

Date: December 1, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A7-2020 – Application for Consent: 103 Sixth Street East (Richard Brandrick)

Application Purpose

Richard Brandrick has applied for consent to sever a parcel of land from locally known 103 Sixth Street East property for the creation of a new lot.

The existing property is legally described under PIN 56018-1536 as PCL 9346 SEC RAINY RIVER; PT THE HUDSON'S BAY COMPANY'S RESERVE MCIRVINE AS IN SLT25406, EXCEPT SLT43449; FORT FRANCES

Property History

From the information contained on file it is shown that a new single detached dwelling was constructed on the property in 2015. There is no additional information on file.

The Official Plan

The severed and retained properties would be designated as **Living Area** which typically hold residential type uses. Both the severed and retained lands would be destined to continue as single-family residential uses.

Zoning By-Law

Both the severed and retained properties are zoned Residential Type One (R1).

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
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The following table shows a comparison of the min/max requirements of the R1 zone as outlined in the zoning by-law compared to the criteria proposed for the severed and retained lands by the applicant.

	Required	Retained	Severed
Lot Area (m²)	460	1781.8	1339.04
Lot Frontage (m)	15	20.878	15.69
Minimum Front Yard (m)	7.5	≈19.5	Vacant
Minimum Interior Side Yard (m)	1.5	≈1.905	Vacant
Minimum Rear Yard (m)	7.5	≈56.69	Vacant
Maximum Lot Coverage	40%	<40%	Vacant
Minimum Landscaped Open Space	20%	>20%	Vacant
Maximum Height of Building (m)	12	<12	Vacant
Minimum Floor Area (m²)	79	>79	Vacant

Provincial Policy Statements

The proposed severed portion of land including the proposed use appears to fit well under the housing section of the Provincial Policy Statement 2020.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation

with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

- b) permitting and facilitating:
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Divisional Comments

Fort Frances Power Corporation: No comments received.

Fort Frances Fire Rescue: No concerns noted.

Fort Frances Public Works:

- New water/sewer services were installed to the property in 2015. Sewer is located to the West of the curb stop (2.5m), both of which would be on the portion retained by the existing house. New services for the severed property would require installation.
- there is a private crossing for the retained property which would be on the new property, There may need to be another private crossing installed as the property owner of the retained portion cannot cross onto another lot for access.

Fort Frances Building & Planning:

- Proposal appears to satisfy the minimum/maximum general provisions for the Residential Type One zone
- Proposal allows for additional development and generation of new assessment if the new lot is constructed upon
- Appropriate permits required for construction

Other

If the Committee of Adjustment wish to impose conditions on the consent, Subsection 53(41) of The Planning Act states the following:

A. Conditions not fulfilled

(41) If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfil the conditions until the expiry of one year from the date of the order of the Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33). 2017, c. 23, Sched. 5, s. 100 (6).

Additionally, applicants shall be aware of the following regarding consent application in Subsection 53(43) of The Planning Act:

B. Lapse of consent

(43) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent. 1994, c. 23, s. 32.

Sample Conditions

The Committee of Adjustment may wish to impose conditions on the consent including but not limited to the following:

- That the Municipal Planner be provided with a deposited reference plan bearing the seal of the Land Registrar depicting the severed property a part thereon. A digital and hard copy of the deposited Reference Plan are to be submitted to the Municipal Planner of the Town of Fort Frances.
- That the Municipal Planner be provided with the legal description of the severed and retained property for the issuance of the Certificate of Official.
- That all current and outstanding accounts payable to the Town of Fort Frances by the property owner be paid in full to the date of Consent.
- That all current and outstanding municipal tax paid in full to the date of Consent.

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.

The Planning Act sets the standard to which provincial interests, provincial and local policies and goals are implemented. Accordingly, review of the application to consider the following:

- Conform to Subsection 51(24) as required by Subsection 53(12) of The Planning Act.
- Conform to the Town of Fort Frances Official Plan.
- Conform to the Provincial Policy Statements as required by Subsection 3(1) of The Planning Act.

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