

Date: August 7, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A4-2020: 1210 Third Street East – Minor Variance Application

Application Purpose

Tera Boettcher has submitted a minor variance application for her property located at 1210 Third Street East to request the following:

- A reduction in front yard requirement from 7.5m to 5.6m for the existing dwelling
 - o Section 4.4.2.c.
- An increase in permitted encroachments in the required front yard from 2.5m to 3.9m to permit the construction of a deck
 - o Section 3.24

When the dwelling was constructed in the 1920's, the front yard setback provided was approximately 5.6m from the front property line whereas the current zoning by-law requires a minimum of 7.5m.

The current zoning by-law states that a deck may encroach 2.5m into the required front yard. This would mean that in the event a 7.5m front yard were present, the deck could extend 2.5m into it providing a 5.0m setback from the front property line. However, in this case where only 5.6m front yard is present, the construction of a 2m deep deck on the front would place the deck 3.6m from the front property line. Therefore a request to permit an increase in the front yard encroachment from 2.5m to 3.9m has been submitted.

Property History

Information obtained from the Municipal Property Assessment Corporation (MPAC) shows that the existing dwelling was constructed in the 1920's and the accessory building was constructed in the 1980's.

Official Plan

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

Zoning By-Law 03/14

3.24 PERMITTED ENCROACHMENTS¹

Required yards shall not be obstructed in any manner whatsoever, except in accordance with the following:

STRUCTURE TYPE	YARDS	MAXIMUM PROJECTION INTO REQUIRED YARD FROM MAIN WALL
sills, chimneys, cornices, eaves, gutters, parapets, pilasters, windows or other ornamental structures	All yards	0.6 m
unenclosed porch, balcony, deck , steps and patios	Front, Rear, Exterior Side Yard	2.5 m
canopies, awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs	All yards	n/a
Fire escapes, exterior stairways, stoops, landings, steps and ramps	Side or rear yard	1 m but not closer than 1.2 m to any lot line
Wheelchair ramps	All yards	No limit
Air conditioners, solar panels, heat pumps or similar equipment	Interior or rear yard	1.0 m but not closer than .3 m to any lot line

Notwithstanding the above permitted encroachments, none of them may be closer than 1.2 m to any **lot line** and where the floor of any porch, balcony, or **deck** is more than 1.0 metre above the **finished grade**, the **side yard** and **rear yard setback** requirements for the **principal use** shall apply.

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 m²
- 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 m²

Divisional Comments

Fort Frances Power Corporation: No concerns.

Fort Frances Fire Rescue: No concerns.

Fort Frances Recreation and Culture: No concerns.

Fort Frances Public Works: No concerns.

Fort Frances Building & Planning: Applicant to apply for building permit within one year of approval (if approved). May consider verbiage on similar matters in future zoning by-law update.

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



Cody Vangel, EIT
Chief Building Official & Municipal Planner