

Date: September 21, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A5-2020: 660 Third Street East – Minor Variance Application

Application Purpose

Joanna Loney has submitted a minor variance application for her property located at 660 Third Street East to request the following:

Section 4.4.2.c. of Zoning By-Law 03/14 requires a minimum exterior side yard of 3.0m. Section 3.2.d of Zoning By-Law 03/14 states that an accessory building cannot be located in the exterior side yard.

Relief from section 3.2.d is being requested to allow for the construction of an accessory building encroaching 1.8m into the required 3.0m exterior side yard.

The current layout of telephone poles and support wires creates a challenge to conform with the zoning by-law provisions for the construction of an accessory building and subsequently being able to access the structure.

Property History

Information contained on file shows that an addition to the dwelling was constructed in 1962, though the original construction date is unknown.

Official Plan

The property is designated as a **Living Area** which promotes a wide range of residential type developments.

Zoning By-Law 03/14

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**;
 - e) may be permitted in the **front yard** of a lot abutting a lake or river;
 - f) shall not be built closer than 1.5 metres to any **lot line**;
 - g) no detached accessory **building** or **structure** shall be located closer than 2.0 metres to a **main building** unless the accessory **structure** is a **gazebo**;
 - h) shall not exceed 15 percent coverage of the total **lot area**;
 - i) in a residential **zone** shall not exceed 5.0 metres in height, or contain more than one **storey**, except that where a **dwelling unit** is a permitted accessory **use** it shall not contain more than two **storeys**. In all other **zones** the maximum height shall not exceed 6.5 metres;²³
 - j) shall not be considered as an **accessory building** or **structure** if **attached** to the **main building** in any way except for an **accessory apartment dwelling** that is permitted above or behind a commercial or industrial **use**;
 - k) shall not be considered an **accessory building** or **structure** if located completely underground;
 - l) where a commercial retail **use** is permitted as an accessory **use** in an industrial zone, it shall be located within the **main building** or within 2.0 metres of the **main building** and shall not exceed 10% of the total floor area of the **main building** to a maximum of 280 square metres; and
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4.4 RESIDENTIAL TYPE ONE (R1) ZONE

No **person** shall within a Residential Type One (R1) **Zone**, **use** any land or **erect**, alter or **use** any **building** or **structure** except in accordance with the following:

4.4.1 Permitted Uses

- a) single detached dwelling
- b) home occupation
- c) group home
- d) community garden

4.4.2 Regulations for Permitted Uses

- | | |
|---|--------------------|
| a) Minimum Lot Area | 460 m ² |
| b) Minimum Lot Frontage | 15 m |
| c) Minimum Yard Requirements | |
| Front Yard | 7.5 m |
| Interior Side Yard | 1.5 m |
| Exterior Side Yard | 3.0 m |
| Rear Yard | 7.5 m |
| d) Maximum Lot Coverage | 40% |
| e) Minimum Landscaped Open Space | 20% |
| f) Maximum Height of Building | 12 m |
| g) Minimum Floor Area | 79 m ² |

Divisional Comments

Fort Frances Power Corporation: No comments received.

Fort Frances Fire Rescue: No concerns.

Fort Frances Recreation and Culture: No comments received.

Fort Frances Public Works:

- Concerns about overlap distance between garage and back guy wire anchor. Garage may be too close to guy wire and removal or material may undermine existing anchor
- Should ensure there is no service easement and should be well back if so
- Concerns over driving in at angle in the winter. Icy lane and poles/wires could be hazardous
- Suggest to work with Bell to relocate guy wire. Concerns oversight line at end of lane

Fort Frances Building & Planning:

- Applicant to apply for building permit within one year of approval (if approved).
- Would like to understand if discussion were held with Bell on pole/guy wire relocation.

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 or applicant apply for a building permit within one year of approval of the application.

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 be 'C. J. V. S.', written in a cursive style.

Cody Vangel, EIT
Chief Building Official & Municipal Planner