

**Date:** May 19, 2021

**Report To:** Committee of Adjustment

**From:** Cody Vangel, Chief Building Official & Municipal Planner

**Re:** A7-2021: Minor Variance Application – Island G734

---

**Application Purpose**

An application for minor variance (File A7-2021) has been submitted by has been submitted by authorized agent Edward Holbik on behalf of Canadian National Railway Company requesting a minor variance related to accessory buildings proposed for the property, lot line setbacks for the main structure and lot area.

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 sauna prior to constructing the main use as a cabin in the future.

Section 4.7.2.a of the Zoning By-Law required a minimum lot area of 1.0ha for the Seasonal Residential Zone (SR). The applicant is requesting relief from this provision to allow a lot area of 0.9ha.

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 25m.

**Property History**

Information contained on file does not indicate any prior building permits being issued.

The subject property is part of a subsequent Consent Application (File A6-2021), being Part 1 on Ref Plan 48R-3592.

**Official Plan**

Due to the current ownership by the CN Railway, the property is currently designated as an Employment Area, even though the Part 1 in question is vacant. Prior to issuing a permit for the construction of a seasonal cabin, and Official Plan amendment would be required to change the land use designation to a Living Area.

## **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 comments received.

Fort Frances Operations & Facilities: No concerns noted.

Fort Frances Planning & Development:

- Minor variance subsequent to this application to be considered for lot size reduction and additional relief requests
- Official Plan amendment require prior to issuing building permit
- Health unit approval for septic required

### **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.

### **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