

# TOWN OF FORT FRANCES

## Committee of Adjustment

### AGENDA - June 24, 2020 5:30 PM

#### MEETING - Virtually

[Join Microsoft Teams Meeting](#)

[+1 807-701-5975](#) Canada, Thunder Bay (Toll)

Conference ID: 212 714 513#

	Page
1. <b><u>Call to Order</u></b>	
2. <b><u>Non-agenda items</u></b>	
3. <b><u>Declarations, Municipal Conflict of Interest Act</u></b>	
4. <b><u>Minutes of Previous Meetings</u></b>	
4.1 June 4, 2020	2 - 3
5. <b><u>Committee Applications</u></b>	
5.1 A3-2020: Application for Minor Variance 305 Kirsti Place	4 - 15
6. <b><u>Other Business</u></b>	
6.1 Riversedge Request for Consent (A1-2020) Conditions Reconsideration	16 - 17
7. <b><u>Meeting Close</u></b>	

## TOWN OF FORT FRANCES

### MINUTES

### COMMITTEE OF ADJUSTMENT

June 4, 2020

The meeting of Committee of Adjustment of the Town of Fort Frances was Held Virtually on June 4, 2020 from 5:30 p.m. to 6:13 p.m.

**PRESENT:** Gary Rogozinski (Chair), Charleen Mallory, Donald Taylor(5:40pm), Barry Jackson, Don Eldridge

**ALSO PRESENT:** Cody Vangel, CBO/Municipal Planner, Mitch Lepage, Stacey Jack, Kim Cornell, Faye Flatt

**1. Call to Order**  
5:30pm

**2. Non-agenda items**  
None.

**3. Declarations, Municipal Conflict of Interest Act**  
None.

**4. Minutes of Previous Meetings**

4.1 May 14, 2020

- Approved as presented

Moved by Don Eldridge, seconded by Barry Jackson

**5. Committee Applications**

5.1 A2-2020: Application for Minor Variance at 780 King's Highway

- Secretary treasurer provided summary of application
- Faye Flatt (Agent of Energy Motivation Inc.) provided additional reasoning behind the proposal
- The Committee was provided the opportunity to ask questions
- The Committee engaged in a brief discussion on the application and subsequently approved the application with the following condition:
  - That the owner apply for a building permit within one year of making decision

All Committee of Adjustment members present for the application voted in favour of the proposal. Donald Taylor was not present at this time in the meeting and did not participate in voting.

5.2 A1-2020: Application for Consent (Lot Creation) at Mill Property Along Third Street East (Formerly 145-165 Third Street West)

- Secretary treasurer provided summary of application
- Mitch Lepage and Kim Cornell had the opportunity to speak to the proposal
- The Committee was provided the opportunity to ask questions
- The Committee engaged in a lengthy discussion on the application, primarily with respect to imposing conditions.
- The Committee approved the application with the following conditions:
  - 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 or a Letter of Exemption from the Land Registrar or proper legal description endorsed by evidence of approval of the Land Registrar.
  - 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 the owner provide confirmation to the Municipal Planner of payment of all outstanding taxes and interest on taxes.
- That the owner provides confirmation to the Municipal Planner of payment of all outstanding accounts payable.
- That in the event exterior construction activities are undertaken to increase the building footprint on the severed portion of land that a site plan control agreement be entered into with the Town of Fort Frances.
- That the owner convey cash in lieu of parkland at a value of \$1,000.00 lump sum and that no future variances for reduction in greenspace be allowed for the severed lands.
- That the Municipal Planner be provided with satisfactory evidence that any existing structures on the severed property comply with zoning regulations for the Light Industrial zone by way of surveyor’s real property report or site plan with signed affidavit.
- That any zoning deficiencies determined from the site plan or survey on the severed land be addressed through a minor variance application.

All Committee of Adjustment members present for the application voted in favour of the proposal.

6.     **Other Business**  
None.

7.     **Meeting Close**  
6:13pm

\_\_\_\_\_  
Chair, Committee of Adjustment

\_\_\_\_\_  
C. Vangel, Chief Building Official / Municipal Planner  
Secretary to Committee of Adjustment

Date: June 19, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A3-2020: 305 Kirsti Place – Minor Variance Application

---

### **Application Purpose**

Jeffrey Ogden has submitted an application for minor variance asking for relief from Section 4.4.2.d of zoning By-Law 03/14 to increase the allowable lot coverage from 40% to 42.1% at 305 Kirsti Place, to permit the construction of a 24' by 32' garage.

### **Property History**

In 2006 a minor variance (Application A12/2006) was granted to reduce the side yard requirement to 1.07m to allow the construction of a single detached dwelling.

The primary dwelling on the subject lands was constructed in 2006.

In 2019 a culvert was installed by Public Works on the west side of the property abutting Pit Road #1 in preparation for and to provide access to a future garage.

### **Official Plan**

The property is designated as a **Living Area** which supports residential development.

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

Lot Area = 8,460 ft<sup>2</sup>

Dwelling Area = 2793 ft<sup>2</sup> (33%)

Proposed Garage Area = 768 ft<sup>2</sup> (9.1%)

Proposed Total Coverage Area = 3,561ft<sup>2</sup> (42.1%)

Allowable Total Coverage Area = 40%

Allowable Accessory Building Coverage = 15%

Garage Required Setbacks:

- 1.5m (4.92ft) from any lot line
- 2.0m (6.56ft) from main building



### 3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

Accessory **buildings** or **structures**, are permitted in any **yard**, in any **zone**, subject to the provisions of this By-law for the particular **zone** in which said **building**, **structure**, or **use** is located, provided the principle building, structure or use is already in existence on the lot<sup>1</sup>, and provided that the accessory **building**, **structure** or **use**:

- a) shall not be used for human habitation, except where an accessory residential **use** is a permitted **use**;
- b) accessory residential units above boat houses shall not be permitted;
- c) shall not be built closer to the **front lot line** than the minimum distance required by this By-law for the **main building** on the **lot** unless otherwise specified;
- d) shall not be located in the **front yard** or **exterior side yard** nor be built closer to the street than the **main building** is to that street except in an industrial **zone** where a gatehouse is permitted in the **front yard**;
- e) may be permitted in the **front yard** of a lot abutting a lake or river;
- f) shall not be built closer than 1.5 metres to any **lot line**;
- g) no detached accessory **building** or **structure** shall be located closer than 2.0 metres to a **main building** unless the accessory **structure** is a **gazebo**;
- h) shall not exceed 15 percent coverage of the total **lot area**;
- i) in a residential **zone** shall not exceed 5.0 metres in height, or contain more than one **storey**, except that where a **dwelling unit** is a permitted accessory **use** it shall not contain more than two **storeys**. In all other **zones** the maximum height shall not exceed 6.5 metres;<sup>23</sup>
- j) shall not be considered as an **accessory building** or **structure** if **attached** to the **main building** in any way except for an **accessory apartment dwelling** that is permitted above or behind a commercial or industrial **use**;
- k) shall not be considered an **accessory building** or **structure** if located completely underground;
- l) where a commercial retail **use** is permitted as an accessory **use** in an industrial zone, it shall be located within the **main building** or within 2.0 metres of the **main building** and shall not exceed 10% of the total floor area of the **main building** to a maximum of 280 square metres; and
- m) No land may be used for the purpose of a swimming pool capable of containing in excess of 0.6 metres (2 ft.) of water unless the pool is enclosed by a fence, or by the wall of a

---

<sup>1</sup> Amendment May 9, 2016 to clarify accessory use building uses

**building** or **structure**, or by a combination of walls and fences, at least 1.5 metres (4.92 ft) in height and despite any other provisions to the contrary, an outdoor swimming pool and its associated mechanical equipment, shall be located, altered, **erected** or renovated in accordance with the following provisions:

- i. An outdoor swimming pool shall be set back a minimum of 1.5 m (5 ft) from any **lot line**;
  - ii. No outdoor swimming pool accessory to a permitted residential **use** shall be located in any part of a front or exterior side yard; and
  - iii. Any filter, pumps, or similar operating machines are a minimum distance of 0.6 metres from any **lot line** and a minimum distance of 3.0 meters from any **main building**.
- n) A **storage container** shall not be used as an **accessory building** or **structure** except as may otherwise be permitted under this By-Law. Within the Industrial zone, storage containers may be permitted as an **accessory use** to the **principal or main use** but shall be used exclusively for the storage of goods and materials and shall not be used to accommodate work areas, shops, office uses, retail sales or human habitation.

#### **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 <b>Lot Area</b>              | 460 m <sup>2</sup> |
| b) Minimum <b>Lot Frontage</b>          | 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 <b>Lot Coverage</b>          | 40%                |
| e) Minimum <b>Landscaped Open Space</b> | 20%                |
| f) Maximum Height of Building           | 12 m               |
| g) Minimum Floor Area                   | 79 m <sup>2</sup>  |

---

#### **Divisional Comments**

Fort Frances Power Corporation: No comments received.

Fort Frances Fire Rescue: No concerns.

Fort Frances Recreation and Culture: No concerns, only comment regarding access to garage.

Fort Frances Public Works: 300mm PVC watermain runs N/S in East blvd Pit Road 1 behind the property, with hydrant located nearly mid-property 305 Kirsti. Drainage should be directed towards the drainage ditch on Pit Road #1

Fort Frances Building & Planning: Applicant to apply for building permit within one year of approval (if approved). Setbacks must comply with zoning by-law. Construction to comply with Ontario Building Code.

#### **Conditions for Consideration**

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:**

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

A handwritten signature in black ink, appearing to read 'Cody Vangel', with a stylized flourish at the end.

Cody Vangel, EIT  
Chief Building Official & Municipal Planner



It is the responsibility of the owner or authorized agent to provide complete and accurate information. This form will not be accepted as an application until such time as all questions have been answered and all requirements have been met in the manner requested herein. Please read the following carefully:

FOR OFFICE USE ONLY	
FEE <b>\$322.55</b>	FILE NO. <b>A3 /20 20</b>
PAYMENT RECEIPT STAMP	

PROPERTY INFORMATION	
Property Address	<b>305 Kirsti Place</b>
Tax Roll No.	<b>59 - 12 - 010 - 006 - 05403</b>
Legal Description	<b>Plan 48M339 Lot 3 PT PCL Plan 1</b>
OWNER/APPLICANT INFORMATION	
Registered Owner(s)	<b>Jeffrey and Jessica Ogden</b>
Application Contact	<b>Jeffrey Ogden</b>
Full Mailing Address	<b>305 Kirsti Place Fort Frances, ON P9A 3V9</b>
Telephone	<b>(807) 275 7792</b>
Email	<b>jogden77@yahoo.com</b>
AGENT INFORMATION (if applicable)	
Company Name	
Application Contact	
Full Mailing Address	
Telephone	
Email	
Note – All communication will be sent to Application Contact unless otherwise requested	
MORTGAGEES, HOLDERS OF CHARGES OR OTHER ENCUMBRANCES	
Institution	<b>CIBC</b>
Contact/Reference	<b>Benjamin Norton</b>
Full Mailing Address	<b>203 Scott St. Fort Frances, ON P9A 1G8</b>
Telephone	<b>(807) 274-5391</b>
Email	<b>benjamin.norton@cibc.com</b>

- Describe the nature and extent of relief applied for (indicate what the by-law requirement is, the relevant section of the by-law, and what you are proposing):  
 Section 4.4.2.d of Zoning by-law <sup>03</sup>/<sub>14</sub> to permit to increase lot coverage from 40% to 42%.



2. Why is it not possible to comply with the provisions of the by-law? (Provide an explanation of the circumstances that hinder or restrict your ability to comply)

I would like to build a two stall garage with storage with dimensions of 24 feet by 32 feet.

3. When did the current owner acquire the Property? 2011

4. Provide the date of construction for all buildings and structures on the Property.

House - 2006

5. What is the existing use of the Property? Residential

6. How long has the existing use of the Property continued? Since 2006

7. What is the existing use of the abutting properties?

North	South	East	West
Residential	Residential	Road Kirsti Place	Road Pit Road #1

8. Dimensions of the Property:

Property Dimensions	Metric	Imperial
Frontage:		60'
Depth:		141'
Area:		8460' sq

9. **Building/Structure Particulars**  
Describe the particulars (in metric) of all buildings and/or structures existing and proposed for the Property.

Main Building:	Existing	Proposed
Ground Floor Area:	2793'sq	
Width:	50'	
Length:	60'	
# of Storeys:	1	

Location of Building/Structure – Check geographic direction of Side Yard Setbacks

Front Yard:		
Rear Yard:		
North <input type="checkbox"/> or East <input checked="" type="checkbox"/> - Side Yard:	✓	
South <input type="checkbox"/> or West <input checked="" type="checkbox"/> - Side Yard:	✓	

Accessory Building:	Existing	Proposed
Ground Floor Area:		7168'sq
Width:		24'
Length:		32'
# of Storeys:		1
Height:		15'
Distance to Main Building:		7'

Location of Building/Structure - Check geographic direction of Side Yard Setbacks

Front Yard:		
Rear Yard:		✓
North <input checked="" type="checkbox"/> or East <input type="checkbox"/> - Side Yard:		✓
South <input type="checkbox"/> or West <input type="checkbox"/> - Side Yard:		

Note – Above information to match Site Plan

10. Check the appropriate box to Indicate connected or available services to the Property:

Source of Service:	Municipal	Private
Water	✓	
Sanitary Sewer	✓	
Storm Sewer	✓	

11. Check the appropriate box to indicate access to the Property:

Source of Access:	Yes	No
Municipal Road	✓	
Other Public Road		✓
Water Access Only		✓

12. What is the Official Plan designation of the Property? Residential

13. What is the Zoning of the Property? R1

14. Has the Owner ever applied for a minor variance or permission regarding the Property?  
Yes ☐ No ☒ If Yes, provide details, including file number, date, decision, etc.

15. Is the Property the subject of a current application for consent under section 53 of the Planning Act, 1990, as revised? Yes ☐ No ☒ If Yes, provide details, including file number, date, etc.

16. **DECLARATION**

I/We, Jeffrey Ogden Jessica Ogden solemnly declare that all the statements contained in this application are true and make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the Town of Fort  
Frances, in the District of Rainy River this  
4<sup>th</sup> day of June, 2020.

Elizabeth Slomke  
A Commissioner, etc.

**Elizabeth Slomke, a Commissioner, etc.,  
District of Rainy River, for the Corporation  
of the Town of Fort Frances.**

Jeffrey Ogden  
(Signature of Owner or Agent)  
Jessica Ogden  
(Signature of Owner or Agent)

17. A sketch showing the following:

- i. The boundaries and dimensions of the subject land.
- ii. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- iii. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- iv. The current uses on land that is adjacent to the subject land.
- v. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way.
- vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- vii. the location and nature of any easement affecting the subject land.



Pit Road # 1  
Public Road

24'

Residential Property



House

14'

5'

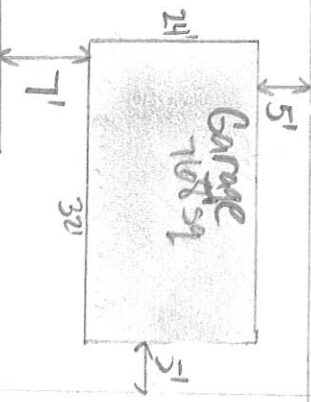
House  
2793 sq

5'

45'

60'

Driveway



Garage  
768 sq

Residential Property



Shed

House

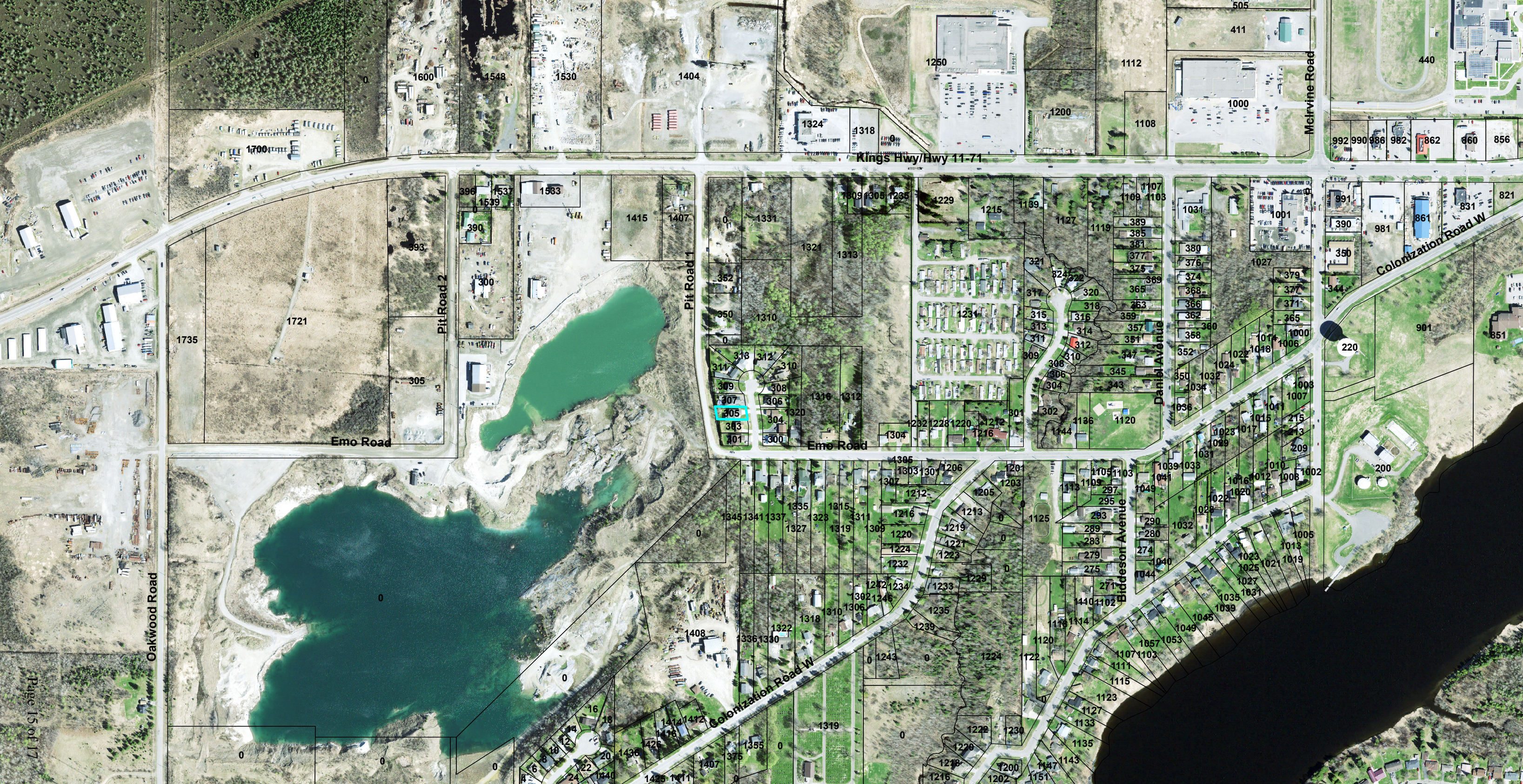
28'

Kirsti Place  
Public Road











June 18, 2020

Town of Fort Frances  
Committee of Adjustment  
320 Portage Avenue  
Fort Frances, ON P9A 3P9

Attention: Cody Vangel, Secretary-Treasurer

***Re: Request for reconsideration of conditions of File A1-2020***

Dear Mr. Vangel;

Thank-you for providing the Notice of Decision on June 17, 2020.

Considering recent clarification and understanding of the conditions, we respectfully request that the committee reconsider the following conditions.

*Condition 3: That the owner provide confirmation to the Municipal Planner of payment of all outstanding taxes and interest on taxes.*

We request that this condition be amended to read;

*Condition 3 Amended: That the owner be in compliance with the taxes and interest payment plan established by the Town of Fort Frances.*

As the Committee may be aware, the majority of property taxes for the former mill properties are inclusive to one municipal address, and 145 3<sup>rd</sup> St. West is included in that much larger property. We have established a payment plan with the Town of Fort Frances, which includes taxes plus interest. We can confirm that the most recent payment has been received by the Town.

We also respectfully request that Condition 8 be removed.

*Condition 8: That any zoning deficiencies determined from the site plan of survey on the severed land be addressed through a minor variance application.*

Following the Committee of Adjustment meeting, we were advised that the property would not meet setback requirements as it was constructed several years ago. Had we been aware at that time, we would have brought it to the attention of the Committee for reconsideration at that time.

Thank you very much for your consideration.

Sincerely,



Mitch Lepage, Asset Manager  
2670568 Ontario Ltd.

<b>Subject Property</b> Part of 427 Mowat Avenue (Mill Property)	<b>Zoning Code</b> M1	<b>Property Roll No.</b> 59-12-010-001-107-00
---	--------------------------	--

IN THE MATTER OF an Application under Section 53 of the Planning Act for Consent.


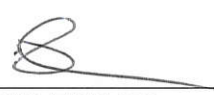
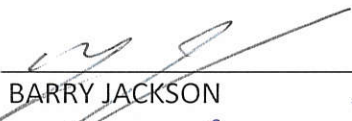
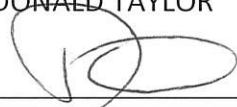

**This is an application for consent:**  
Application for consent for the creation of a new lot. The application proposes to sever a parcel of land from the locally know "Mill Property" which fronts Third Street West/Highway 11/71 for an estimated 153m. The proposed severed portion of land will be irregular in shape with approximately 153m fronting Third Street West/Highway 11/71, and varied depths ranging from approximately 40-70m.

**DECISION:**    The Application is    ☐ Denied or    ☒ Approved

- Subject to the following Conditions:**
1. 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 or a Letter of Exemption from the Land Registrar or proper legal description endorsed by evidence of approval of the Land Registrar.
  2. That the Municipal Planner be provided with the legal description of the severed and retained property for the issuance of the Certificate of Official.
  3. That the owner provide confirmation to the Municipal Planner of payment of all outstanding taxes and interest on taxes.
  4. That the owner provides confirmation to the Municipal Planner of payment of all outstanding accounts payable.
  5. That in the event exterior construction activities are undertaken to increase the building footprint on the severed portion of land that a site plan control agreement be entered into with the Town of Fort Frances.
  6. That the owner convey cash in lieu of parkland at a value of \$1,000.00 lump sum and that no future variances for reduction in greenspace be allowed for the severed lands.
  7. That the Municipal Planner be provided with satisfactory evidence that any existing structures on the severed property comply with zoning regulations for the Light Industrial zone by way of surveyor's real property report or site plan with signed affidavit.
  8. That any zoning deficiencies determined from the site plan or survey on the severed land be addressed through a minor variance application.

**Reasons for Committee's Decision:**  
1. New opportunity for the severed lands, will result in new business for the Town.

**CONCURRING MEMBERS:**

 _____ CHARLEEN MALLORY	 _____ DONALD TAYLOR
 _____ BARRY JACKSON	 _____ DON ELDRIDGE
 _____ GARY ROGOZINSKI	_____

Date: June 4, 2020 \_\_\_\_\_

  
\_\_\_\_\_  
Cody Vangel, Secretary-Treasurer  
Committee of Adjustment