

Date: June 16, 2021

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A9-2021: Application for Minor Variance – 550 Osborne Street

Application Purpose

An application for minor variance (File A9-2021) has been submitted by Riverside Health Care requesting a minor variance related to accessory buildings (two gazebos) proposed for the property.

Section 3.2.c of the Zoning By-Law requires that the accessory buildings cannot be constructed closer to the front lot line than the minimum distance required for the main building.

Section 3.2.d of the Zoning By-law requires that accessory buildings cannot be constructed in the front yard nor be built closer to the street than the main building.

The applicants are proposing a front yard setback to the closest gazebo of 11.58m which satisfies Section 3.2.c of the Zoning By-law as the required minimum setback for the main building is 7.5m in the Institutional zone is 7.5m. However, the applicants are requesting relief from Section 3.2.d to allow the construction of two gazebos in the front yard.

Property History

Information contained on file indicates the following building permits being issued:

- 1983: 40' by 60' storage shed
- 1983: construct Rainycrest
- 1986: demolish former home for the aged
- 1987: construct 22' by 24' double car garage
- 1999: install four roof top heating/cooling units
- 2001: special events tent
- 2001: new kitchen and server coupled with outdoor patio
- 2008: below grade repairs, interior and exterior repairs and renovations

Additional information contained on file indicates consent being granted in 1995 (B4/95) to permit portions of the lands for leasing, easements and right of way purposes.

Official Plan

The property is designated as a **Living Area** in the Town of Fort Frances Official Plan 2011.

Zoning By-Law 03/14

The property is currently zoning Institutional (I).

3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

Accessory **buildings** or **structures**, are permitted in any **yard**, in any **zone**, subject to the provisions of this By-law for the particular **zone** in which said **building**, **structure**, or **use** is located, provided the principle building, structure or use is already in existence on the lot¹, and provided that the accessory **building**, **structure** or **use**:

- a) shall not be used for human habitation, except where an accessory residential **use** is a permitted **use**;
- b) accessory residential units above boat houses shall not be permitted;
- c) shall not be built closer to the **front lot line** than the minimum distance required by this By-law for the **main building** on the **lot** unless otherwise specified;
- d) shall not be located in the **front yard** or **exterior side yard** nor be built closer to the street than the **main building** is to that street except in an industrial **zone** where a gatehouse is permitted in the **front yard**;

4.15 INSTITUTIONAL (I) ZONE

No **person** shall within an Institutional (I) **Zone**, **use** any land or **erect**, alter or **use** any **building** or structure except in accordance with the following:

4.15.1 Permitted Uses

- a) ambulance station
- b) arena
- c) assisted living facility
- d) cemetery
- e) community centre
- f) community health and resource centre
- g) community garden
- h) day nursery
- i) fire station
- j) hospital
- k) library
- l) municipal/government uses
- m) nursing home
- n) place of worship
- o) school

4.15.2 Regulations for Permitted Uses

- | | |
|--|--------------------|
| a) Minimum Lot Area | 550 m ² |
| b) Minimum Lot Frontage | 15 m |
| c) Minimum Yard Requirements | |
| Front Yard | 7.5 m |
| Interior Side Yard | 7.5 m |
| Exterior Side Yard | 7.5 m |
| Rear Yard | 10.5 m |
| d) Maximum Lot Coverage | 50% |
| e) Minimum Landscaped Open Space | 10% |
| in any yard abutting a residential zone a planting strip shall be required. | |
| f) Maximum Height of Building | 20 m |
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Divisional Comments

Fort Frances Power Corporation: No comments received.

Fort Frances Fire Rescue: No concerns.

Fort Frances Public Works: No concerns.

Fort Frances Planning & Development: Construction to adhere to setbacks indicated on provided site plan.

Summary/Recommendation:

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

Section 45(1) of the Planning Act gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

The four tests are:

1. The application maintains the general intent and purpose of the Town of Fort Frances Official Plan
2. The application maintains the intent of the zoning by-law;
3. The requested variance represents appropriate development of the land; and
4. The requested variance is minor.

Should the Committee of Adjustment find it appropriate to approve this application, the previously noted conditions have been recommended.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Cody Vangel', with a stylized flourish at the end.

Cody Vangel
Chief Building Official & Municipal Planner