

**Town of Fort Frances
Administrative Report**

TO: Committee of Adjustment
FROM: Cody Vangel, Chief Building Official & Municipal Planner
SUBJECT: **B1-2022: Zoning By-law Amendment – 1037 Third Street East**
DATE: March 16, 2022

Issue:

Consideration of zoning by-law amendment B1-2022 submitted by authorized agent Kevin Brothers seeking to add a site-specific permitted use as a duplex dwelling located at 1037 Third Street East which is currently zoned Residential Type One. The site-specific permitted use as a duplex dwelling would be subject to the provisions of the residential type one zone.

Strategic Impact:

11. Undertake residential development

Options/Alternatives:

1. Recommend approval of application;
2. Recommend amendment to application; or
3. Recommend rejection of application.

Administrative Recommendation:

Administration is seeking comment/recommendation from the Committee of Adjustment to bring forward to Mayor and Council to assist with decision on the application.

History:

Information contained on file related to the property indicates that historically the property had been used as a single-family dwelling. In December 2021 because of a property information inquiry as part of a property sale, it was indicated that the property was being used as a duplex dwelling. As a result, this application has been submitted to permit said use.

Information contained on file for this property indicates the following respective building permits being issued:

- No. 4797 – 10' by 26' addition to dwelling
- No. 1222 – 18' 10" by 22' accessory building (not constructed)
- 2014-101 – Demolish front deck and reconstruct 5' by 5' landing and stair per by-law order

In 1988 a minor variance application was approved for the reduction of the side yard requirement on the west side of the property from 5ft to 3.92ft.

Official Plan:

The Official plan designation for the subject property is "Living". Living areas promote a wide variety of residential uses including the influence for intensification and the promotion of additional dwelling units. The proposed application generally complies with multiple provisions of the Official Plan in relation to housing and residential development including but not limited to the following:

2.2.2.ii. Fort Frances will promote social inclusion, improved access to housing, commerce, job opportunities and social services.

2.2.2.iv. Fort Frances will encourage the adequate supply and range of different housing types which are affordable and meet the special housing needs for its citizens.

An excerpt of the Town's Official Plan, particularly Section 4.1 Living Areas, has been included with this report to further demonstrate general compliance of this request as it relates to the Town's Official Plan.

Zoning:

The request submitted is to include a duplex dwelling as a site-specific permitted use for the property, subject to the specific provisions of the Residential Type One (R1) zone.

For the information of all considering parties, it should be noted that in the Residential Type One (R1) zone, the Town of Fort Frances does permit interior second dwelling units which are similar in nature to a duplex dwelling. Ultimately, the difference between the two comes down to legal verbiage in the Town's zoning by-law.

The Zoning By-law offers the following definition for duplex dwelling:

DWELLING, DUPLEX: A dwelling located on one lot which contains two dwelling units.

The following specific provisions apply to the Residential Type One zone:

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 provides comparison of the required specific provisions versus the actual based on the provided site plan:

Provision	Required	Actual – Per Site Plan	Compliance
Minimum Lot Area	460 m ²	389.95 m ²	No
Minimum Lot Frontage	15 m	9.75 m	No
Front Yard	7.5 m	7.47 m	No
Interior Side Yard	1.5 m	1.19 m	MVA A18/88
Exterior Side Yard	3.0 m	1.07 m	No
Rear Yard	7.5 m	> 7.5 m	Yes
Maximum Lot Coverage	40%	< 40%	Yes
Minimum Landscaped Open Space	20%	>20%	Yes
Maximum Height of Building	12 m	>12 m	Yes
Minimum Floor Area	79 m ²	59.9 m ²	No

Provided the information detailed in the previous table, and the fact that the lot and building legally existed prior to the passing of this Zoning By-law, the subject property and building would be considered as legally non-complying per section 3.17 of the Zoning By-law.

Provincial Policy Statements:

The Planning Act requires that zoning by-law amendments be consistent with provincial policy statements as identified in the 2020 Provincial Policy Statements (PPS). The proposed site-specific permitted use appears to be consistent with the 2020 PPS as follows:

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

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.

Northern Ontario Growth Plan:

The proposal appears to generally comply with the Northern Ontario Growth Plan based on the following:

3.4.3 Municipalities are encouraged to support and promote healthy living by providing for communities with a diverse mix of land uses, a range and mix of employment and housing types, high-quality public open spaces, and easy access to local stores and services.

Consultation:

- Manager of Operations and Facilities
 - o No issues or concerns
- By-law Enforcement
 - o No issues or concerns
- Fort Frances Fire Rescue
 - o It is my understanding that the property located at 1037 Third St. E. is a duplex, consisting of a basement unit and a main level unit. If the apartments share a common interior means of escape, then the property will be subject to the retrofit requirements of Section 9.8 ***Two Unit Residential Occupancies*** of the Ontario Fire Code. There are specific requirements for fire separation, rated closures, egress and detection. It would be necessary for the Fire Department to inspect the property to determine if the building is compliant or requires updates for Fire Code compliance. As indicated within the Regulation, it is the owner's responsibility to achieve and maintain compliance with the Ontario Fire Code. Please advise if there is a request for a Fire Safety Inspection.
- Chief Building Official
 - o Given there are already two dwelling units, and the rezoning application is to rectify the zoning matter, it is strongly recommended that an inspection be arranged to review applicable fire separations.
- Fort Frances Power Corporation
 - o Each living space already has separate meters

Supporting Document / Financial Documents:

- B1-2022 Zoning Amendment Application – Final – Signed
- 1988 Survey
- Official Plan – Section 4.1