



TOWN OF FORT FRANCES

Committee of Adjustment
320 Portage Avenue
Fort Frances, ON P9A 3P9

NOTICE OF DECISION



Roll No. 5912.010.007.276.00

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IN THE MATTER of Section 53 of the Planning Act, R.S.O. 1990, Chapter P. 13, and an application for consent submitted by or on behalf of:

Fort Frances Native Urban Wahkaihanun Corporation – 1028 York Avenue North

to sever and convey the most easterly 70 metres (approximate) of the property as a lot addition to the abutting north known as 237 8th Street West. The remnant parcel will be retained. The result of the application is an adjustment to the south property line of the property being enlarged. There are concurrent and/or related consent applications B3/2015, B4/2015 and B6/2015 involving either the subject land or the property to which it is being added.

Decision rendered: Granted

The above decision is subject to the following condition(s)

1. **Reference Plan** – That the Municipal Planner be provided with two hard copies and one electronic copy of deposited reference plan bearing the seal of the Land Registrar, and depicting each property as a part thereon, or a Letter of Exemption from the Land Registrar or proper legal description endorsed by evidence of approval of the Land Registrar.
2. **Legal Description** - That the Municipal Planner be provided with the legal descriptions of the property being severed and the property to which it is being added and sufficient for the issuance of the Certificate of Official;
3. **Evidence of Ownership** – That the Municipal Planner be provided with evidence to show that ownership to the enlarged property is the same as the property being severed and conveyed.
4. **Parkland – Cash-in-Lieu** - Pursuant to Council policy, 5% of the value of vacant land be submitted as payment in lieu of parkland in accordance with section 51.1(1) and 51.1(3) of the Planning Act, as amended.
5. **Consolidation** – That the applicant or the applicant's solicitor submit an Undertaking to the Municipal Planner to consolidate and register the severed property in the same name and interest as the property to which it is added and that Section 50 of the Planning Act, shall apply to all subsequent conveyances and transactions.
6. **Site Plan Control** - That the applicant Undertake to seek an amendment to the site plan control agreement from Council forthwith to authorize the proposed construction on the enlarged property and pending finalization, an Acknowledgement, Undertaking and Indemnification be signed relative to the following issues:
 - a. **Buffer** – That the buffer required by section 3.25 of Zoning By-Law #3-14 shall be solid wooden fencing of a height no less than 2 metres and constructed prior to the issuance of Occupancy permit for the building proposed for construction; and
 - b. **Storm Water Management** - That a storm water management and drainage proposal will be submitted for approval to Operations & Facilities Manager Doug Brown to address the concern raised in email dated July 29, 2015.

- c. **Real Property Report** - That once all construction has been completed, a Real Property Report be prepared by an Ontario Land Surveyor and submitted to the Municipal Planner to show that the resultant property complies with applicable zoning regulations

TAKE NOTICE THAT in accordance with section 53(41) of the Planning Act, the above conditions must be satisfied within one year from the date of this notice. Failing which, approval will lapse and the application will be as if it had been denied.

Reasons for Decision:

1. This decision is rendered having regard to the provisions of Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended
2. The application maintains the intent and purpose of the Provincial Policy Statement and does not conflict with any provincial plan.
3. The proposal conforms to the Town of Fort Frances Official Plan and Zoning By-Law.

The original decision has been signed by:

Irene Laing, Member
Vik Nowak, Vice Chair

Charleen Mallory, Member
Alan Zucchiatti, Member

Cindy Mason, Member

Date of Decision: August 17, 2015

Date of Notice: August 19, 2015

Date for Satisfying Conditions: August 19, 2016



N. Faye Flatt, AMCT, ACST, CPT
Committee of Adjustment Secretary-Treasurer

Appeals:

Pursuant to section 53(19) of The Planning Act, any person or public body may, no later than twenty (20) days from the date of this notice, may appeal the decision or any condition imposed or both the decision and any condition to the Ontario Municipal Board by filing with the undersigned a Notice of Appeal. The last date for filing a Notice of Appeal is **September 09, 2015**.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you make a written request to be notified of changes to the conditions of approval of the provisional consent. Only individuals, corporations or public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A Notice of Appeal may not be filed by an unincorporated association or group may not file a Notice of Appeal. However, a Notice of Appeal may be filed on behalf of the association or group in the name of an individual who is a member of the association or group. Additional information on appeals can be obtained from www.omb.on.ca.