

TOWN OF FORT FRANCES

Committee of Adjustment

AGENDA - July 14, 2020 5:30 PM

MEETING - Held Virtually

[Join Microsoft Teams Meeting](#)

[+1 807-701-5975](#) Canada, Thunder Bay (Toll)

Conference ID: 423 092 804#

Page

1. **Call to Order**
2. **Non-agenda items**
3. **Declarations, Municipal Conflict of Interest Act**
4. **Minutes of Previous Meetings**
 - 4.1 June 24, 2020 2 - 3
5. **Outstanding Items**
 - 5.1 2670568 Ontario Ltd. (Riversedge Developments Inc.) Request for Consent (A1-2020) Conditions Reconsideration 4 - 10
6. **Other Business**
7. **Meeting Close**

TOWN OF FORT FRANCES

MINUTES

COMMITTEE OF ADJUSTMENT

June 24, 2020

The meeting of Committee of Adjustment of the Town of Fort Frances was held in the Virtually on June 24, 2020 from 5:30 p.m. to 6:01 p.m.

PRESENT: Gary Rogozinski (Chair), Donald Taylor, Barry Jackson

ALSO PRESENT: Cody Vangel, Jeffrey Ogden, Mitch Lepage, Stacey Jack, Kim Cornell

1. Call to Order

5:30pm

2. Non-agenda items

None.

3. Declarations, Municipal Conflict of Interest Act

None.

4. Minutes of Previous Meetings

4.1 June 4, 2020

- Approved as presented.

Moved by Barry Jackson, seconded by Donald Taylor

5. Committee Applications

5.1 A3-2020: Application for Minor Variance 305 Kirsti Place

- Secretary Treasurer provided verbal summary of application
- Jeffrey Ogden had the opportunity to speak to the application
- The Committee was provided the opportunity to ask questions
- The Committee engaged in a brief discussion on the application and subsequently approved the application with the following conditions:
 - That the owner applies for a building permit within one year of date of decision
 - That the owner ensure drainage from the proposed garage be directed towards Pit Road #1

All Committee members present for the application voted in favour of the proposal.

6. Other Business

6.1 Riversedge Request for Consent (A1-2020) Conditions Reconsideration

- The Committee engaged in a lengthy discussion with 2670568 Ontario Ltd. (Riversedge Developments) on the request for condition reconsideration
- Condition #3: The Committee entertained the consideration to amend condition #3 to read in approximate terms "That the owner not be in default of said tax payment plan agreement". During this meeting the Committee did not confirm, agree upon or approve an amendment to condition #3, such that appropriate verbiage will be drafted and brought forward to a future meeting of the Committee of Adjustment for consideration and vote.
- Condition #8: The Committee would entertain the request for condition #8 to be removed only after a Surveyor's Real Property Report or Site Plan with signed affidavit be provided. The Committee would like to see how the proposed lot creation and existing buildings fit within the Zoning By-Law 03/14 specifications before considering to remove such condition. Upon reception of the requested information, consideration to remove such condition would be brought forward to a future meeting of the Committee of Adjustment for consideration and vote.

7. Meeting Close
6:01pm

Chair, Committee of Adjustment

C. Vangel, Chief Building Official / Municipal Planner
Secretary to Committee of Adjustment

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

June 18, 2020

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

Attention: Cody Vangel, Secretary-Treasurer

Re: Request for reconsideration of conditions of File A1-2020

Dear Mr. Vangel;

Thank-you for providing the Notice of Decision on June 17, 2020.

Considering recent clarification and understanding of the conditions, we respectfully request that the committee reconsider the following conditions.

Condition 3: That the owner provide confirmation to the Municipal Planner of payment of all outstanding taxes and interest on taxes.

We request that this condition be amended to read;

Condition 3 Amended: That the owner be in compliance with the taxes and interest payment plan established by the Town of Fort Frances.

As the Committee may be aware, the majority of property taxes for the former mill properties are inclusive to one municipal address, and 145 3rd St. West is included in that much larger property. We have established a payment plan with the Town of Fort Frances, which includes taxes plus interest. We can confirm that the most recent payment has been received by the Town.


We also respectfully request that Condition 8 be removed.

Condition 8: That any zoning deficiencies determined from the site plan of survey on the severed land be addressed through a minor variance application.

Following the Committee of Adjustment meeting, we were advised that the property would not meet setback requirements as it was constructed several years ago. Had we been aware at that time, we would have brought it to the attention of the Committee for reconsideration at that time.

Thank you very much for your consideration.

Sincerely,



Mitch Lepage, Asset Manager
2670568 Ontario Ltd.

Subject Property Part of 427 Mowat Avenue (Mill Property)	Zoning Code M1	Property Roll No. 59-12-010-001-107-00
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IN THE MATTER OF an Application under Section 53 of the Planning Act for Consent.


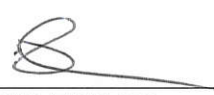
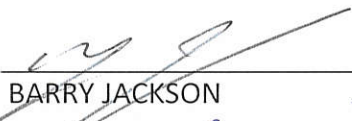
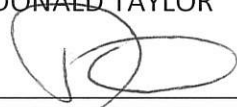

This is an application for consent:
Application for consent for the creation of a new lot. The application proposes to sever a parcel of land from the locally know "Mill Property" which fronts Third Street West/Highway 11/71 for an estimated 153m. The proposed severed portion of land will be irregular in shape with approximately 153m fronting Third Street West/Highway 11/71, and varied depths ranging from approximately 40-70m.

DECISION: The Application is ☐ Denied or ☒ Approved

- Subject to the following Conditions:**
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.

Reasons for Committee's Decision:
1. New opportunity for the severed lands, will result in new business for the Town.

CONCURRING MEMBERS:

 CHARLEEN MALLORY	 DONALD TAYLOR
 BARRY JACKSON	 DON ELDRIDGE
 GARY ROGOZINSKI	

Date: June 4, 2020


Cody Vangel, Secretary-Treasurer
Committee of Adjustment

SURVEYOR'S REAL PROPERTY REPORT
PLAN OF SURVEY OF
LOTS 1, 2, 3, 4, 7, 8, 9 AND 10
AND PART OF LOTS 5 AND 6
BLOCK 8
REGISTERED PLAN M-74
AND
PART OF BLOCK 2
REGISTERED PLAN SM-149
TOWN OF FORT FRANCES
DISTRICT OF RAINY RIVER

SCALE - 1:250
5m 0 10m

NOTES

BEARINGS ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, HAVING A BEARING OF N89°58'25"W BY REAL TIME KINEMATIC (RTK) OBSERVATIONS, UTM ZONE 15, NAD83 (CSRS)(2010).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999562.

ROTATIONS APPLIED TO PLAN BEARINGS FOR BEARING COMPARISONS	
PLAN	ROTATION
P1	0°01'35" CLOCKWISE
P2	0°12'35" CLOCKWISE
P3	0°09'30" CLOCKWISE
P4	0°02'50" COUNTER-CLOCKWISE

LEGEND

□ DENOTES PLANTED SURVEY MONUMENT
■ DENOTES FOUND SURVEY MONUMENT
SIB DENOTES STANDARD IRON BAR
IB DENOTES IRON BAR
SSIB DENOTES SHORT STANDARD IRON BAR
PB DENOTES PLASTIC BAR
1011 DENOTES H. A. SMITH, O.L.S.
1278 DENOTES W. J. BOWMAN LTD.
OU DENOTES ORIGIN UNKNOWN
P1 DENOTES REGISTERED PLAN M-74
P2 DENOTES PLAN W. J. BOWMAN LTD.
DATED SEPTEMBER 13, 1994 (PLAN No. F2-22)
P3 DENOTES PLAN 48R-4229
P4 DENOTES REGISTERED PLAN SM-70
UP DENOTES UTILITY POLE
LP DENOTES LAMP POLE

METRIC

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

CLIENT

THIS REPORT WAS PREPARED FOR RIVERSEDGE DEVELOPMENTS AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 29th DAY OF JUNE, 2020.

2020-07-08
DATE

PETER de HAAN
ONTARIO LAND SURVEYOR

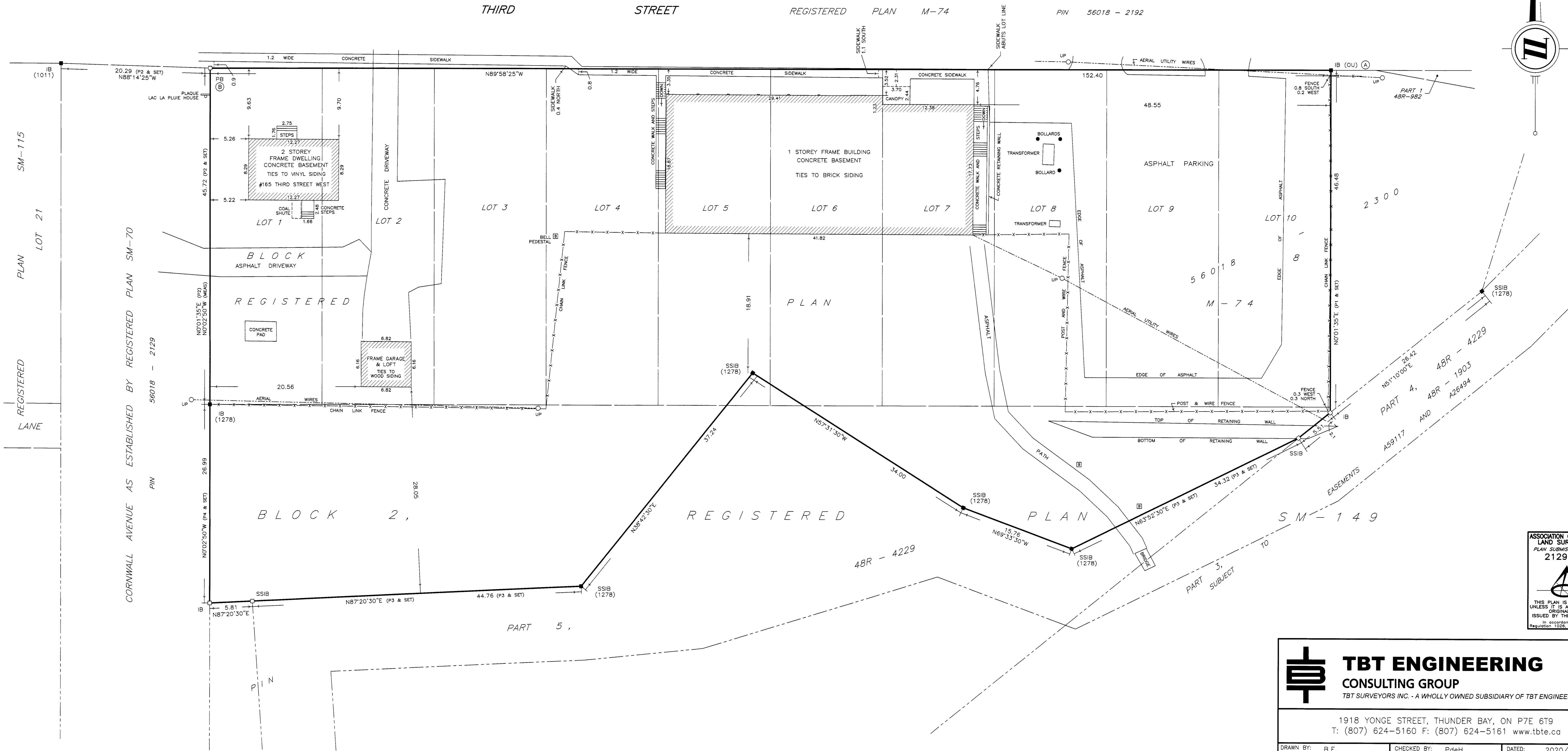
SURVEY REPORT SUMMARY

A 1 storey frame building, a 2 storey frame dwelling and a frame garage were located as shown hereon.

Note the location of the concrete sidewalk, fences and aerial utility wires.

All property corners of the subject lands are marked by survey monuments.

All of the subject land, being Lots 1, 2, 3, 4, 7, 8, 9 and 10 and Part of Lots 5 and 6, Block 8, Registered Plan M-74 and Part of Block 2, Registered Plan SM-149 is shown in heavy outline.



TBT ENGINEERING
CONSULTING GROUP
TBT SURVEYORS INC. - A WHOLLY OWNED SUBSIDIARY OF TBT ENGINEERING LIMITED

1918 YONGE STREET, THUNDER BAY, ON P7E 6T9
T: (807) 624-5160 F: (807) 624-5161 www.tbte.ca

DRAWN BY: B.F. CHECKED BY: PdeH DATED: 2020/07/08
DWG. No.: File: Y:\Projects\2020\20-258 Riversedge 3rd St Legal Ref & SRPR\MSurvey\20-258 SRPR.dwg

METRIC

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
AREAS SHOWN ON THIS PLAN ARE IN HECTARES AND CAN BE CONVERTED TO ACRES BY MULTIPLYING BY 2.471

NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, HAVING A BEARING OF N89°58'25"W BY REAL TIME KINEMATIC (RTK) OBSERVATIONS, UTM ZONE 15, NAD83 (CSRS)(2010).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999562.

LEGEND

- DENOTES A PLANTED SURVEY MONUMENT
■ DENOTES A FOUND SURVEY MONUMENT
SIB DENOTES STANDARD IRON BAR
IB DENOTES IRON BAR
SSIB DENOTES SHORT STANDARD IRON BAR
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P1 DENOTES REGISTERED PLAN M-74
P2 DENOTES PLAN W. J. BOWMAN LTD.
DATED SEPTEMBER 13, 1994 (PLAN No. F2-22)
P3 DENOTES PLAN 48R-4229
P4 DENOTES REGISTERED PLAN SM-70
PIN DENOTES PROPERTY IDENTIFICATION NUMBER

ROTATIONS APPLIED TO PLAN BEARINGS FOR BEARING COMPARISONS	
PLAN	ROTATION
P1	0°01'35" CLOCKWISE
P2	0°12'35" CLOCKWISE
P3	0°09'30" CLOCKWISE
P4	0°02'50" COUNTER-CLOCKWISE

COORDINATES BELOW ARE DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING SERVICE AND ARE REFERRED TO UTM ZONE 15, NAD83 (CSRS)(2010).

COORDINATES COMPLY WITH URBAN ABSOLUTE ACCURACY PER SEC.14(2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
A	5 384 451.29	470 307.48
B	5 384 451.36	470 155.11
C	5 384 410.06	470 228.93

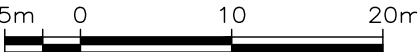
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

PARTS SCHEDULE

PART	LOT	PLAN	PIN	AREA
1	ALL OF 1, 2, 3, 4, 7, 8, 9 AND 10 AND PART OF 5 AND 6 BLOCK 8	M-74	PART OF 56018-2300	0.926 ha
	PART OF BLOCK 2	SM-149		

PLAN OF SURVEY OF
LOTS 1, 2, 3, 4, 7, 8, 9 AND 10
AND PART OF LOTS 5 AND 6
BLOCK 8
REGISTERED PLAN M-74
AND
PART OF BLOCK 2
REGISTERED PLAN SM-149
TOWN OF FORT FRANCES
DISTRICT OF RAINY RIVER

SCALE - 1:500



THE INTENDED PLOT SIZE OF THIS PLAN IS 610mm IN WIDTH BY 457mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:500.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 29th DAY OF JUNE, 2020.

DATE

PETER de HAAN
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXXXX



TBT ENGINEERING
CONSULTING GROUP

TBT SURVEYORS INC. - A WHOLLY OWNED SUBSIDIARY OF TBT ENGINEERING LIMITED

1918 YONGE STREET, THUNDER BAY, ON P7E 6T9
T: (807) 624-5160 F: (807) 624-5161 www.tbte.ca

DRAWN BY: B.F. CHECKED BY: PdeH DATED 2020/07/08

DWG No.: File: Y:\Projects\2020\20-258 Riversedge 3rd St Legal Ref & SRPR\MSurvey\20-258 REF.dwg