

Date: June 4, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A2-2020: 780 King's Highway – Minor Variance Application

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### **Application Purpose**

Jackie Lampi-Hughes of Energy Motivation Inc. is requesting special permission to construct another dwelling unit on the second floor of the facility located at 780 King's Highway, where as the Enterprise Zone does not allow accessory dwelling units, though the facility currently holds one dwelling unit on the second floor that was approved under Zoning By-Law 8/98.

### **Property History**

Information on file shows the following for the property activity history:

- Predated use on property was a laundromat – demolished in 2004
- In 2004 zoning by-law 8/98 was amended, to allow for the following:
  - o Site specific alteration to the permitted uses in the C3 zone
    - Deleted: accessory dwelling (one only)
    - Added: dwelling unit on the floor above the first story **OR** on the first floor behind the commercial use
  - o A site specific permitted use in the C3 zone as a Personal Services Establishment
  - o Site specific interior side yard reduction
- In 2004 a two storey personal services establishment (gym) was constructed with one dwelling unit occupying approximately 50% of the second floor
- In 2006 the second floor dwelling unit use was turned into additional gym space
- In 2008 the Committee of Adjustment heard an application regarding exterior side yard setback, parking aisle width, and temporary parking surface treatment relief
- In 2016 the additional gym space created in 2006 on the second floor was altered back to a dwelling unit
- In 2017 a change of use permit was issued (background information unknown)

### **Site Specific Zoning By-Law 8/98 Amendment**

Under Zoning By-Law 8/98 the property of 780 King's Highway was zoned as Highway Commercial (C3). On July 26, 2004 a site specific Zoning By-Law amendment was passed to allow for a personal services establishment to be a permitted use on the property and to reduce the interior side yard requirement to 1.5metres. Additionally, this by-law amendment was enacted to allow a dwelling unit on the floor above the first storey or on the first floor behind the commercial use (See attached 08~98-T to amend zoning by-law 08~98-780 Kings Highway- rev (003)).

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

In 2014 a new Zoning By-Law was adopted by the Town of Fort Frances. Upon adoption of this new by-law, the zoning of 780 King's Highway was changed from Highway Commercial (no longer existing) to Enterprise. The following are permitted uses in the Enterprise Zone:

- a) bank or financial institution
- b) building supply and lumber outlet
- c) car wash
- d) clinic
- e) commercial greenhouse/nursery including retail
- f) convenience store
- g) equipment sales/rental establishment
- h) gas bar
- i) hotel
- j) laboratory
- k) laundromat
- l) motel
- m) motor vehicle service station
- n) motor vehicle parts and accessory sales
- o) motor vehicle sales or rental
- p) office
- q) personal services establishment
- r) recreation or fitness establishment
- s) recreational vehicle sales and service operation
- t) research and development establishment
- u) restaurant
- v) retail store (minimum floor area of 500 m<sup>2</sup>)
- w) tavern
- x) self-storage facility
- y) work/service shop
- z) veterinary hospital
- aa) uses that legally existed as of the date of passing of this By-law
- bb) microbrewery
- cc) nanobrewery

### **Official Plan**

The property is designated as an **Employment Area** which typically hold Industrial, Commercial and Business uses. In some areas residential uses are encouraged on upper floors.

### **Divisional Comments**

Fort Frances Power Corporation: advise applicant to contact Fort Frances Power Corporation if the new dwelling unit required installation of a new metered electrical service.

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). This application provides provision for additional housing opportunity for Town of Fort Frances

### **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