

Date: June 16, 2021

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A10-2021: Application for Minor Variance – 110 Victoria Avenue

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### **Application Purpose**

An application for minor variance (File A10-2021) has been submitted by Riverside Health Care requesting a minor variance related to an accessory building (one gazebo) proposed for the property at 110 Victoria Avenue.

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

The applicants are proposing an exterior side yard setback to the gazebo of 15.24m. Additionally, the applicants are requesting relief from Section 3.2.d to allow the construction of one gazebo in the exterior side yard.

### **Property History**

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

- 1969: construct N.A. school
- 1977: addition to hospital
- 1985: blanket permit for 1985
- 1990: construct an enclosed walkway between the "52 wing" and shop/storage building
- 1991: construct 10' by 20' refrigerated storage building
- 1991: remodel room 218 & 220 for intensive care unit
- 1995: construct 8' by 20' addition to existing biohazard shed
- 1995: renovate existing RND school building for community counselling services offices
- 1996: remove two partition walls and convert space to training room
- 1996: renovate area on existing lower level for cafeteria
- 1997: renovate first floor of 1978 wing for 30 bed nursing unit
- 1997: renovate ground floor of 1978 wing for rehab unit
- 1997: construct 70' by 60' materials management maintenance building
- 1997: construct 8'6" by 8' connecting link
- 1997: construct 56' by 67' addition to south side for main entrance/lobby relocation
- 1997: renovate second floor of 1952 wing for admin offices
- 1998: demolish existing materials management building and connecting link to hospital
- 1998: Relocated community counselling building onto new foundation
- 1999: convert existing office to lady's locker room in basement
- 2001: reno and alt to ground floor to create temporary dialysis facility
- 2001: new kitchen exhaust hood/ducts

- 2004: two storey addition, part redevelopment of main and ground floors
- 2017: install piping and concrete foundation for oxygen tanks

Additional information contained on file indicates the following minor variance approvals:

- A4/88: side yard reduction (Sinclair Street) from 7.5m to 1.5m
- A17/88: rear yard reduction from 10.5m to 3.75m
- A18/97: rear yard reduction from 10.5m to 3.0m

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

- shall not be used for human habitation, except where an accessory residential **use** is a permitted **use**;
- accessory residential units above boat houses shall not be permitted;
- 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;
- 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**

- ambulance station
- arena
- assisted living facility
- cemetery
- community centre
- community health and resource centre
- community garden
- day nursery
- fire station
- hospital
- library
- municipal/government uses
- nursing home
- place of worship
- school

##### **4.15.2 Regulations for Permitted Uses**

- Minimum **Lot Area** 550 m<sup>2</sup>
- Minimum **Lot Frontage** 15 m
- Minimum **Yard** Requirements
 

<b>Front Yard</b>	7.5 m
<b>Interior Side Yard</b>	7.5 m
<b>Exterior Side Yard</b>	7.5 m
<b>Rear Yard</b>	10.5 m
- Maximum **Lot Coverage** 50%
- Minimum **Landscaped Open Space** 10%  
in any yard abutting a residential zone a **planting strip** shall be required.
- Maximum **Height of Building** 20 m

### **Divisional Comments**

Fort Frances Power Corporation: No comments received.

Fort Frances Fire Rescue: No concerns.

Fort Frances Public Works: There is a water service to the building coming in from Front Street. Exact location uncertain. Ensure locates completed and construct with caution.

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