

Date: October 20, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A6-2020 – Application for Consent: 906-908 Portage Avenue (Carolyn Vandetti)

Application Purpose

Carolyn Vandetti has applied for consent to sever for the creation of a new legal lot along Portage Avenue North. Carolyn owns three abutting parcels with the same legal ownership on title being the following:

PIN 56018-0974: PCL 14-2 SEC SM58; S 29 FT LT 14 PL SM58 MCIRVINE; FORT FRANCES

PIN 56018-0975: PCL 15-3 SEC SM58; LT 15 PL SM58 MCIRVINE EXCEPT S ½; FORT FRANCES

PIN 56018-0976: PCL 15-4 SEC SM58; LT 16 PL SM58 MCIRVINE; S ½ LT 15 PL SM58 MCIRVINE; FORT FRANCES

PIN 56018-0974 is municipally known as 908 Portage Avenue and will comprise of the retained lands in this application.

PIN 56018-0975 and 56018-0976 are municipally known as 906 Portage and will comprise of the severed lands in this application.

Under the Planning Act, when a property owner owns abutting lands containing the same legal ownership on title, the lands are considered to “merge”. In this case and through discussions with the Town’s solicitor, the advice provided recommended that a consent be obtained to legally separate the parcels to allow Carolyn to sell the severed lands.

Property History

Through discussions with the Town’s solicitor it is believed that the parcels may have been severed pre-Planning Act and that it would be impossible to state that we are dealing with a whole lot on a registered plan of subdivision.

The proposed retained land of 908 Portage Ave (PIN 56018-0974) contains an existing single-family dwelling.

The proposed severed land of 906 Portage Ave (PIN 56018-0975 and 56018-0976) are currently vacant. The previously existing single-family home was demolished in 2019.

The Official Plan

The severed and retained properties would be designated as **Living Area** which typically hold residential type uses. Both the severed and retained lands would be destined to continue as single-family residential uses.

Zoning By-Law

Both the severed and retained properties are zoned Residential Type One (R1).

4.4 RESIDENTIAL TYPE ONE (R1) ZONE

No **person** shall within a Residential Type One (R1) **Zone**, **use** any land or **erect**, alter or **use** any **building** or **structure** except in accordance with the following:

4.4.1 Permitted Uses

- a) single detached dwelling
- b) home occupation
- c) group home
- d) community garden

4.4.2 Regulations for Permitted Uses

- a) Minimum **Lot Area** 460 m²
- b) Minimum **Lot Frontage** 15 m
- c) Minimum Yard Requirements
 - Front Yard 7.5 m
 - Interior Side Yard 1.5 m
 - Exterior Side Yard 3.0 m
 - Rear Yard 7.5 m
- d) Maximum **Lot Coverage** 40%
- e) Minimum **Landscaped Open Space** 20%
- f) Maximum Height of Building 12 m
- g) Minimum Floor Area 79 m²

	Required	Retained*	Severed
Lot Area (m²)	460	364.32	856.98
Lot Frontage (m)	15	8.8	20.7
		Less than required	Meets minimum

*Retained land has utilized these dimensions since the land was severed pre-Planning Act.

Provincial Policy Statements

The proposed severed portion of land including the proposed use appears to fit well under the housing section of the Provincial Policy Statement 2020.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Divisional Comments

Fort Frances Power Corporation: No concerns noted.

Fort Frances Fire Rescue: No concerns noted.

Fort Frances Public Works:

- PW service records indicate separate services for each property
- House at 906 was demolished but does not have record of terminated services; water turned off in 2011
- Granny/garden suite at 906 ½ located in backyard was demolished in 2007/2008; water turned off and tagged in basement of 906 #TOFF0000701 in 2007
- No record of separate water/sewer service installation for 906 ½ but a sewer cleanout was located at the back of the property as per the property card
- Water service at 908 was inspected in August 2019
- All three service records indicate multiple sewer blockages

Fort Frances Recreation & Culture: No comments received.

Fort Frances Building & Planning:

- Application makes sense, will allow homeowner to sell vacant land for redevelopment.
- Retained land smaller than required, though has acted with these dimensions for many years.

Other

If the Committee of Adjustment wish to impose conditions on the consent, Subsection 53(41) of The Planning Act states the following:

A. Conditions not fulfilled

(41) If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfil the conditions until the expiry of one year from the date of the order of the Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33). 2017, c. 23, Sched. 5, s. 100 (6).

Additionally, applicants shall be aware of the following regarding consent application in Subsection 53(43) of The Planning Act:

B. Lapse of consent

(43) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent. 1994, c. 23, s. 32.

Sample Conditions

The Committee of Adjustment may wish to impose conditions on the consent including but not limited to the following:

- That the owner deposits a Reference Plan of Survey in the Land Registry Office clearly delineating the parcels of land if approved by The Town of Fort Frances Committee of Adjustment. A listing of the parts and their respective areas is required. A digital and hard copy of the deposited Reference Plan are to be submitted to the Municipal Planner of the Town of Fort Frances.
- That the Municipal Planner be provided with the revised legal descriptions of the severed and retained properties.
- That prior to final approval by the Town of Fort Frances Committee of Adjustment, the owner provides confirmation of payment of all outstanding taxes and interest on taxes.
- That prior to final approval by the Town of Fort Frances Committee of Adjustment, the owner provides confirmation of payment of all outstanding accounts payable.

Summary/Recommendation:

Administration acts as an advisory body to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the standard to which provincial interests, provincial and local policies and goals are implemented. Accordingly, review of the application to consider the following:

- Conform to Subsection 51(24) as required by Subsection 53(12) of The Planning Act.
- Conform to the Town of Fort Frances Official Plan.
- Conform to the Provincial Policy Statements as required by Subsection 3(1) of The Planning Act.

Should the Committee of Adjustment find it appropriate to approve this application, the previously noted conditions have been recommended.

Respectfully submitted



Cody Vangel
Chief Building Official & Municipal Planner