

Date: April 14, 2021

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A5-2021: Application for Consent – 911/921 Keating Avenue

---

### **Application Purpose**

An application for consent (lot creation) File A5-2021 has been submitted by authorized agent Clare Allan Brunetta on behalf of 686867 Ontario Limited (Marilyn Venerus). The application proposes to sever 921 Keating Avenue (Part 1 on Ref Plan 48R-1762) and retain 911 Keating Avenue (Part 2 & 3 on Ref Plan 48R-1762).

921 Keating Avenue will be transferred and is anticipated to continue on with use as a work shop.

911 Keating Avenue will remain vacant for the time being.

This can be considered a “technical severance” as the properties were previously separate and then merged on title under the same legal ownership.

### **Property History**

From the information contained on file pertaining to 921 Keating Avenue the following is indicated:

- 1981: Construction of pre-engineered steel building
- 2002: Addition to pre-engineered steel building

911 Keating Avenue is vacant.

### **The Official Plan**

The severed and retained properties would be designated as **Employment Area** which is suitable for various types of industrial and commercial uses.

### **Zoning By-Law**

Both the severed and retained properties are zoned Light Industrial (M1). The following outlines the general provisions for the Light Industrial Zone.

#### 4.12 LIGHT INDUSTRIAL (M1) ZONE

No person shall within a Light Industrial (M1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### 4.12.1 Permitted Uses

- a) animal shelter or veterinary hospital
- b) building supply and lumber outlet
- c) bulk fuel depot
- d) contractors yards
- e) heavy or light equipment sales and services
- f) manufacturing or processing within an enclosed building
- g) motor vehicle repair garage
- h) motor vehicle body shop
- i) outside storage
- j) public works yard
- k) recycling depot
- l) retail sales accessory to a permitted use not exceeding 35% of the total floor area
- m) self-storage facility
- n) telecommunications tower
- o) transmission towers and hydro-electric substations
- p) transportation depot and rail line uses
- q) warehouse
- r) wholesale sales
- s) work/service shop
- t) microbrewery<sup>1</sup>

##### 4.12.2 Regulations for Permitted Uses

- a) Minimum Lot Area
  - without municipal sewage services 2050 m<sup>2</sup>
  - with municipal sewage services 1400 m<sup>2</sup>
- b) Minimum Lot Frontage 30 m
- c) Minimum Yard Requirements
  - Front Yard 7.5 m
  - Interior Side Yard 3.0 m
  - Exterior Side Yard 7.5 m
  - Rear Yard 7.5 m
- d) Maximum Lot Coverage 65%
- e) Minimum Landscaped Open Space 20%
  - in any yard abutting a residential zone a planting strip shall be required
- f) Maximum Height of Building 20 m

The following table shows a comparison of the min/max requirements of the M1 zone as outlined in the zoning by-law compared to the criteria proposed for the severed and retained lands by the applicant.

	Required	Retained 911 Keating Avenue	Severed 921 Keating Avenue
Lot Area (m <sup>2</sup> )	1400	4,119	4,116
Lot Frontage (m)	30	56.347	56.363
Minimum Front Yard (m)	7.5	Vacant	Greater than 7.5 - ok
Minimum Interior Side Yard (m)	3.0	Vacant	Greater than 3.0 - ok
Minimum Rear Yard (m)	7.5	Vacant	Existing – cannot confirm
Maximum Lot Coverage	65%	Vacant	Less than 65% - ok
Minimum Landscaped Open Space	20%	Vacant	Greater than 20% - ok
Maximum Height of Building (m)	20	Vacant	Less than 20 - ok

### **Provincial Policy Statements**

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

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and
- e) ensuring the necessary infrastructure is provided to support current and projected needs.

### **Divisional Comments**

Fort Frances Power Corporation: No comments received.

Fort Frances Fire Rescue: No concerns noted.

Fort Frances Public Works: 911 Keating Avenue will require its own entrance culvert.  
Application to be made to Operations and Facilities.

Fort Frances Planning & Development: No concerns.

### **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:

- Payment of the balance of any outstanding taxes and accounts payable, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Municipality.
- That application be made to Operations and Facilities for the installation of a new entry for 911 Keating Avenue.

## **Summary**

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