

Date: June 16, 2021

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A8-2021: Application for Consent – 1009 Fifth Street East

Application Purpose

Authorized agents Paul & Lisa Cousineau, on behalf of Sharon Helder, have applied for consent to sever an approximately 24m by 15m parcel of land from locally known 1009 Fifth Street East for the purpose of adding it to an abutting property known as 820 Shevlin Avenue.

The existing property at 1009 Fifth Street East is legally described under PIN 56017-1065 as PCL B-1 SEC SM135; PT LT B PL SM135 MCIRVINE PT 2 48R3111; FORT FRANCES.

The existing property at 820 Shevlin Avenue is legally described under PIN 56017-1064 as PCL A-4 SEC SM135; FIRSTLY PT LT 25 PL SM5 MCIRVINE PT 1, 48R1180; SECONDLY PT BLK A PL SM135 MCIRVINE PT 2, 48R1180; FORT FRANCES.

Property History

From the information contained on file pertaining to 1009 Fifth Street East the following is indicated:

- 1961: construct 18.5' by 42' addition to dwelling
- 1961: construct 18' by 20' garage
- 1984: demolish existing dwelling
- 1984: build surface foundation and move house onto it
- 1994: remove existing half storey and construct second floor addition

Based on the information contained on file, 1009 Fifth Street East has been subject to a severance application in 1990 (B10/90) which was approved. This application would see the south 224' severed and conveyed.

In 1994 a minor variance application was approved for a reduction in the west side yard from 1.8m to 1.65m to allow a second storey addition to be constructed.

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

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 retained lands by the applicant.

	Required	Retained 1009 Fifth Street East
Lot Area (m²)	460	≈ 676.375
Lot Frontage (m)	15	≈ 15.304
Minimum Front Yard (m)	7.5	≈ 8.76
Minimum Interior Side Yard (m)	1.5	≈ 1.65
Minimum Rear Yard (m)	7.5	≈ 22.47
Maximum Lot Coverage	40%	Less than 40% - ok
Minimum Landscaped Open Space	20%	Greater than 20% - ok
Maximum Height of Building (m)	12	Less than 12 - ok
Minimum Floor Area (m²)	79	Greater than 79 - ok

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: No concerns noted.

Fort Frances Building & Planning: No concerns noted.

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:

- Subsection 3 or 5 of Section 50 of the Planning Act R.S.O. 1990 shall apply to any subsequent conveyance or transaction involving the severed land.
- As the application is for the purpose of a lot addition, the deeds or instruments, submitted to the Secretary-Treasurer for review and consent endorsement, shall be accompanied by an undertaking from the applicant's solicitor confirming that the lands to be severed will be consolidated on title with the adjacent lands.
- Payment of the balance of any outstanding taxes and accounts payable, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Municipality.
- 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 revised legal description of the severed and retained property for the issuance of the Certificate of Official.

Summary

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