

Date: July 10, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: 2670568 Ontario Ltd. (Riversedge Developments Inc.) Request for Consent (A1-2020) Conditions Reconsideration

History

On June 18, 2020, 2670568 Ontario Ltd. (Riversedge Developments Inc.) submitted a letter of request to reconsider two conditions that formed part of the provisional consent decision dated June 4, 2020.

This decision outlined the following eight conditions as part of the provisional consent:

1. That the Municipal Planner be provided with a deposited reference plan bearing the seal of the Land Registrar depicting the severed property 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. That the Municipal Planner be provided with the legal description of the severed and retained property for the issuance of the Certificate of Official.
3. That the owner provide confirmation to the Municipal Planner of payment of all outstanding taxes and interest on taxes.
4. That the owner provides confirmation to the Municipal Planner of payment of all outstanding accounts payable.
5. That in the event exterior construction activities are undertaken to increase the building footprint on the severed portion of land that a site plan control agreement be entered into with the Town of Fort Frances.
6. That the owner convey cash in lieu of parkland at a value of \$1,000.00 lump sum and that no future variances for reduction in greenspace be allowed for the severed lands.
7. That the Municipal Planner be provided with satisfactory evidence that any existing structures on the severed property comply with zoning regulations for the Light Industrial zone by way of surveyor's real property report or site plan with signed affidavit.
8. That any zoning deficiencies determined from the site plan or survey on the severed land be addressed through a minor variance application.

In the letter submitted by 2670568 Ontario Ltd., it was requested that condition #3 be amended to read as follows "*That the owner be in compliance with the taxes and interest payment plan established by the Town of Fort Frances*".

Additionally, the letter submitted requested that condition #8 be removed.

June 24, 2020 Committee of Adjustment Meeting

At the June 24, 2020 Committee of Adjustment meeting discussion was held between the Committee and 2670568 Ontario Ltd. on this matter, though no decisions were made. During these discussions, the Committee entertained the amendment to condition #3 to read as follows “*That 2670568 Ontario Ltd. is not in default of the agreement entered between the Town of Fort Frances and 2670568 Ontario Ltd. with regard to a tax and interest payment plan*”.

Additionally, at this same meeting the Committee stated that they could not waive condition #8 without understanding what they may be waiving. Whereas, a Surveyor’s Real Property Report would allow them to understand and visualize the property to assist in their decision.

Surveyor’s Real Property Report

Since the June 24, 2020 meeting, 2670568 Ontario Ltd. has provided a Surveyor’s Real Property Report and REF plan for the proposed severed lands.

A comparison between the minimum requirements of the Light Industrial Zoning (M1) and the present conditions is provided below.

	Required	Present	Compliance
Minimum Lot Area	1400m ²	9260m ²	OK
Minimum Lot Frontage	30m	152.40m	OK
Minimum Front Yard	7.5m	2.31m (from canopy) 3.35m (from main building)	NO
Minimum Interior Side Yard	3.0m	> 3.0m (from main building)	OK
Minimum Exterior Side Yard	7.5m	5.22m (from house)	NO
Minimum Rear Yard	7.5m	> 7.5m (varies)	OK
Maximum Lot Coverage	65%	9.9% (estimate)	OK
Minimum Landscaped Open Space	20%	>20%	OK
Maximum Height of Building	20m	Unknown	Unknown

Non-complying Lots, Buildings and Structures

The Town of Fort Frances Zoning By-Law states the following regarding non-complying lots, building and structures:

Where a **building** or **structure** is located on a **lot** having less than the minimum **frontage** and/or **lot area**, and/or having less than the minimum **setback** and/or **side yard** and/or **rear yard** required by this By-law, the said **building** or **structure** may be enlarged, reconstructed, repaired and/or renovated provided that:

- a) the enlargement, reconstruction, repair and/or renovation does not further reduce a **front yard**, and/or **side yard** and/or **rear yard** and/or **lot coverage** less than the minimum required by this By-law;
- b) the **building** or **structure** is being used for a purpose permissible within the **zone** in which it is located; and,
- c) all other applicable **Zone Provisions** of this By-law are complied with.

Nothing in this By-law shall apply to prevent the reconstruction of any permitted **building** which is accidentally damaged or destroyed by causes beyond the control of the owner. Such permitted **building** may be reconstructed in accordance with the previously **existing** standards, even if such did not conform with one or more of the provisions of this By-law, but the non-compliance may not be further increased provided that the reconstruction occurs within 12 months of the damage being done.

Where a **lot**, having a lesser **lot area** and/or **lot frontage** than required herein, existed on the date of passing of this By-law, or where such a **lot** is created by a **public authority** such smaller **lot** may be used and a permitted **building** or **structure**, may be **erected**, altered and/or used on such smaller **lot** provided that all other applicable **Zone Provisions** of this **By-law** are complied with. All vacant islands and **existing** vacant **lots** of record on islands must have an area of at least 0.5 ha above the normal or controlled high water mark.

A **lot** which has been increased in size following the passage of this By-law may also be used in accordance with this provision and the resultant **lot** shall be deemed to comply with all of the provisions of this By-law and all zone provisions applicable to any existing building on the benefiting **lot** shall be deemed to comply with the provisions of this By-law.

Summary

The Committee of Adjustment may use the above stated information to assist in making decision on whether to:

1. Amend condition #3 to read *“That 2670568 Ontario Ltd. is not in default of the agreement entered between the Town of Fort Frances and 2670568 Ontario Ltd. with regard to a tax and interest payment plan”*; and
2. Remove condition #8

Respectfully submitted



Cody Vangel, EIT
Chief Building Official & Municipal Planner