

Date: March 17, 2021

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A1-2021: 324 Victoria Avenue – Minor Variance Application

Application Purpose

An application for minor variance has been made by the Rainy River District Social Services Administration Board (RRDSSAB) requesting relief from the parking provisions of sections 3.20 and 3.22 of Zoning By-Law 03/14 for the property located at 324 Victoria Avenue.

Section 3.20 of the zoning by-law requires that when a change in use of the property occurs, parking spaces shall be provided for the new use in accordance with the Parking Space Requirements Table in Section 3.22. The RRDSSAB is changing the use of the property from a place of worship (church) to an assisted living facility which will include safe beds, transition beds, a warming centre and administrative offices.

The Parking Space Requirements Table requires 1 parking space for every two beds in an assisted living facility, and 1 space for every 100m² of gross floor area for an office space.

Based on the proposed building layout the facility would require a total of 11 spaces for the 23 proposed beds and 11 spaces for the ≈291m² of office space.

The applicant is requesting relief from this provisions from 22 parking spaces to 5 parking spaces due to limited space on the property and unlikelihood that assisted living bed users would require parking.

Property History

Information contained on file and provided by MPAC idicates that the original building was constructed in 1900.

Official Plan

The property is designated as a **Living Area** which promotes a wide range of residential type use as well as various institutional uses.

Zoning By-Law 03/14

The current zoning of the property is Institutional (I). The provisions accompanying the Institutional Zone are shown below. It should be noted for the Committee that the proposed development was described in full to the Town's land-use planning consultant, where it was determined and confirmed that the proposed use falls within the existing provisions of the Institutional Zone.

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

- a) ambulance station
- b) arena
- c) assisted living facility
- d) cemetery
- e) community centre
- f) community health and resource centre
- g) community garden
- h) day nursery
- i) fire station
- j) hospital
- k) library
- l) municipal/government uses
- m) nursing home
- n) place of worship
- o) school

4.15.2 Regulations for Permitted Uses

- | | |
|--|--------------------|
| a) Minimum Lot Area | 550 m ² |
| b) Minimum Lot Frontage | 15 m |
| c) Minimum Yard Requirements | |
| Front Yard | 7.5 m |
| Interior Side Yard | 7.5 m |
| Exterior Side Yard | 7.5 m |
| Rear Yard | 10.5 m |
| d) Maximum Lot Coverage | 50% |
| e) Minimum Landscaped Open Space | 10% |
| in any yard abutting a residential zone a planting strip shall be required. | |
| f) Maximum Height of Building | 20 m |

The parking provision details of the zoning by-law including sections 3.20 and 3.22 are attached with this report.

Divisional Comments

Fort Frances Power Corporation: No comments received.

Fort Frances Fire Rescue: No concerns.

Fort Frances Public Works:

- Snow removal of parking area is to be stored on property or removed from site. Snow cannot be deposited on Town boulevards, sidewalks or laneways.

Fort Frances Planning & Development:

- Proposed use supported for approval by planning consultant
- Phase one of project can proceed with current parking allowances. Future phases cannot commence until decision on parking made.
- Discussions with property owner ongoing related to easement in laneway

Sample Conditions

If approved, the Committee of Adjustment may wish to impose conditions on the minor variance including but not limited to the following:

- The parking spaces shall conform with section 3.20 such that the parking area is surfaced with concrete, asphalt, double float tar and chip surface, or a combination thereof

Summary/Recommendation:

Administration acts as an advisory body to the Committee of Adjustment. Comments received are provided in the form of information 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