

Date: April 14, 2021

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A4-2021: Island G669 – Minor Variance Application

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### **Application Purpose**

An application for minor variance (File A4-2021) has been submitted by Gabriel and Tara Carpenter requesting a minor variance related to accessory buildings proposed for the property and lot line setbacks for the main structure.

Section 3.2 of the Zoning By-Law requires that the accessory buildings cannot be constructed prior to the principle building, structure or use being in existence on the lot. The applicant is requesting relief from this provision to allow the construction of an outhouse and gazebo prior to constructing the main use as a cabin in the future.

Section 4.7.2.c of the Zoning By-Law also requires a 30m setback from the high water level for the main use (cabin). The applicants are requesting relief from the 30m setback to have it reduced to 20m.

### **Property History**

Information contained on file does not indicate any prior building permits being issued. However, it is known that there is an existing shed on the property.

### **Official Plan**

The property is designated as a **Living Area** which promotes a wide range of residential type developments including seasonal residential. The Official Plan also states the following regarding islands within the municipality:

- a) The islands in Rainy Lake within the Town limits may be developed subject to the approval of adequate sewage disposal facilities by Northwestern Health Unit, pursuant to the requirements of Part 8 of the Ontario Building Code.
- b) Development on islands will be linked to recreational and seasonal uses. No municipal services will be provided to islands. Prior to approving development on islands, the Town shall be satisfied that adequate mainland parking has been secured.

## **Zoning By-Law 03/14**

### **YARD, FRONT**

A **yard** extending across the full width of the **lot** between the **front lot line** and the nearest wall of any **building** or **structure** on the **lot** for which the yard is required. On islands where there is only one **lot**, all yards shall be considered as the **front yard**.

### **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 lot<sup>1</sup>, and provided that the accessory **building**, **structure** or **use**:

#### **3.31 SETBACKS FROM NAVIGABLE AND NON-NAVIGABLE WATERCOURSES, HAZARD LAND AND MUNICIPAL SURFACE DRAINS**

Notwithstanding any other provisions of this By-law, a **building** in any zone is required to be no closer than 15 metres from the top of the bank of any **watercourse**, or municipal drainage ditch permanent or intermittent, which may or may not be navigable. In the case of **hazard lands**, no part of any **building** shall be constructed closer than 15 metres to the nearest point of the area to which the hazardous condition is deemed to exist.

### **4.7 SEASONAL RESIDENTIAL (SR) ZONE**

No **person** shall within a Seasonal Residential (SR) **Zone**, **use** any land or erect, alter or **use** any **building** or **structure** except in accordance with the following:

#### **4.7.1 Permitted Uses**

- a) Single Detached Dwelling
- b) Sleep Cabin
- c) Home occupation<sup>1</sup>

#### **4.7.2 Regulations for Permitted Use**

- |                                                               |                                |
|---------------------------------------------------------------|--------------------------------|
| a) Minimum <b>Lot Area</b>                                    | 1 ha                           |
| b) Maximum <b>Lot Coverage</b>                                | 10%                            |
| c) Minimum <b>Front Yard</b> and<br><b>Exterior Side Yard</b> | 30 metres from high water mark |
| d) Minimum <b>Interior Side Yard</b>                          | 3 m                            |
| e) Minimum <b>Rear Yard</b>                                   | 8 m                            |
| f) Minimum Floor Area for a Dwelling                          | 56 m <sup>2</sup>              |
| g) Maximum <b>Height</b> for a Dwelling                       | 12 m                           |

### **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: Ensure health unit approval for septic prior to constructing cabin as well for short-term outhouse.

### **Sample Conditions**

The Committee of Adjustment may wish to impose conditions on the minor variance including but not limited to the following:

- That the owner/applicant apply for a building permit within an agreed upon duration of time upon approval of the application for construction of the cabin.
- That Northwestern Health Unit approval be obtained for sewage/septic prior to constructing the cabin.
- That a letter be obtained from the Northwestern Health Unit approving the proposed outhouse.

### **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



Cody Vangel  
Chief Building Official & Municipal Planner