter is in regards to Files: SBPOPA52 & Z-28-19.58 property at 848 Frank St.,  
Warton and Applicant Rykor Enterprises Inc./Ryan Korpikoski.

We are the owners of the property at 800 Frank St. that will be greatly affected by  
proposed changes to the Local Official Plan and proposed re-zoning.

Currently the property at 848 Frank St. is the **only one** with any commercial/  
industrial use in entirely residential area. 848 Frank St is surrounded by a single  
residential properties and residential vacant land such as ours. All properties have  
either waterfront access or sweeping water views of the bay making them prime  
location for future residential and recreational development.

We have purchased our vacant land as a place where we can build our future home  
to escape from noise, traffic, pollution and enjoy the nature.

We are not against the development, but want to enjoy the South Bruce for its  
beauty and all the best that small Ontario town can to offer.

We have taken our time to look through the Official Plan of the Town of South Bruce  
Peninsula and can not agree more that:

\*\* "Council, among other things shall: .....Consider the merits of the development  
proposal in relation to its compatibility with surrounding land uses and existing land  
use patterns." (2.3.2 )

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**\*\*.** “Development Principles

Over the planning period of this Official Plan, major industrial growth directed to the Wiarton settlement area shall occur in accordance with the following development principles.

Industrial uses shall be encouraged to locate in business parks, which, for the purposes of this Official Plan are defined as industrial subdivisions accommodating industrial, wholesale, office and retail and service commercial establishments.” (4.12.2)

**\*\*** “9.7.1 Section 34(10) of the Planning Act (Zoning)

The characteristics of the existing use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic-generating capacity. If one or more of the above nuisance factors will be created or increased so as to add significantly to the incompatibility of the use with the surrounding area, then no amendment to the implementing Zoning By-law shall be undertaken.”

**\*\*\***“Residential intensification shall be encouraged within existing built-up areas with municipal sanitary sewer and water services as a means of urban renewal, creating affordable housing and ensuring the most efficient use of existing infrastructure and services, but shall only occur in a manner which maintains the general character and amenity of the host neighbourhood and shall be appropriately serviced”

**\*\*** “Within the Town of South Bruce Peninsula, the majority of growth is to be directed towards areas serviced with municipal sewer and water, such as Wiarton.”

**Issues we have with the proposed changes;**

- not fitting into the existing residential neighbourhood
  - losing prime residential and recreational land with water access or water views.
  - Irreversible loss of residential lands that are serviced by a municipal water and sewage
  - Unattractive, windowless structure visible from current and future residential homes
  - Major expansion to 68 units that will greatly increase the traffic in the residential neighbourhood.
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- Lack of parking for the potential clients of the storage facility - with that many units there is a high probability of the cars being parked along the Frank St. and in front of the adjacent properties.
  - Impossibility to assure that the units will not contain hazardous or flammable materials- potentially contaminating our land and water
  - Loss in property value for current property owners in the area.

Town of South Bruce Peninsula has so much to offer: perfect area to raise a family, great place to retire not to mention the tremendous tourism potential. With the Wiarton Airport now offering flights from Toronto and hopefully other cities as well, it will definitely bring a new wave of permanent and seasonal residents. Every residential land should be preserved and protected for future residential uses.

With plenty of commercial/industrial properties along the HWY 6 corridor there are already appropriately zoned lands where the storage facility fits perfectly and could succeed as a viable business.

Please, do not change the allowable use and alter our neighbourhood forever. Prime residential and recreational properties should be protected for the future - our finest resources of the area are the pristine water, hiking trails, fishing, swimming, and a fresh air.

Sincerely yours,

Margo and Ziggy Rygier

A side note

To better understand the whole process we have been trying to get some questions answered regarding the Storage Facility at 848 Frank St. With repeated calls and voice mails we could not find a person who could provide us with the answers. Here are the questions:

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1. From the Notice of Complete Application and Notice of Public Meeting we gather that currently 848 Frank St is designated in the Local Official Plan as “Residential”
    - Does current “Residential” designation allows for commercial/industrial use such as Storage Facility?
    - Does the current Municipal Comprehensive Zoning By-law allows Storage Facility in lands designated as “FD- a Future Development Special”
    - Is current use - Storage (non conforming) is legal? - property was acquired by a current owner on October 29, 2014 - was zoning changed or amended after October 2014 to make this property legal non conforming?

Our understanding of **legal non-conforming** that it is the continuous use that has been in place before the current by-law was set in place. Until October 2014 business that was operating at 848 Frank St was Wiarton Windows - not a storage facility.

2. What is the density allowed on the subject property?
3. What are the parking requirements for this type of business?
4. What inspections, provisions and guarantees would be in place to provide that no hazardous and flammable chemicals will be stored at the site?
5. What is “Residential Special Policy Area”?
6. What uses would be allowed under that policy?
7. What is “M1-xx2019 Industrial Special” zoning?
8. What other industrial and commercial uses would it allow?

At least one of us will be attending the Public Meeting on June 29, 2019 at 10 am and we hope that somebody would be available to provide us with the answers.

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**Elayne Rintoul**  
77 Carling Terrace  
Wingham, ON N0G 2W0  
Cell 519-357-5140 email [erintoul@bell.net](mailto:erintoul@bell.net)

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June 26, 2019

RE: Recreational Property located at 850 Frank St, Wiarton, ON. N0H 2T0

Attention:

Amanda Herbert  
Bruce County Planning and Development, Planning Office  
268 Berford St. Box 129  
Warton, ON N0H2T0.  
519-534-2092  
[bcplwi@brucecountv.on.ca](mailto:bcplwi@brucecountv.on.ca)

**RECEIVED**  
**JUN 26 2019**

Dear Mrs Herbert

At this late time, I would like to submit this letter to express our deepest concerns and our complete disagreement with the proposed zoning bylaw changes and the easement for a shared access driveway that would considerably effect the property value and recreational aspects of the natural environment surrounding our pristine property that is adjacent to the proposed self storage property on 2 sides.

The property at 850 Frank St was purchased in 1987 with the intention that this would be a recreational area and beautiful spot for a summer home as well as a solid investment for our investment goals. Our understanding was that the glass factory was in difficulties and that the future of the property was for recreational use and zoned accordingly.

For the following Reasons, we firmly object to the proposed land use changes and easement changes that restrict our privacy and private access to our lake front property located at 850 Frank St.

1. Property value and curb appeal,

- Property with its own private driveway has more curb appeal and is more desirable for our privacy and for our future plans as well as curb appeal for a future buyer if we so desired to sell the property.
- The storage unit buildings would be out of character for the area and be less appealing for recreational users and obstruct views, the environment, noise pollution, property values and the traffic of people, vehicles and trucks to the area and would be detrimental to the surrounding properties.
- Essentially taking away our rights to own, control and secure our own property that we purchased in good faith according to land zoning description at that time, we purchased a property that included private access that is included in the sq/ft on the property description, deed and legal maps. Taking away this large percentage of this private property for someone else's private gain will hinder or prevent future developments in this vicinity and will completely go against the current zoning bylaws, therefore substantially reducing the value of our property and the adjacent lots that will be effected by this change.

**Elayne Rintoul**

77 Carling Terrace

Wingham, ON N0G 2W0

Cell 519-357-5140 email [erintoul@bell.net](mailto:erintoul@bell.net)

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**2. Equipment Storage**

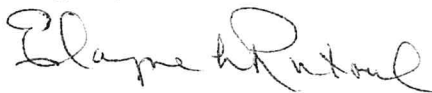
- Our understanding that Construction equipment and or machinery will be stored and used on site. This will create a huge problem with noise pollution. This recreational area will be disturbed constantly by early morning equipment starting, warming up, idling and operating within the area, disturbing cottagers and many others in the early and hours of the day and night.
- Equipment leaking and contaminating the environment is a major concern. As we have seen in almost all machinery or construction equipment lots, the ground is spotted with leaked oils, coolants, greases, fuel and other hazard products used in numerous industries. These products will be used or brought back to this location and possibly leach into our natural environment. One spill could destroy all the wild life spawning and nesting areas and will no longer be a natural environment for the wild life.

**3. Traffic and Security**

- Many people will be in and out of a storage facility giving people access for viewing and checking out surrounding homes and cottages. The potential for increased in crime is a huge concern as we have seen many epidemics, drug or alcohol that have ruined people's lives and led to more people becoming potential criminals doing break and enters in seasonal occupied homes. (Crimes of Convenience)

In attendance at the Planning meeting on June 26, 2019 are my children that will represent me, Elayne Rintoul. My daughter, Michelle Kennedy, son Michael Rintoul will be present to show our discourse and as a family we completely disagree and appeal to the planning board to deny this application for a storage facility and easement of our private property.

Regards,



Elayne Rintoul  
owner



## **Excerpt from Planning Advisory Committee Meeting – June 26, 2019**

### **8. File SBPOPA52-19.58, Z-28-19.58 Rykor c/o Cuesta, Planning Report Presentation, Public Meeting and Consideration of Recommendation**

On a show of hands with the majority being received this was moved forward in the agenda.

#### **8.1 Presentation of Report by Bruce County Planning Staff**

Planner Herbert explained that the property has been historically used for manufacturing purposes. In 2014 the property was purchased and the manufacturing was turned into storage. The Official Plan amendment is required to change the residential use to permit the storage use. The lands are designated Urban Area in the Niagara Escarpment Plan. The application is expected to be consistent with the Niagara Escarpment Plan. In the County Official Plan, the property is designated Primary Urban Area Warton. Partial services are feasible. The application conforms to the County Official Plan. Regarding the Town Official Plan, the property is in the Residential designation. A mini-storage falls outside the designation permitted uses. The application appears to be consistent with the Town's vision and goals. The applicant has operated an 18 unit self-storage business for a number of years. They are now wishing to grow the business. Planning staff do not anticipate negative impacts on traffic or built heritage. Staff are working to determine whether or not the Town can request site plan control under the Niagara Escarpment development permit process. The applicants had applied for a Zoning By-Law amendment. Late last week the Niagara Escarpment indicated that the lands are subject to their Plan and zoning does not apply. Agency comments included the Town indicating the requirement for a water meter and the requirement of an encroachment agreement to formalize the location of the existing driveway within the unopened road allowance to the west. Grey Sauble Conservation Authority had no objections but commented on measures to be put in place to address potential erosion. There were 2 formal public submissions objecting to the proposal. The public felt that the development is not right for a storage use, there is insufficient parking, hazardous materials may be stored in the units and there could be negative impacts on property values. Planning staff note that there is a long history of industrial use of the property, the Town staff did not indicate a lack of parking on the property, and staff will share the definition in the Zoning By-Law regarding no hazardous materials being stored. Planning staff recommend approval of the Official Plan amendment and that the Zoning By-Law amendment is withdrawn and forwarded to the Niagara Escarpment Commission.

#### **8.2 Open Public Meeting to Consider SBPOPA52-19.58, Z-28-19.58 Rykor c/o Cuesta**

Public meeting opened.

**Time 10:46 am**

#### **8.3 Comments from Members of the Committee**



Chair Harron asked for comments from members of the Committee.

A Committee member asked about having a limited service agreement on the unopened road allowance. Director of Community Services Klingenberg indicated that a limited service agreement would be available but an encroachment agreement would be required. The Committee member indicated that they would not like to see the Town be responsible to upgrade the road. Another Committee member indicated that this could be addressed through site plan control. If an encroachment agreement is not available the entrance could be moved onto its own property.

A Committee member asked about the Residential designation. Planner Herbert indicated that while designated Residential, it has been historically used as industrial. Staff recommends that the Residential designation stays with a special provision to allow just this storage use. The Committee member wondered why we move back and forth with the designation. Director of Community Services Klingenberg indicated that this special restriction would only permit the requested use and not leave the door open for other types of commercial use. Further development would only be for residential use. A Committee member indicated that the history is that there was industrial/commercial there for years. There must have been a plan in the future for it to become residential because of the designation. Mini-storages are compatible in a residential neighborhood as there is limited use and impact. Committee members discussed the lack of sanitary sewers. A Committee member wondered if there would be other exceptions. Chair Harron indicated that each application would have to be reviewed on its own merits. Committee members discussed the fact that there are existing buildings and this is a legal non-conforming use which has been there for years. This use is less intrusive than the previous industrial use of the property. A Committee member discussed the change of use and how this will be limiting the property to a storage facility and could not be changed back to an industrial use. A Committee member indicated that this is a dry use; if full services were available, there would potentially be different development.

#### **8.4 Comments from Members of the Public**

Chair Harron asked for comments from members of the public.

**Ziggy Rygier** – He wants to object to the proposal of the expansion. He is a realtor and has purchased 800 Frank Street to the west of the property. His idea is a future development and building his own home. He loves the area and wants to keep the area as natural and undisturbed as possible. His major opposition is to not allow the zoning change to industrial. Chair Harron indicated that there is no zoning on the property because it is referred to under the Niagara Escarpment Plan. Mr. Rygier does not want to see the designation change to industrial. Chair Harron indicated that there is no recommendation to change to industrial. The designation would remain residential. Mr. Rygier indicated that this development does not fit in the neighbourhood. We are losing prime land with water views. This is a major expansion of 68 units which will take up

most of the property. The undisturbed land to the north of the property is disturbed. The land is clear cut which will promote erosion to the back of his property. He is concerned about the hazardous materials. No one can ensure that there would be no leaks which would pollute his land. The easement on the neighbouring property affects the value of the neighbouring property. They are now having a hard time selling their property and this will further devalue their property. A Committee member indicated that the neighbor would have to agree to the easement. Mr. Rygier indicated that there is a potential in the future for this to be prime residential area. This would be the only building that would be a sore thumb. There would not be a big expense for the Town to extend sewer to this area.

A Committee member asked who would enforce that there should be no hazardous material stored. Planner Herbert indicated that there is still a building permit and the opportunity through the Development Permit to establish conditions. Director of Community Services Klingenberg indicated that there is opportunity for Town comments to the Development Permit. Contraventions to the use could be enforced through the Niagara Escarpment Commission and through the Town Property Standards By-Law. A member of the Committee indicated that other users of the mini-storage speak up and complain if there are hazardous materials and the Fire Department is involved in annual inspections. The requirement for site plan control can be incorporated into the Development Permit.

**Michael Rintoul** – He owns the property to the east where there is to be an easement. He indicated that he would like to submit a letter today objecting to the development. He indicated that his property was purchased as an investment and a recreational property. The property was purchased on the idea that this would be a natural environment. This will change their privacy. This will also change their curb appeal. They are in the middle of doing an environmental impact study and all of the trees have been cut down already. Their lawyer would like a copy of the permit to cut the trees. He indicated that traffic and noise would be detrimental to the surrounding properties. Every weekend there will be people in there moving things. He knows that in Wingham, half the storage units are used by contractors and they store hazardous materials. He indicated that his property has a square footage and the easement that the person is looking for takes away the square footage. He feels that this development will lower his property value by 50%. There is a grade change now and the buildings will overlook his property. There is an erosion of a bank which is over 25 feet high. Throughout the winter people use salt and all that water will run down into an area where there is wildlife. Equipment will be stored at the site which will create noise pollution problems. He explained that the ground is spotted with leaks from equipment and this can leach into the natural environment. He indicated that the planning board asked them to put in a ditch years ago and now the developer has cut trees to the ditch and to their road access. They have taken pictures for their lawyer today. They had originally felt that the building would be torn down and their lawyer is asking for the permits, etc. that permitted the current use. They had to perform a study to sell the property and this is

being pushed through on people and they have been blindsided. This is a non-conforming property and the storage units should never have been allowed. Someone must have permitted them to do this. He doesn't see where this conforms to the Town goals. They are burying garbage on the property. He indicated that there will be nobody there 24 hours to see what is going into the units. They will fight the easement and they are planning on using his driveway to store their vehicles. They will not sign an easement and will be fencing off their driveway shortly. They hope the Town denies this application. Chair Harron indicated that this Committee will make recommendations to Council as they are an advisory Committee.

**Don Scott** – Indicated that the public can go to a Niagara Escarpment Commission meeting. The property would be posted and those within 120m would be advised of the decision. Anyone who is interested can send a note to the Thornbury office to have an opportunity to talk to the Commission. The current legislation is that the decision is made and then it is circulated. Chair Harron indicated that the neighbours would be advised to write to the Niagara Escarpment Office to request input into the decision. Planner Herbert indicated that written comments collected will be forwarded to the Niagara Escarpment Commission. She explained that there is no requirement for the developers to enter into an easement. This comment in her report was to point out that there may be an entrance which could require an easement. Members discussed legal access.

**Arlene McNay** – Has lived on Frank Street for over 50 years. It bothers her that the Town would consider allowing anything industrial in the Town limits. She objects. From the storage units she has seen, they are well lit and the light pollution would be detrimental.

**Dr. VanDorp** – Wondered if the archaeological assessment and environment assessments take place before the shovels are in the ground. Planner Herbert indicated that when they were processing the Zoning By-Law amendment, they were going to put a holding provision on the lands for an archaeological assessment. Now that the property falls under the Niagara Escarpment Commission, natural heritage will fall under their process.

A Committee member asked if the Niagara Escarpment Commission can make the property owner restore the lands. Planner Herbert indicated that this can be passed along to the Niagara Escarpment Commission. The County Tree Cutting By-Law does not apply. The Town does not have a Site Alteration By-Law. Planner VanDorp indicated that the Commission has development criteria and a set of exemptions. It was not known if the developer contacted the Niagara Escarpment Commission in this regard.

A Committee member indicated that the lighting comment is valid. They light them up for security. The mini-storage follows seniors' developments. When they down-size, they place items in mini-storage.

**Michael Rintoul** – Indicated that he disagrees with the storage comments and he does not feel that these are used by only seniors. South of Town has commercial use property which would still serve the Town and not destroy the natural environment.

**Don Scott** – Indicated that he represents Mr. Korpikoski in the expansion of the mini-storage facility. They support the staff recommendations and a development permit has been applied for. If the Niagara Escarpment Commission approves it subject to a site plan agreement with the Town or with items in the permit, it would not be objected to by the owner. A servicing agreement would not be objected to by the owner. If this property had been fully serviced with sewer and water, this application would not be happening. This is a single purpose use with a designation of Residential in the event that sewers are provided in the future. The cost according to the engineers to expand sewer was quite expensive. The buildings will be located on the land which was historically used and there are no buildings planned on the natural area. This is a more attractive building than what was there before. Mr. Scott indicated that he appreciates the Cheshire property purchased by Mr. Rygier and indicated that that property has been extensively filled. The mini-storage units should not negatively affect the properties surrounding. He agrees with Mrs. McNay about the lighting and recommends dark skies lighting. He is sympathetic to the gentleman who bought the Cheshire property and in the future with servicing, this could be residential as well. With regard to the access, the proposal is that access would be on Mr. Korpikoski's property. Access to the 40 foot laneway on Mr. Rintoul's mother's property is on the Korpikoski property now. They are prepared to allow the Rintoul's trespass access with a buffer area. He indicated that at the storage unit south of Town, there is very limited use. He requests endorsement of the planning report.

A Committee member asked why all of the trees were cut down. Mr. Scott indicated that there is no Land Alteration By-Law and this property is exempt under the County Tree Cutting By-Law. Mr. Korpikoski has indicated that a significant buffer will remain.

A Committee member asked what dark skies lighting is. Mr. Scott indicated that the lighting focus is downward.

A Committee member asked if where the fill is now is where the buildings are going. The member wondered about further filling. Mr. Scott indicated that they would not be allowed to fill without approval through the Development Permit.

A Committee member indicated that they have seen storage facilities where there is no outside storage permitted. Mr. Scott indicated that a site plan agreement registered on title can address these types of items.

Planner Herbert indicated that in the Zoning By-Law there is a definition of a mini-storage which will be forwarded to the Niagara Escarpment Commission for their consideration.

A Committee member indicated that one propane tank does not constitute a hazard. The definition of hazard is not one tank of gas. The Fire Departments are aware of the regulations to follow.

**Ziggy Rygier** – Wondered how anyone would know about these items to know what are in the units. He indicated that nobody can guarantee that there will not be a spill and there would be no pollution. The only way is to not allow the expansion of the units.

**Michelle Rintoul-Kennedy** – This is an awesome idea for Warton but it is on the wrong property.

**Michael Rintoul** – Indicated that the property below will have light shining on it as the property is lower below.

**Ziggy Rygier** – Indicated that reflection from snow will make the lights glow in their faces.

## **8.5 Read Written Submissions Received**

Written submissions were discussed in the presentation of the planning report and one written submission was given during the meeting.

The submission from the Knights which was included in the planning report was read.

## **8.6 Declare the Public Meeting to be Closed**

Public meeting closed.

**Time 11:54 am**

## **8.7 Consideration of Resolution**

### **R-17-2019**

It was **Moved** by D. Tedford, **Seconded** by T. Bell and **Carried**

**That** the Planning Advisory Committee receives the planning report for application SBPOPA52-19.58, Z-28-19.58 Rykor c/o Cuesta;

**And that** Z-28-19.58 is withdrawn as it is unnecessary and the file is forwarded to the Niagara Escarpment Commission;

**And that** the Planning Advisory Committee recommends approval to Town Council of SBPOPA52-19.58 as presented on June 26, 2019;

**And that** the Planning Advisory Committee has carefully considered all public and agency comments and asserts that public comments received in respect of the

application led to the following modifications being communicated to the NEC:  
requirement for dark skies standards and site development control;

**And further that** the necessary by-law be forwarded to Council for consideration of adoption based upon the recommendation of the Planning Advisory Committee and subject to the issuance of a Niagara Escarpment Commission Development Permit.