

Report

TOWN OF FORT FRANCES
PLANNING & DEVELOPMENT DIVISION
REPORT 2015-16

To: Mayor and Council
From: Faye Flatt, Municipal Planner
Date: 19 October 2015
Subject: 1020 and 1022 Third St E – Request for Deeming By-Law

The property known referenced above is comprised of lots 113 and 114 on subdivision plan SM-50 with a laneway between them. The owner wishes to make an application for a building permit to construct an accessory building that would extend across the boundary of one lot, into the lane and then across the boundary of the other lot. A portion of Plan SM-50 is attached showing the property in question together with a copy of the application and supporting information.

Zoning by-Law #3/14 enacted February of 2014 defines a “lot” as a parcel or tract of land which is capable of being legally conveyed. Therefore where this situation occurs, the setback provisions of zoning cannot be satisfied because the structure would be on the lot line.

Council has the authority, by section 50(4) of the Planning Act, to enact a by-law to deem the lots not to be lots on a plan of subdivision where a plan has been registered at least 8 years. The by-law is then registered on title to the property and the lots become one lot of record for the purposes of the Planning Act. This process does not change the legal description of the property, it simply changes the legal composition so as to enable the issuance of a building permit. The property will remain as one lot of record unless or until approval through the Committee of Adjustment is granted to re-establish the lots.

The Planning and Development Executive Committee considered the application at its meeting on October 19th and recommends approval as it satisfies the legislated criteria and will enable the issuance of a building permit for improvements to the property. In the interest of expediency, a by-law has been delivered to the Clerk for Council consideration.

Respectfully submitted,



F. Flatt, AMCT, ACST, CPT
Municipal Planner
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COUNCIL APPROVAL OF THIS REPORT WILL: Authorize the preparation of By-Law, for execution by the Mayor and Clerk, to deem Lots 113 and 114 on Plan SM-50 not be lots on a Registered Plan of Subdivision for the purposes of Section 50(3) of The Planning Act.

Hand-drawn street map showing a grid of lots. A red circle highlights lot 115 at the intersection of 1st St and Main St. The map includes street names: 1st St, Main St, 10th Ave, and St. N. Lot numbers are written in the grid cells.

1st St	2nd St	3rd St	4th St	5th St	6th St	7th St	8th St	9th St	10th St	11th St	12th St	13th St	14th St	15th St	16th St	17th St	18th St	19th St	20th St
56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75
76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95
106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125
136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155