

TOWN OF FORT FRANCES

Committee of Adjustment

AGENDA - August 12, 2020 5:30 PM

MEETING - Held Virtually

[Join Microsoft Teams Meeting](#)

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

Conference ID: 373 198 819#

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1. **Call to Order**
2. **Non-agenda items**
3. **Declarations, Municipal Conflict of Interest Act**
4. **Minutes of Previous Meetings**
 - 4.1 July 14, 2020 2 - 3
5. **Committee Applications**
 - 5.1 A4-2020 1210 Third Street East - Minor Variance 4 - 19
 - 5.2 B3-2020: Eighth Street East - Removal of Holding Provision (Lundy) 20 - 43
 - 5.3 B4-2020: 840 Sixth Street West - Zoning Exception 44 - 61
6. **Other Business**
 - 6.1 Ryan Lundy Request for Private Well and Septic Services - Eighth Street East 62 - 73
7. **Meeting Close**

TOWN OF FORT FRANCES

MINUTES

COMMITTEE OF
ADJUSTMENT

July 14, 2020

The meeting of Committee of Adjustment of the Town of Fort Frances was Held Virtually on July 14, 2020 from 5:30 p.m. to 5:39 p.m.

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

ALSO PRESENT: Cody Vangel, CBO/Municipal Planner, Stacey Jack, Mitch Lepage

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 June 24, 2020

- Approved as presented

Moved by Charleen Mallory, Seconded by Donald Taylor

5. Outstanding Items

5.1 2670568 Ontario Ltd. (Riversedge Developments Inc.) Request for Consent (A1-2020)
Conditions Reconsideration

- Brief discussion was held on the item.
- The Committee had the opportunity to ask questions
- The applicant had an opportunity to discuss the request
- The Committee agreed to amend condition #3 to read as follows "That 2670568 Ontario Ltd. is not in default of the agreement entered between the Town of Fort Frances and 2670568 Ontario Ltd. with regard to a tax and interest payment plan."
- The Committee agreed to remove condition #8
- All Committee members present agreed to the revised conditions

6. Other Business

None

7. Meeting Close

5:39pm

Chair, Committee of Adjustment

C. Vangel, Chief Building Official / Municipal Planner

Secretary to Committee of Adjustment

Date: August 7, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A4-2020: 1210 Third Street East – Minor Variance Application

Application Purpose

Tera Boettcher has submitted a minor variance application for her property located at 1210 Third Street East to request the following:

- A reduction in front yard requirement from 7.5m to 5.6m for the existing dwelling
 - o Section 4.4.2.c.
- An increase in permitted encroachments in the required front yard from 2.5m to 3.9m to permit the construction of a deck
 - o Section 3.24

When the dwelling was constructed in the 1920's, the front yard setback provided was approximately 5.6m from the front property line whereas the current zoning by-law requires a minimum of 7.5m.

The current zoning by-law states that a deck may encroach 2.5m into the required front yard. This would mean that in the event a 7.5m front yard were present, the deck could extend 2.5m into it providing a 5.0m setback from the front property line. However, in this case where only 5.6m front yard is present, the construction of a 2m deep deck on the front would place the deck 3.6m from the front property line. Therefore a request to permit an increase in the front yard encroachment from 2.5m to 3.9m has been submitted.

Property History

Information obtained from the Municipal Property Assessment Corporation (MPAC) shows that the existing dwelling was constructed in the 1920's and the accessory building was constructed in the 1980's.

Official Plan

The property is designated as a **Living Area** which promotes a wide range of residential type developments.

Zoning By-Law 03/14

3.24 PERMITTED ENCROACHMENTS¹

Required yards shall not be obstructed in any manner whatsoever, except in accordance with the following:

STRUCTURE TYPE	YARDS	MAXIMUM PROJECTION INTO REQUIRED YARD FROM MAIN WALL
sills, chimneys, cornices, eaves, gutters, parapets, pilasters, windows or other ornamental structures	All yards	0.6 m
unenclosed porch, balcony, deck , steps and patios	Front, Rear, Exterior Side Yard	2.5 m
canopies, awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs	All yards	n/a
Fire escapes, exterior stairways, stoops, landings, steps and ramps	Side or rear yard	1 m but not closer than 1.2 m to any lot line
Wheelchair ramps	All yards	No limit
Air conditioners, solar panels, heat pumps or similar equipment	Interior or rear yard	1.0 m but not closer than .3 m to any lot line

Notwithstanding the above permitted encroachments, none of them may be closer than 1.2 m to any **lot line** and where the floor of any porch, balcony, or **deck** is more than 1.0 metre above the **finished grade**, the **side yard** and **rear yard setback** requirements for the **principal use** shall apply.

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

Divisional Comments

Fort Frances Power Corporation: No concerns.

Fort Frances Fire Rescue: No concerns.

Fort Frances Recreation and Culture: No concerns.

Fort Frances Public Works: No concerns.

Fort Frances Building & Planning: Applicant to apply for building permit within one year of approval (if approved). May consider verbiage on similar matters in future zoning by-law update.

Sample Conditions

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/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.

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, EIT
Chief Building Official & Municipal Planner

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

For applying under Section 45 of the Planning Act, R.S.O., 1990 (as revised)

322.55

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	FILE NO.
\$ 322.55	A3 / 2020

PAYMENT RECEIPT STAMP

PROPERTY INFORMATION

Property Address	1210 THIRD STREET EAST
Tax Roll No.	59 - 12 - 03 - 00 - 0707 100
Legal Description	PIN 56017-0991 (LT), PCL 36-1 Sec M91; LT 36 PL M91 McIrvine and pin 56017-0990 - PCL 35-2 - M91 - E 1/2 LT 35

OWNER/APPLICANT INFORMATION

Registered Owner(s)	TERA BOETTCHER
Application Contact	SAME AS ABOVE
Full Mailing Address	1210 THIRD STREET EAST FORT FRANCES, ON P9A1S7
Telephone	807 276 9048
Email	terakboettcher@hotmail.com

AGENT INFORMATION (if applicable)

Company Name	N/A
Application Contact	N/A
Full Mailing Address	N/A
Telephone	N/A
Email	N/A

Note – All communication will be sent to Application Contact unless otherwise requested

MORTGAGEES, HOLDERS OF CHARGES OR OTHER ENCUMBRANCES

Institution	TD CANADA TRUST
Contact/Reference	Amanda Stevens
Full Mailing Address	200 Scott St. Fort Frances, ON P9A1G7
Telephone	274-3241 Ext. 231
Email	Amanda.Stevens@td.com

- 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 4.42 of Zoning by-law – to permit the construction of a small deck into the front yard. A permitted encroachment as mentioned in Section 3.24 has a maximum projection of 2.5m but as mentioned in 4.42 the minimum yard requirement is 7.5m. Since my home was built in approximately 1920's the house was built less than 7m from the lot line. I'm requesting the minor Variance to build a small deck off the front of the home as seen in the following attachments.

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)
- Due to the current length from lot line to the front of the home, the maximum projection allowable would be less than 3m. Considering the existing bay window and adding a railing to the deck, it would be an extremely narrow walkway that would make moving furniture/appliances nearly impossible.
3. When did the current owner acquire the Property? March 2016
4. Provide the date of construction for all buildings and structures on the Property.
- As per my conversation with Mr. Vangel, he pulled my property file and advised me that MPAC lists my home as built in 1927. The South 1/2 of the garage was built in the 80's and the north 1/2 was built in the 90's
5. What is the existing use of the Property? Residential Home
6. How long has the existing use of the Property continued? Approx 1920's
7. What is the existing use of the abutting properties?
- | North | South | East | West |
|---------------------------------|---------------------------------|--------------------------|--------------------------|
| BACK ALLEY
16' width Approx. | THIRD ST. EAST
SIDEWALK/ROAD | Residential Home
1212 | Residential Home
1206 |
8. Dimensions of the Property:
- | Property Dimensions | Metric | Imperial |
|---------------------|-------------------------|----------|
| Frontage: | 17.9832m | 59' |
| Depth: | 37.1856m | 122' |
| Area: | 668.7161 m ² | 7198 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:	63.7m ² / 686sq ft	-	
Width:	irregular - see diagram	-	
Length:	irregular - see diagram	-	
# 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 type="checkbox"/> - Side Yard:	-	-	
South <input type="checkbox"/> or West <input checked="" type="checkbox"/> - Side Yard:	-	✓	
Accessory Building: (deck)	Existing	Proposed	
Ground Floor Area:	-	10.31m ²	111sq ft
Width:	-	1.83m	Approx 6'
Length:	-	5.64m	18.5'
# of Storeys:	-	1	1
Height:	-	.91m +	3' Approx + railing
Distance to Main Building:	-	0	0
Location of Building/Structure - Check geographic direction of Side Yard Setbacks			
Front Yard:	-	-	✓
Rear Yard:	-	-	-
North <input type="checkbox"/> or East <input type="checkbox"/> - Side Yard:	-	-	-
South <input type="checkbox"/> or West <input checked="" type="checkbox"/> - Side Yard:	stairs off the deck to project west from main structure.		✓

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	✓	N/A
Sanitary Sewer	✓	N/A
Storm Sewer	✓	N/A

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, TERA BOETTCHER 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

10 day of July, 2020.

Elizabeth Slomke
A Commissioner, etc.

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

[Signature]
(Signature of Owner or Agent)

(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.

OWNER'S AUTHORIZATION, ACKNOWLEDGMENT & CONSENT

(Must be signed by **each Owner** – print more copies as required)

I, TERA BOETTCHER, am an Owner of the property known as 1210 THIRD in the Town of Fort Frances, that
is the subject of this Application, and hereby EAST

Authorize Agent to Act (if applicable):

1. Authorize and instruct N/A to act as my Agent and make this application on my behalf.

Freedom of Information:

2. Acknowledge that the information collected in this application is collected under the authority of The Planning Act, R.S.O. 1990, Chapter P13, as amended to assist in the processing of the application and will become part of a public record and, for the purposes of the Freedom of Information and Protection of Privacy Act, authorize and consent to the use by or the disclosure to, any person or public body of any personal information.
3. Acknowledge that full copies of the application are provided to the members of the Committee of Adjustment and as a result, **any information contained in it** is made public.

Right to Enter Premises:

4. Authorize the members of the Committee of Adjustment and/or staff of The Town of Fort Frances as may be required, to enter upon the lands and premises identified in section 5 that are the subject of this application for the purpose of evaluating the merits of this application and for so doing, this shall be good and sufficient authority; and

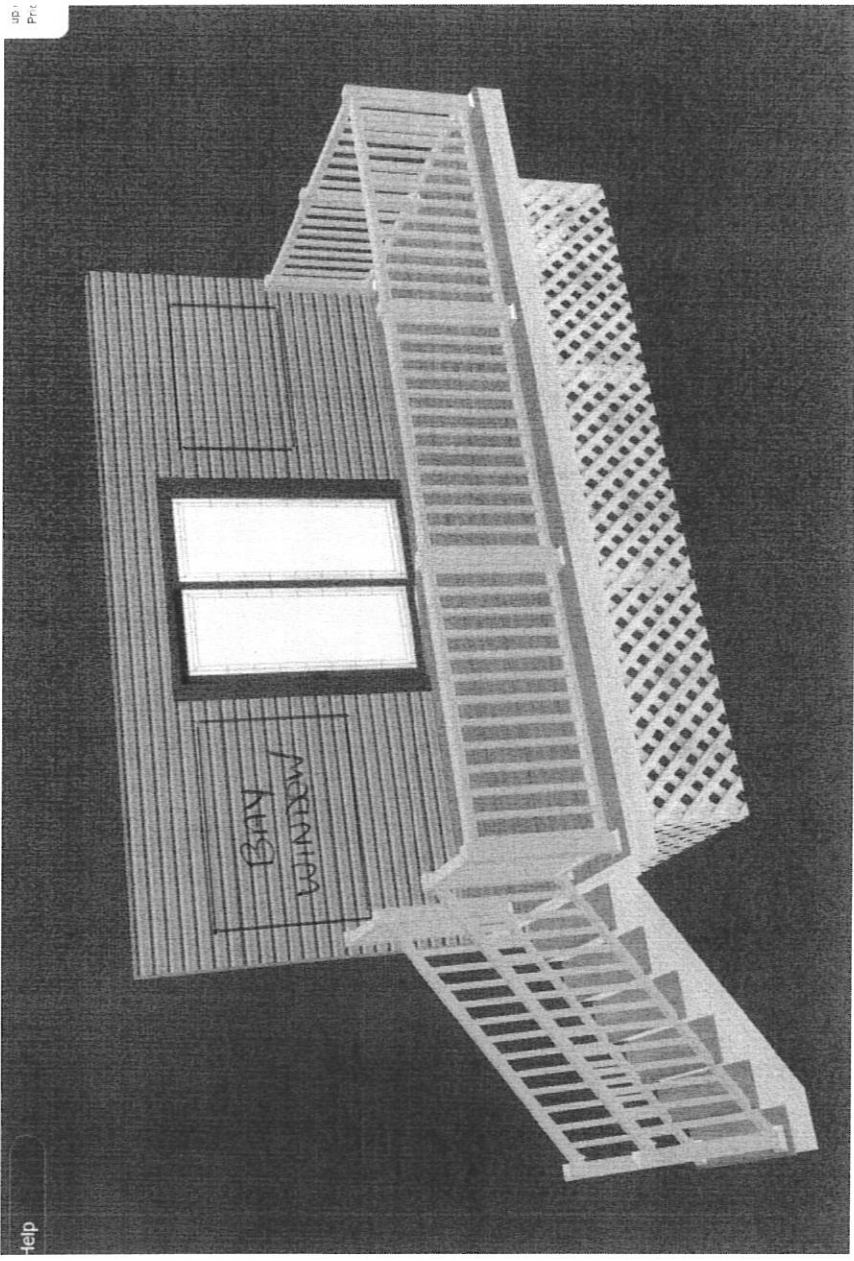
Consent re Meeting:

5. Consent to the application herein being considered at the next regular meeting of the Committee of Adjustment notwithstanding that section 45 of the Planning Act requires they be heard within thirty days after the secretary-treasurer receives the completed application.

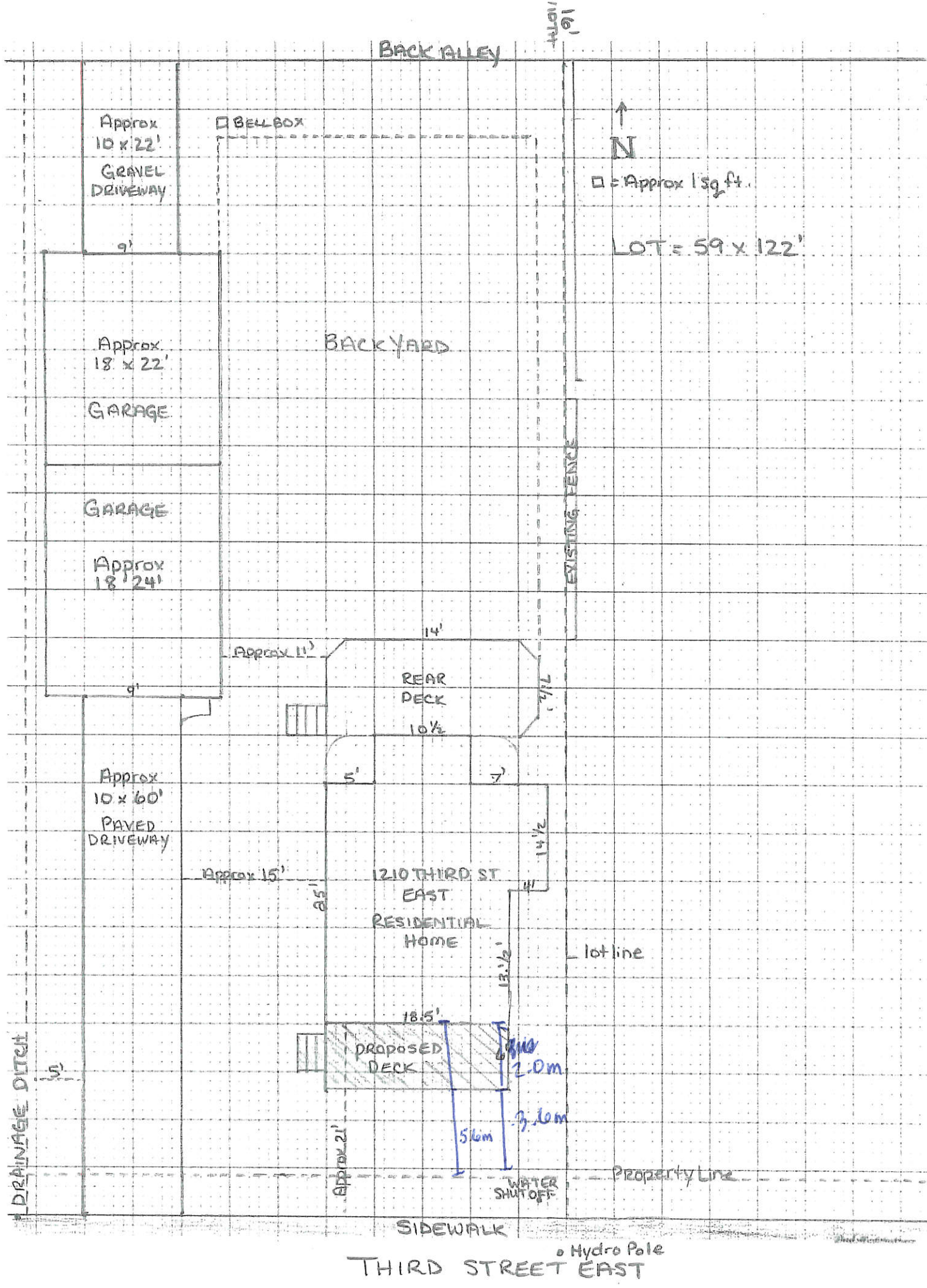

Owner Signature

2020/07/08
Date

N/A
Owner Signature



This is a rendering of the deck I had envisioned, with steps going down to the West with a gate at the top of the stairs. The current By-Laws would only allow the width of the deck to be approximately 3 ft based on where my house was built in relation to the lot lines. When you add the railing and area the bay window sticks out, it would make the walking path very impractical when moving in/out furniture and appliances etc. If the minor variance is approved, it would allow me to build a deck that is not only functional but esthetically pleasing.









AERIAL VIEW OF PROPERTY



Current View of Steps at front of House.

Date: August 7, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: B3-2020: Application to Remove Holding Provision – Ryan Lundy – Eighth Street East

Background

An application has been submitted by authorized agent for the subject lands, Ryan Lundy, requesting to remove the holding provision from the zoning designation to permit the construction of a single detached dwelling. The subject land is located on Eighth Street East and legally described as PCL 12043 SEC RAINY RIVER; PT LT 19 RIVER RANGE MCIRVINE PARTS 1 & 2, RR138; FORT FRANCES. The holding provision on the land halts any development from taking place unless mayor and council agree to pass a by-law to remove said holding provision.

It is believed that the holding provision has been assigned to this property and many others in the area due to the lack of fire protection via municipal fire hydrant as well as lack of municipal sewer and water services.

Two other properties within the area have successfully removed the holding provision from their properties. One of which was approved to use both well and septic, where the other was approved for well as they do have access to a municipal sewer tie in.

It should also be noted that there are multiple properties along Frog Creek Road and McIrvine Road, albeit zoned Resource Development (RD), which do not contain holding provisions on their zoning designation which subsequently do not have access to municipal sewer, water or fire hydrants.

Property History

The property is located on Eighth Street East between Williams Avenue and Mill Road. The subject land is bound by railway to the south, residential type one with a holding provision to the east, residential type one with a holding provision to the west, and residential type one with a holding provision to the north. The property to the north of the subject land is sometimes locally referred to as an old air strip.

The property does not have any existing structures and it is not serviced by municipal water or sewer.

Official Plan

The property is designated as a **Living Area** which supports the use a residential in the form of a single detached dwelling.

The Official Plan States the following regarding holding provisions:

5.4.3 Holding Provisions

5.4.3.1 Purpose of Holding

The Zoning By-law will incorporate provisions for Holding Zoning which may be applied on lands where the lands are pre-zoned for a use, but presently there exist a number of conditions which must be satisfied prior to development. Lands subject to Holding Zoning will be identified with an "H" symbol beside the land use symbol on the Zoning map.

5.4.3.2 Application of the Holding Provision

Holding provisions will be applied where there is a need for additional conditions which cannot be applied on a pre-zoning basis or through the Site Plan Approval process.

5.4.3.3 Interim Uses for Lands Subject to Holding

The Zoning By-law may specify interim uses which may be deemed compatible and/or permissible, even though lands are subject to a Holding Provision.

5.4.3.4 Lifting of the Holding Provision

The Zoning By-law will be amended to remove the Holding symbol when it has been determined that the conditions requiring the Holding have been satisfied. Such conditions may include, but are not limited to:

- a) Completion of special studies related to the area, or site's opportunities or constraints, or the impact of development and mitigation thereof;
- b) The grading of the site;
- c) The provision of road infrastructure, including, but not limited to, the road base, streetlights, signage and traffic control signals;
- d) The provision of water, wastewater, or stormwater servicing for the lands;
- e) Satisfying certain financial requirements of the municipality;
- f) Any other matter provided for by the provisions of the Planning Act.

5.4.3.5 Stakeholder Consultation

Consultation related to lifting of the Holding provision will be done in accordance with the Planning Act.

Zoning

The property is currently zoned **Residential Type One with a holding provision (R1-H)**. The holding provision is required to be removed to facilitate any development on the lands and to achieve a zoning designation as **Residential Type One (R1)** where the following uses are permitted:

- a) single detached dwelling
- b) home occupation
- c) group home
- d) community garden

The zoning by-law 03/14 states the following regarding the holding provision:

3.10 HOLDING PROVISIONS

Where the zone symbol on Schedule 'A' is followed by an 'H', the lands shall be deemed to be in a special Holding Zone. Council may pass a By-law to remove the Holding provision when Council has approved a Site Plan or a Subdivision Agreement has been registered against the title of the lands. No new buildings or structures may be constructed on the lands until the Holding Provision (H) has been removed. Until such time as the Holding Provision has been removed by a By-law passed by Council, the lands may be used for existing uses in accordance with the provisions of the applicable zone.

Provincial Policy Statements

The Planning Act requires that zoning by-law amendments including removal of holding provisions be consistent with provincial policy statements as identified in the 2020 Provincial Policy Statements (PPS). Applicable PPS 2020 statements have been attached with this report.

Divisional Comments

Fort Frances Power Corporation – No comments received.

Fort Frances Fire Rescue – Nearest fire hydrant is over 200m away. If there was ever a fire at the property, fire rescue service would have to deploy the majority of all 4-inch supply line from the fire hydrant to the pumper truck.

Fort Frances Public Works – The property is not serviced, nor are there mains in front of the property for service connection. Watermain ends approximately 250ft east of the northeast property corner (water line is a service main 25mm copper with existing connections on the South side of Eighth Street); sewer main ends approximately 240ft East of the NE corner of the property (250mm PVC main). Storm sewer is open ditches, with a PVC subdrain located on the South side of Eighth in front of the property. Will need to conform will all aspects of the Northwestern Health Unit for septic and well installation. Further at some time in the future we will likely be installing sewer and watermains along this road segment. At that time services will be ran to property and in the future they property owners would have to pay for those services when they connect to those.

Fort Frances Recreation & Culture – No comments received.

Fort Frances Planning & Development - In the event of approval the below conditions are recommended. This proposal would allow the municipality to generate a greater tax assessment rather than a vacant lot. Other properties towards the airport are serviced by well and septic. To comply with NWHU regulations for well and septic, with proof of approvals prior to building permit.

Planning and Development Executive Committee

The Planning and Development Executive Committee considered this matter at their August 4, 2020 session. During this meeting PDEC requested that verbiage be included into the conditions to include a second dwelling unit. At that time all comments from various division had not been received and the committee subsequently requested to have the item carried to the next meeting.

Public Meeting

To be determined

Summary/Recommendation:

If the Committee of Adjustment decides to recommend in favour of removing the holding provision, they may wish to recommend the following conditions:

- a) That permission be granted to service one single detached dwelling plus potential associated second dwelling unit
- b) That prior to any development in, on, or with respect to the property, the owner shall have executed an agreement in form and substance satisfactory to the municipality as to or in respect of existing and future water and septic services in, on, and to the property including, without limitation, provisions confirming responsibility and liability of the owner(s) for and in respect of services whether past, current or future, and that said agreement be registered on title
- c) That the above stated agreement provide verbiage relating to mandatory connection to municipal water and sewer in the event they are ever extended to the property in the future
- d) That approval of well and septic be conditional to successfully removing the holding provision from the zoning designation
- e) That the by-law, if approved with conditions, be registered against the title to the property

Respectfully submitted



Cody Vangel, EIT
Chief Building Official & Municipal Planner



Town of Fort Frances
 320 Portage Avenue
 Fort Frances, On P9A 3P9
 T: 807-274-5323
 F: 807-274-8479

www.fort-frances.com

APPLICATION FOR ZONING BY-LAW AMENDMENT

The Planning Act, RSO 1990, as amended (O'Reg. 545/06)

Notice of Public Record:

In accordance with section 1.0.1 of the Planning Act, RSO, 1990, all information and materials required in support of your application shall be made available to the public.

Complete Application:

All applicable sections of the application form must be completed. An incomplete application will be returned. For assistance, contact the Planning Department by phone at 807-274-5323 ex. 1216 or by email at cvangel@fortfrances.ca.



APPLICATION TYPE (check one)

- ☐ Zoning By-Law Amendment (section 34)
 ☒ Removal of Holding Provision (section 36)
☐ Removal of Interim Control By-Law (section 38)
 ☐ Temporary Use By-Law (section 39)

1. The name, address, telephone number and email address (if any) of the Applicant:	
Ryan Lundy 905 Phair Ave, Fort Frances, ON (807)271-0479 rlundy20@gmail.com	
2. If known the names and full addresses of the holders of any mortgages, charges or other encumbrances in respect of the subject land:	
N/A	
3. The current Official Plan designation of subject land:	LIVING AREA
4. Describe how the application conforms to the official plan of the municipality?	
The application is to continue to use the land as residential, and to have the area be used for a single family home in the future.	
5. The current zoning of the subject land:	R-1 (H)
6. The nature and extent of the rezoning requested:	
Requesting the property be rezoned to R-1, removing the current "hold" on the property.	

7. The reason why the rezoning is requested.					
To allow the land to be serviced with well, septic, etc. to be able to be used in the future to build a single detached dwelling.					
8. Is the subject land within an area where the municipality has predetermined minimum & maximum density requirements or minimum or maximum height requirements?					
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, provide information relative to these requirements.					
If the hold were to be removed the land would fall under the R-1 zone. The requirements would be as follows: Minimum Lot Area = 460 m ² Minimum Lot Frontage = 15 m Minimum Yard Requirements: Front Yard = 7.5 m Interior Side Yard = 1.5 m Exterior Side Yard = 3 m Rear Yard = 7.5 m Maximum Lot Coverage = 40% Minimum Landscaped Open Space = 20% Maximum Height of Building = 12m Minimum Floor Area = 79 m ²					
9. The description of the subject land, such as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number:					
Lot 19, 8th Street East, Fort Frances, ON P9A 1X7 Legally described as: PCL 12043 SEC RAINY RIVER; PT LT 19 RIVER RANGE MCIRVINE PARTS 1 & 2, RR138; FORT FRANCES O PIN#56017006					
10. The frontage, depth and area of the subject land (in metric):					
Frontage:	100.88 m	Depth:	87.43 - 114.76 m (irregular)	Area:	10,191.99 m (2.52 acres)
11. Is the application to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement?					
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, provide details of the official plan that deals with the matter					
N/A					
12. Is the application to remove land from an area of employment?					
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, provide details of the official plan that deals with the matter.					
N/A					
13. Is the subject land within an area where zoning with conditions may apply?					

Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, provide an explanation of how the application conforms to the official plan policies relating to zoning with conditions	
N/A	
14. Is access to the subject land by provincial highway, a municipal road that is maintained all year or seasonally, another public road or a right of way or by water?	
Access is by a municipal road that is maintained all year.	
15. If access to the subject land is by water only, provide details of the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public land:	
N/A	
16. Existing uses of the subject land:	
- vacant land	
17. Are there any buildings or structures on the subject land: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
18. If answer to question 17 is yes, provide, for each building or structure, the type of building or structure and the setback from the front lot lines, rear lot line and side lot lines, the height in metres of the building or structure and the dimensions or floor area of the building or structure:	
N/A	
19. The proposed uses of the subject land:	
To have serviced to build a single detached dwelling in the future.	
20. Are any buildings or structures proposed for the subject land? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
21. If answer for question 20 is yes, provide, for each building or structure, the type of building or structure proposed, the setback from the front lot line, rear lot line and side lot lines, the height in metres of the building or structure and the dimensions or floor area of the building or structure:	
Single Detached Dwelling - 140-280 m ² (1500-3000 sqft) floor area, setback/lines/height to be determined (will comply with all minimum and maximum requirements).	
22. If known,	
a. the date the subject land was acquired by the current owner:	Unknown
b. the date existing buildings or structures on the subject land were constructed:	

N/A	
c. the length of time that the existing uses of the subject land have continued:	
N/A	
23. Water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or by other means:	
None, but currently proposing permission from Council for an individual well.	
24. Whether sewage disposal is provided to the subject land by a publicly owned and operated piped sewage disposal system, a privately owned and operated individual or communal septic system, a privy or other means:	
None, but currently proposing permission from Council for a privately owned and operated septic system.	
25. If the application permits development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed, a servicing options report, and a hydrogeological report are required. Are these reports attached? N/A	
a. a servicing options report,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
b. a hydrogeological report	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
26. Indicate whether storm drainage is provided by sewers, ditches, swales or other means:	
Storm drainage is provided by ditches. It may also be provided by man-made swales in the future.	
27. If known,	
a. is the subject land the subject of an application under the Act for approval of a plan of subdivision or a consent: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, provide file number and status of the application:	N/A
N/A	
b. has the subject land ever been the subject of an application under Section 34 of the Act: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, provide file number and status of the application:	N/A
N/A	
c. has the subject land ever been the subject of a Minister's Zoning Order? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, provide Ontario Regulation number of the Order:	N/A
28. A sketch showing, in metric units, the following:	
a. the boundaries and dimensions of the subject land.	
b. 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 lot lines.	

- c. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to it, and that in the applicant's opinion, may affect the application (*for examples buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks*).
- d. The current uses on land that is adjacent to the subject land.
- e. 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.
- f. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- g. The location and nature of any easement affecting the subject land.

29. Is the application for an amendment to the zoning by-law consistent with the policy statements issued under subsection 3(1) of the Act. Yes ☒ No ☐

30. Is the subject land within an area of land designated under any provincial plan or plans?
Yes ☐ No ☒

31. If answer to question 30 is yes, does the application conform to the applicable provincial plan or plans?
Yes ☐ No ☒ (N/A)

32. An affidavit or sworn declaration by the applicant that the information required under this Schedule and provided by the applicant is accurate.

DECLARATION
Of Applicant or Authorized Agent

I, Ryan Lundy of the Town of Fort Frances, in the District of Rainy River solemnly declare that:

All the statements contained in this application are true and I 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 22nd

day of July 2020

)
)
)
)
)
)
)


Signature of Applicant or
Authorized Agent

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

Signature of Commissioner etc.

PLEASE NOTE:

1. *The Owner must complete the Owner's Consent.*
2. *If the applicant is not the Owner, the application must be accompanied by an Authorization of Owner.*
3. *12 copies of this application are required for processing accompanied by the required fee as outlined in current user fee by-law.*
4. *Application and fee to be filed with the Municipal Planner*
5. *It takes approximately 3 months to complete the process for a Zoning Amendment Application.*
6. *It is strongly recommended that you consult with the Municipal Planner to ensure the timelines of your application coincide with your development proposal.*

COMPLETE IF APPLICANT IS THE OWNER**OWNER'S CONSENT**

I, _____, am the owner of the land that is the subject of this application and for the purposes of the Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

Date

Signature of Owner

COMPLETE IF APPLICANT IS NOT THE OWNER**AUTHORIZATION OF OWNER**

Roslyn N Broman Bonny C Montgomery Elizabeth J. Guenette

I, Janet Eldret Lydia D Harris, am the owner of the land that is the subject of this application for zoning amendment and, for the purpose of processing and the Freedom of Information and Protection of Privacy Act, I authorize Ryan Lundy to act as my agent for this application and

provide any of my personal information that will be included in this application or collected during the processing of the application and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application

7/13/2020 | 5:40 PM CDT

DocuSigned by:

Bonny C Montgomery

Date

7/14/2020 | 1:04 PM CDT

DocuSigned by:

Ed Bonarath

B589789B124A403...

Signature of Owner

7/14/2020 | 9:25 PM CDT

DocuSigned by:

Janet P. J. J.

CA19A81CDC25430...

7/13/2020 | 8:14 PM PDT

DocuSigned by:

Lydia Dianne Harris

638ADADAE89C4E3...

7/13/2020 | 6:57 PM CDT

DocuSigned by:

Roslyn N Broman

33CC7D16676B4E8...

[Back](#)[Overview](#)[Property Details](#)[Site & Structure](#)[Valuation & Sales](#)[PDF & Survey Print](#)[Demographic Comparables](#)[Tools](#)[Close](#)

Fort Frances

[Suggest an address correction](#)**Owner Name**ELDRET, JANET; HARRIS,
LYDIA DIANNE;
GUENETTE, ELI...Multiple Owners
(See Property Details)**Last Sale****\$0**

Jan 10, 2012

**Lot Size****333.83 ft**

Frontage

N/A

Depth

Measurements Available
(See Site & Structure)**Assessed Value****\$34,000**

Based on Jan 1, 2016

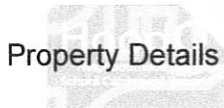
Phased-In Value**\$34,000**

2020 Tax Year

Legal Description

PCL 12043 SEC RAINY RIVER; PT LT 19 RIVER RANGE MCIRVINE PARTS 1 & 2, RR138; FORT FRANCES

Property Details

**GeoWarehouse Address**

FORT FRANCES

Land Registry Office

Rainy River (48)

Owner Names

ELDRET, JANET; HARRIS, LYDIA DIANNE; GUENETTE, ELIZABETH JOHANN; MONTGOMERY, BONNY CHRISTINE; BROMAN, ROSLYN NAN

Ownership Type

Freehold

Land Registry Status

Active

Registration Type

Certified (Land Titles)

PIN

560170006

Site & Structure



Valuation & Sales

PDF & Survey Print

Demographics

Tools

Close

ARN 591203000714500

PIN 560170006

Map data ©2020 Google

Lot Size Area: 109,705.67 ft² (2.518 ac) Perimeter: 1,335.30 ft
 Measurements: 286.85 ft x 343.09 ft x 376.50 ft x 330.96 ft
 Lot Measurement Accuracy: LOW

Assessment 1 ARN : 591203000714500

Site Frontage: 333.83 ft Depth: 0.00 ft

Structure Property Description: Vacant residential land not on water Property Code: 100

Phased-In Value Click to purchase the 4-year Phase-in Report Assessed Value
 \$34,000 \$34,000
 2020 Tax Year Based on Jan 1, 2016

Valuation & Sales

Sales History

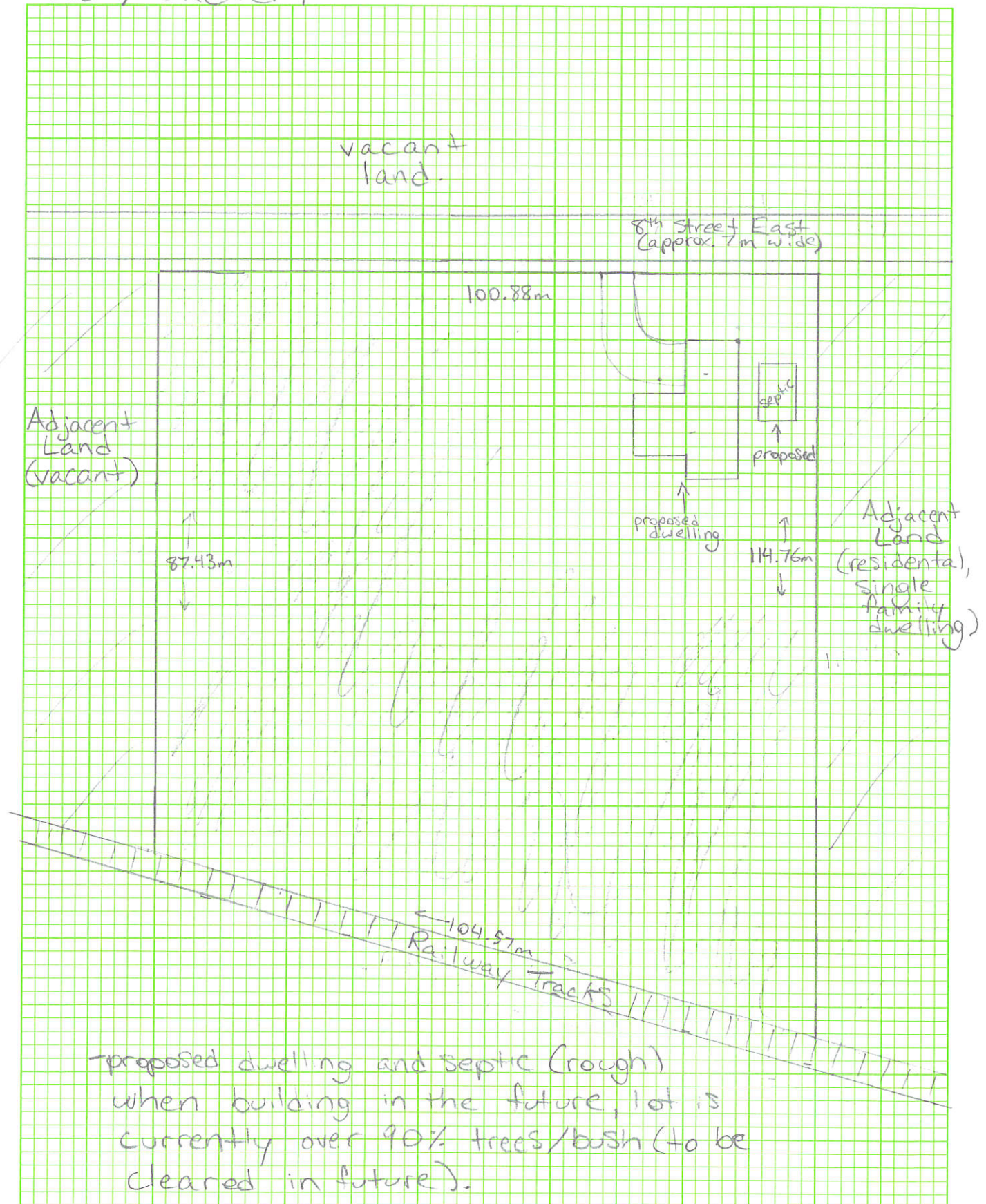
Sale Date	Sale Amount	Type	Party To	Notes
Jan 10, 2012	\$0	Transfer by Personal Representative	ELDRET, JANET; HARRIS, LYDIA DIANNE; GUENETTE, ELIZABETH JOHANN; MONTGOMERY, BONNY CHRISTINE; BROMAN, ROSLYN NAN;	
Jan 10, 2012	\$0	Transmission by Personal Representative (Land)	ELDRET, JANET;	
Aug 27, 2004	\$1	Transfer	ELDRET, JANET; HARRIS, LYDIA DIANNE; GUENETTE, ELIZABETH JOHANN; MONTGOMERY, BONNY CHRISTINE; BROMAN, ROSLYN NAN; LEATHERDALE, LYDIA CHRISTINA;	
May 04, 1995	\$1	Transfer	LEATHERDALE, LYDIA CHRISTINA;	

Assessed Value



Zoning By-Law Amendment.

28) Sketch







- l) Any other such regulations or requirements which may be allowed to be controlled through a Zoning By-law as enabled by the *Planning Act*.

5.4.2 Interim Control By-law

5.4.2.1 Purpose of Interim Control By-law

Where Council has, by By-law or Resolution, directed that a study be undertaken regarding its land use planning policies or Zoning regulations for the Town or any defined area or areas thereof, it may pass an Interim Control by-law prohibiting the use of land, buildings or structures within the area defined by the By-law, except for such uses as are set out in the By-law.

5.4.2.2 Time Limit of Interim Control By-law

An Interim Control By-law shall apply for a limited period of time subject to the provisions of the *Planning Act*.

5.4.3 Holding Provisions

5.4.3.1 Purpose of Holding

The Zoning By-law will incorporate provisions for Holding Zoning which may be applied on lands where the lands are pre-zoned for a use, but presently there exist a number of conditions which must be satisfied prior to development. Lands subject to Holding Zoning will be identified with an “H” symbol beside the land use symbol on the Zoning map.

5.4.3.2 Application of the Holding Provision

Holding provisions will be applied where there is a need for additional conditions which cannot be applied on a pre-zoning basis or through the Site Plan Approval process.

5.4.3.3 Interim Uses for Lands Subject to Holding

The Zoning By-law may specify interim uses which may be deemed compatible and/or permissible, even though lands are subject to a Holding Provision.

5.4.3.4 Lifting of the Holding Provision

The Zoning By-law will be amended to remove the Holding symbol when it has been determined that the conditions requiring the Holding have been satisfied. Such conditions may include, but are not limited to:

- a) Completion of special studies related to the area, or site’s opportunities or constraints, or the impact of development and mitigation thereof;
- b) The grading of the site;
- c) The provision of road infrastructure, including, but not limited to, the road base, streetlights, signage and traffic control signals;
- d) The provision of water, wastewater, or stormwater servicing for the lands;
- e) Satisfying certain financial requirements of the municipality;
- f) Any other matter provided for by the provisions of the *Planning Act*.

5.4.3.5 Stakeholder Consultation

Consultation related to lifting of the Holding provision will be done in accordance with the *Planning Act*.

3.9 HEIGHT EXCEPTIONS

Nothing in this By-law shall apply to prevent the **erection**, alteration, or **use** of a permitted barn or silo, or the following accessory **buildings** or **structures**, provided the **main or principal use** is permitted within the **zone** in which it is located and provided all other applicable provisions of this By-law are complied with: a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a windmill, a radio, television or telephone tower or antenna, except satellite antenna in excess of 0.5 m in diameter, air conditioner duct, incidental equipment required for processing, external equipment associated with internal equipment or machinery and conveying equipment.

3.10 HOLDING PROVISIONS

Where the zone symbol on Schedule 'A' is followed by an 'H', the lands shall be deemed to be in a special Holding **Zone**. **Council** may pass a By-law to remove the Holding provision when **Council** has approved a Site Plan or a Subdivision Agreement has been registered against the title of the lands. No new **buildings** or **structures** may be constructed on the lands until the Holding Provision (H) has been removed. Until such time as the Holding Provision has been removed by a By-law passed by **Council**, the lands may be used for existing uses in accordance with the provisions of the applicable zone.

3.11 HOME OCCUPATION

Where a **home occupation** is permitted, only one **Home Occupation** shall be permitted in conjunction with a single dwelling and includes the following types of uses:

- a) a home office including web based sales and distribution;
- b) a home personal service shop;
- c) a home instruction service, which may include, without limiting the generality of the foregoing, the teaching of music, arts, crafts, or dance;
- d) a home art workshop;
- e) a home trade business;
- f) a home repair shop or tool service and repair but specifically excludes the repair of **motor vehicles**, construction equipment, recreation vehicles or motorcycles, metal fabrication shop, and auto body shop.

Where a **home occupation** is permitted under this By-law, a **home occupation** is subject to the following requirements:

- a) have at least one permanent resident of the **dwelling unit** engaged in the business;
- b) not have more than one employee/assistant who is not a permanent resident of the **dwelling unit**;
- c) have no external display or advertisement, other than a non-illuminated sign having a maximum surface area of 0.2 square metres.
- d) have no goods, wares, or merchandise offered for sale or rent on the premises other than what is produced on the premises unless goods are sold or bought via the internet and distributed by post or delivery to customers.
- e) If primarily conducted by electronic means or post, shall not, in the normal conduct of the business, have consumers attend or visit the premises.
- f) have no **outside storage** of goods, materials, containers or animal enclosures used in conjunction with the **home occupation**.
- g) not occupy more than 25 percent of the **gross floor area** of the **dwelling unit** including the **basement** of the dwelling or **dwelling unit**;
- h) be conducted entirely within the **single detached dwelling** or **dwelling unit**;

1.4 Housing

1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

1.4.2 Where planning is conducted by an upper-tier municipality:

- a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and
- b) the allocation of population and units by the upper-tier municipality shall be based on and reflect *provincial plans* where these exist.

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.

1.5 Public Spaces, Recreation, Parks, Trails and Open Space

1.5.1 Healthy, active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate *active transportation* and community connectivity;
- b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for *recreation*, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c) providing opportunities for public access to shorelines; and
- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

1.6 Infrastructure and Public Service Facilities

1.6.1 *Infrastructure* and *public service facilities* shall be provided in an efficient manner that prepares for the *impacts of a changing climate* while accommodating projected needs.

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

1.6.2 Planning authorities should promote *green infrastructure* to complement *infrastructure*.

- 1.6.3 Before consideration is given to developing new *infrastructure* and *public service facilities*:
- a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
 - b) opportunities for adaptive re-use should be considered, wherever feasible.
- 1.6.4 *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.
- 1.6.5 *Public service facilities* should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

1.6.6 Sewage, Water and Stormwater

- 1.6.6.1 Planning for *sewage and water services* shall:
- a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
 - 1. *municipal sewage services* and *municipal water services*; and
 - 2. *private communal sewage services* and *private communal water services*, where *municipal sewage services* and *municipal water services* are not available or feasible;
 - b) ensure that these systems are provided in a manner that:
 - 1. can be sustained by the water resources upon which such services rely;
 - 2. prepares for the *impacts of a changing climate*;
 - 3. is feasible and financially viable over their lifecycle; and
 - 4. protects human health and safety, and the natural environment;
 - c) promote water conservation and water use efficiency;
 - d) integrate servicing and land use considerations at all stages of the planning process; and
 - e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where *municipal sewage services* and *municipal water services* are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.
- 1.6.6.2 *Municipal sewage services* and *municipal water services* are the preferred form of servicing for *settlement areas* to support protection of the environment and minimize potential risks to human health and safety. Within *settlement areas* with existing *municipal sewage services* and *municipal water services*, *intensification* and *redevelopment* shall be promoted wherever feasible to optimize the use of the services.

1.6.6.3 Where *municipal sewage services* and *municipal water services* are not available, planned or feasible, *private communal sewage services* and *private communal water services* are the preferred form of servicing for multi-unit/lot *development* to support protection of the environment and minimize potential risks to human health and safety.

1.6.6.4 Where *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services* are not available, planned or feasible, *individual on-site sewage services* and *individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In *settlement areas*, *individual on-site sewage services* and *individual on-site water services* may be used for infilling and minor rounding out of existing development.

At the time of the official plan review or update, planning authorities should assess the long-term impacts of *individual on-site sewage services* and *individual on-site water services* on the environmental health and the character of rural *settlement areas*. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of *individual on-site sewage services* and *individual on-site water services* on the environmental health and the desired character of rural *settlement areas* and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.

1.6.6.5 *Partial services* shall only be permitted in the following circumstances:

- a) where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development; or
- b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.

Where *partial services* have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in *rural areas* in municipalities may be permitted where this would represent a logical and financially viable connection to the existing *partial service* and provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In accordance with subsection (a), the extension of *partial services* into *rural areas* is only permitted to address failed *individual on-site sewage* and *individual on-site water services* for existing development.

1.6.6.6 Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5, planning authorities may allow lot creation only if there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* within *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services*. The determination of

sufficient *reserve sewage system capacity* shall include treatment capacity for hauled sewage from *private communal sewage services* and *individual on-site sewage services*.

1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for *sewage and water services* and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the *impacts of a changing climate* through the effective management of stormwater, including the use of *green infrastructure*;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

1.6.7 Transportation Systems

1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

1.6.7.2 Efficient use should be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.

1.6.7.3 As part of a *multimodal transportation system*, connectivity within and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*.

1.6.8 Transportation and Infrastructure Corridors

1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.

1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

Date: August 7, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: B4-2020: Zoning Exception – 840 Sixth Street West

Background

An application was submitted by authorized agent, Ian McKay, requesting a zoning by-law exception to include a site-specific permitted use of a Recreation or Fitness Establishment at 840 Sixth Street West.

In the fall of 2019 Ian McKay met with myself and Lisa Slomke to explore potential rental or purchase options that we may be aware of around town for him to conduct his business. At that time, a few options were verbally discussed, but nothing was solidified or decided upon in that meeting. One challenge with Ian's business is the two varied aspects; on one side there is the fitness and training classes, whereas the other side is the manufacturing or constructing of actual fitness equipment.

As defined under the zoning by-law, Ian's fitness portion of the business falls under the following definition:

RECREATION OR FITNESS ESTABLISHMENT Premises where entertainment or fitness instruction is offered for gain or profit such as a motion picture or other theatre, a bowling alley, an ice or roller skating rink, a gym, indoor rock climbing, fitness centre, fitness instruction including yoga, batting cages, miniature golf course and all other similar forms of recreation or fitness activities.

A recreation or fitness establishment is a permitted use within the General Commercial (C2), Enterprise (E), or Tourist Commercial (TC) zones.

However, the gym construction portion fits well within the following definition:

MANUFACTURING, LIGHT The assembly or repair or fabrication of goods and materials utilizing materials which have been manufactured in another location and which does not produce waste water in excess of 4500 litres per day, chemical by-products or utilize and area for outdoor storage of goods or materials except for equipment or vehicles which are for sale, lease or hire.

Light manufacturing fits well within the manufacturing or processing within an enclosed building which is a permitted used in the Light Industrial (M1) zone.

Ian has selected a location for his business at 840 Sixth Street West, which is currently zoned Light Industrial (M1). As described above, this location works well for the gym construction portion, though does not permit the recreation or fitness establishment portion of the business. It should be noted that his business has already moved into the location and began operation. To achieve compliance with the zoning by-law Ian would be required to apply for a zoning by-law amendment to request a site-specific permitted use of a recreation or fitness establishment.

Property History

The property is located at 840 Sixth Street West which is between McIrvine Road and Keating Avenue in the industrial area of Fort Frances. There is no information contained on file regarding previous uses on the lands.

Information on file shows that the primary structure on the property was constructed as a warehouse in 1990.

Official Plan

The property is designated as an **Employment Area** which typically hold Industrial, Commercial and Business uses.

The applicable Official Plan policies have been attached to this report.

Zoning

The property is currently zoned **Light Industrial (M1)** which does not permit the proposed use of a Recreation or Fitness Establishment. The following are permitted uses in the Light Industrial zone:

4.12 LIGHT INDUSTRIAL (M1) ZONE

No person shall within a Light Industrial (M1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.12.1 Permitted Uses

- a) animal shelter or veterinary hospital
- b) building supply and lumber outlet
- c) bulk fuel depot
- d) contractors yards
- e) heavy or light equipment sales and services
- f) manufacturing or processing within an enclosed **building**
- g) motor vehicle repair garage
- h) motor vehicle body shop
- i) outside storage
- j) public works yard
- k) recycling depot
- l) retail sales accessory to a permitted use not exceeding 35% of the total floor area
- m) self-storage facility
- n) telecommunications tower
- o) transmission towers and hydro-electric substations
- p) transportation depot and rail line uses
- q) warehouse
- r) wholesale sales
- s) work/service shop
- t) microbrewery¹

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 permitted use appears to remain consistent with employment area policies as outlined in the 2020 PPS:

1.3.2 Employment Areas

1.3.2.1 Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.

1.3.2.2 At the time of the official plan review or update, planning authorities should assess *employment areas* identified in local official plans to ensure that this designation is appropriate to the planned function of the *employment area*.

Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from *sensitive land uses* to maintain the long-term operational and economic viability of the planned uses and function of these areas.

1.3.2.3 Within *employment areas* planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other *sensitive land uses* that are not ancillary to the primary employment uses in order to maintain land use compatibility.

Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-*employment areas*.

1.3.2.4 Planning authorities may permit conversion of lands within *employment areas* to non-employment uses through a *comprehensive review*, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing *employment areas* may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- b) the proposed uses would not adversely affect the overall viability of the *employment area*; and
- c) existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses.

1.3.2.6 Planning authorities shall protect *employment areas* in proximity to *major goods movement facilities and corridors* for employment uses that require those locations.

1.3.2.7 Planning authorities may plan beyond 25 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.

Divisional Comments

Fort Frances Power Corporation: Awaiting comment

Fort Frances Recreation and Culture: Awaiting comment

Fort Frances Fire Rescue: No concerns

Fort Frances Public Works: Awaiting comment

Fort Frances Planning and Development: Provides for a more consistent use for the property.
Request does not fit in well with surrounding land uses.

Planning and Development Executive Committee

Scheduled for September 8, 2020

Public Meeting

TBD

Summary/Recommendation:

Based on the information provided above, the Committee of Adjustment may wish to provide recommendation to Mayor and Council to approve or reject the proposal to add a site specific permitted use as a recreation or fitness establishment at 840 Sixth Street West which is a property zoned as Light Industrial (M1).

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



Town of Fort Frances
320 Portage Avenue
Fort Frances, ON P9A 3P9
T: 807-274-5323
F: 807-274-8479

www.fort-frances.com

APPLICATION FOR ZONING BY-LAW AMENDMENT

The Planning Act, RSO 1990, as amended (O'Reg. 545/06)

Notice of Public Record:

In accordance with section 1.0.1 of the Planning Act, RSO, 1990, all information and materials required in support of your application shall be made available to the public.

Complete Application:

All applicable sections of the application form must be completed. An incomplete application will be returned. For assistance, contact the Planning Department by phone at 807-274-5323 ex. 1216 or by email at cvangel@fortfrances.ca.



APPLICATION TYPE (check one)

- ☒ Zoning By-Law Amendment (section 34) ☐ Removal of Holding Provision (section 36)
☐ Removal of Interim Control By-Law (section 38) ☐ Temporary Use By-Law (section 39)

1. The name, address, telephone number and email address (if any) of the Applicant:	
Ian Anthony McKay 807-271-0856 ian@mckaypts.com 840 6th St W Fort Frances, ON P9A3T6	
2. If known the names and full addresses of the holders of any mortgages, charges or other encumbrances in respect of the subject land:	
James Alan Burnett 724 Third St W Fort Frances, ON P9A 3B6	
3. The current Official Plan designation of subject land:	Employment
4. Describe how the application conforms to the official plan of the municipality?	
We comit to the community Strategic Direction of quality of life is exactly what RefleXion Studio brings. As for the current Policy Direction 2.2.2, (v.) we will work hard to retain our youth for sports, and familys by offering and engaging and health focuses acitivitys not found currently in Fort Frances (vii.). We offer support to all ages to offer preventive health care for seniors and youth to our (xi.) to aid in lessening the burden of our understaffed health care facilities. 2.4.2 (xi.) Fort Frances will enhance community health and wellness services in the municipality	
5. The current zoning of the subject land:	Light Industrial (M1)
6. The nature and extent of the rezoning requested:	
Primairry request is to allow my building and yard site for use as a recreation or fitness establishment. This would allow me to train in the facility i also receive and manufacture products for home & commerical gyms.	

7. The reason why the rezoning is requested.					
M status does not permit a fitness center, both inside and outdoors.					
8. Is the subject land within an area where the municipality has pre-determined minimum & maximum density requirements or minimum or maximum height requirements?					
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, provide information relative to these requirements.					
N/A					
9. The description of the subject land, such as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number:					
PL 24-1 SEC 48 M357; LT 24 PL 48 M357 MCIRVINE; FORT FRANCES					
10. The frontage, depth and area of the subject land (in metric):					
Frontage:	40.6 M	Depth:	72.5 M	Area:	2943.5 M2
11. Is the application to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement?					
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, provide details of the official plan that deals with the matter					
N/A					
12. Is the application to remove land from an area of employment?					
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, provide details of the official plan that deals with the matter.					
N/A					
13. Is the subject land within an area where zoning with conditions may apply?					
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, provide an explanation of how the application conforms to the official plan policies relating to zoning with conditions					
N/A					
14. Is access to the subject land by provincial highway, a municipal road that is maintained all year or seasonally, another public road or a right of way or by water?					
Yes, 6th Street West in Fort Frances and Maintained year round.					

15. If access to the subject land is by water only, provide details of the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public land:	
N/A	
16. Existing uses of the subject land:	
I have deliveries of large equipment needing a large door to bring into my studio delivered by a flatbed or lift system on a truck. I then assemble on site, or transfer to site to assemble. Customize on site to suit the needs of the customer with the help of fabricators down the road at <div style="text-align: right;">Busch's</div>	
17. Are there any buildings or structures on the subject land: Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	
18. If answer to question 17 is yes, provide, for each building or structure, the type of building or structure and the setback from the front lot lines, rear lot line and side lot lines, the height in metres of the building or structure and the dimensions or floor area of the building or structure:	
The Main steel building is 40X50, 4.2672 high, Aprox 30 feet from 6th st W. Aprox 30 feet from rear lot line. 6 feet of the left lot line, 30 feet off the left lot line. 1 freight container for storage, 2.43m High aprox 100 feet from 6th st W., 2 feet from rear lot 6 feet of the left lot line, 15 feet off the left lot line.	
19. The proposed uses of the subject land:	
Build and customize Fitness Equipment for home gyms Recive orders in bulk Outdoor/Indoor classes and coaching Nutrition Sales	
20. Are any buildings or structures proposed for the subject land? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
21. If answer for question 20 is yes, provide, for each building or structure, the type of building or structure proposed, the setback from the front lot line, rear lot line and side lot lines, the height in metres of the building or structure and the dimensions or floor area of the building or structure:	
22. If known,	
a. the date the subject land was acquired by the current owner:	2001
b. the date existing buildings or structures on the subject land were constructed:	1990
c. the length of time that the existing uses of the subject land have continued:	
Unknown	
23. Water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or by other means:	
Yes, Public - fort Frances Waer and Sewer Access	

24. Whether sewage disposal is provided to the subject land by a publicly owned and operated piped sewage disposal system, a privately owned and operated individual or communal septic system, a privy or other means:	
Yes, Public Fort Frances	
25. If the application permits development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed, a servicing options report, and a hydrogeological report are required. Are these reports attached?	
a. a servicing options report,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
b. a hydrogeological report	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
26. Indicate whether storm drainage is provided by sewers, ditches, swales or other means:	
Ditches	
27. If known,	
a. is the subject land the subject of an application under the Act for approval of a plan of subdivision or a consent: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, provide file number and status of the application:	
b. has the subject land ever been the subject of an application under Section 34 of the Act: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, provide file number and status of the application:	
c. has the subject land ever been the subject of a Minister's Zoning Order? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, provide Ontario Regulation number of the Order:	

28. A sketch showing, in metric units, the following:

- a. the boundaries and dimensions of the subject land.
- b. 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 lot lines.
- c. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to it, and that in the applicant's opinion, may affect the application (*for examples buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks*).
- d. The current uses on land that is adjacent to the subject land.
- e. 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.
- f. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- g. The location and nature of any easement affecting the subject land.

29. Is the application for an amendment to the zoning by-law consistent with the policy statements issued under subsection 3(1) of the Act. Yes ☒ No ☐

30. Is the subject land within an area of land designated under any provincial plan or plans? Yes ☐ No ☒

31. If answer to question 30 is yes, does the application conform to the applicable provincial plan or plans? Yes ☐ No ☒

32. An affidavit or sworn declaration by the applicant that the information required under this Schedule and provided by the applicant is accurate.

DECLARATION
Of Applicant or Authorized Agent

I, Ian McKay of the Town of Fort Frances, in the District of Rainy River solemnly declare that:

All the statements contained in this application are true and I 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.

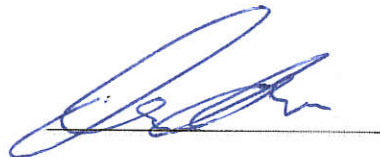
DECLARED before me at the

Town of Fort Frances, in the

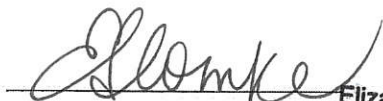
District of Rainy River, this 6th

day of August 2020

)
)
)
)
)
)
)



Signature of Applicant or
Authorized Agent



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

PLEASE NOTE:

1. The Owner must complete the Owner's Consent.
2. If the applicant is not the Owner, the application must be accompanied by an Authorization of Owner.
3. 12 copies of this application are required for processing accompanied by the required fee as outlined in current user fee by-law.
4. Application and fee to be filed with the Municipal Planner
5. It takes approximately 3 months to complete the process for a Zoning Amendment Application.
6. It is strongly recommended that you consult with the Municipal Planner to ensure the timelines of your application coincide with your development proposal.

COMPLETE IF APPLICANT IS THE OWNER

OWNER'S CONSENT

I, _____, am the owner of the land that is the subject of this application and for the purposes of the Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

Date

Signature of Owner

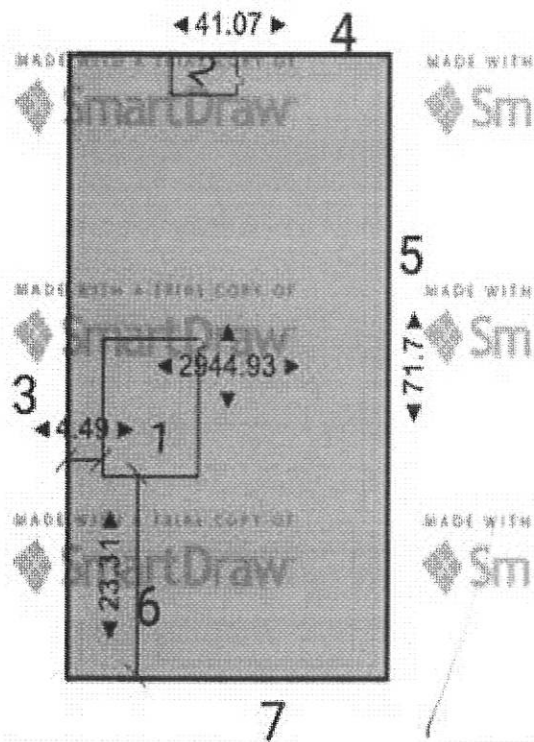
COMPLETE IF APPLICANT IS NOT THE OWNER

AUTHORIZATION OF OWNER

I, JAMES A. BONNETT, am the owner of the land that is the subject of this application for zoning amendment and, for the purpose of processing and the Freedom of Information and Protection of Privacy Act, I authorize IAN MCKAY to act as my agent for this application and provide any of my personal information that will be included in this application or collected during the processing of the application and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application

JUNE 17/2020
Date

[Signature]
Signature of Owner



1. Main building
2. Storage container
3. Jays Autobody
4. Weerts lot
5. Bushes lot
6. Parking
7. 6 Street road access





McIlvaine Road

Sixth Street West

Keating Avenue

(l) Home Based Businesses

Home Occupations and Home Professions may be permitted in single-detached residential, semi-detached and townhouses, as long as it is accessory to the principal residential use and occurs entirely within the confines of the dwelling unit.

4.2 Employment Areas

4.2.1 Objectives

- a) To provide opportunities to develop a diverse range of employment opportunities for the present and future residents of Fort Frances.
- b) To ensure that there are sufficient lands designated for development opportunities at all times.
- c) To ensure that there is sufficient flexibility to adapt to change and opportunities quickly; and
- d) To provide for attractive development that will encourage investment in Fort Frances.

The Town will protect its Employment Areas and will require extensive justification for any proposed conversion to non-employment uses.

The Town will consider the geographic location and transportation connections when planning new Employment Areas, and will emphasize the benefits of Fort Frances' location, transportation connections, and quality of life when promoting the build-out of existing Employment Areas.

The Town will attempt to minimize adverse impacts associated with industrial uses by ensuring that industrial uses occur on designated lands and that issues related to impacts of air, noise, vibration and odour are addressed in a manner which is consistent with Town and Provincial standards.

High quality urban design will be a key tool for increasing the attractiveness of Employment Areas. Specific urban design requirements will be considered to enhance the attractiveness and unique identity of Employment Areas.

The Town will plan and promote a Gateway Employment Area at the entrances into the Town which generates unique and ongoing economic development benefits. The Gateway Employment Area will be an overlay designation with specific site design policies as outlined in this Plan.

4.2.2 Permitted Uses

Employment areas include Industrial, Commercial and Business uses. The designation is intended to reflect lands where people presently work and lands where employment opportunities will be provided in the future.

The Zoning By-law will further divide these areas into different Industrial, Commercial and Institutional Zones.

4.2.3 Industrial Uses

- a) The mill presently owned and operated by Abitibi-Bowater is the primary industry in Fort Frances. Continued cooperation between the Town and the mill owners is encouraged by this Plan.
- b) Heavy Industry, apart from the mill, is encouraged to locate in the north westerly portion of the Town. These uses shall be located and landscaped to minimize the visual impact of open storage areas from adjacent Living Areas and major traffic routes.
- c) Prior to approving new heavy industries in Town, Council shall receive a detailed report on the use, potential emissions of noise, dust or odour, traffic implications and a site plan showing the proposed development.
- d) Heavy industrial uses include processing, manufacturing, assembly, fabrication, research and development, laboratories, workshops, training facilities, warehousing, shipping/receiving, major offices and other similar uses. Minor retail and personal and professional service commercial uses, which are scaled to serve the needs of the employees of the immediate employment area, are also permitted. Outdoor storage is permitted.
- e) Heavy Industrial uses should provide for the use of good quality exterior building materials and landscaping will be encouraged. General Industrial Areas near sensitive land uses will incorporate buffering, massing and screening, as well as controls for noise, vibration, odour, dust/debris and light emissions, which minimize impacts on the nearby sensitive uses. Outdoor storage shall be screened, using fencing and/or plantings, so that the storage area or goods are not visible from abutting lands or the street. The design of new Heavy Industrial uses shall be pedestrian friendly, barrier-free and accessible, where possible. Small parking areas may be provided in the front yard, however large parking areas shall be located to the side or rear of the building incorporating appropriate landscaping and/or screening.
- f) Light Industries are those industrial uses which are entirely contained within a building, except for accessory vehicle parking and limited outdoor storage and do not emit noticeable or noxious noise, dust or air emissions. These uses may be situated in close proximity to commercial uses and residential uses provided that the appropriate buffering measure are undertaken to minimize traffic and visual impacts.
- g) Light Industries permitted include light-manufacturing, light-assembly, research and development, warehouses and wholesaling, indoor storage, offices related to industrial uses, as well as some commercial uses such as heavy equipment sales and services, repair shops and services and lumber yards. Minor retail, personal and professional service commercial uses which are scaled to serve the immediate needs of the employees of the immediate employment area are also permitted. Only a limited amount of outdoor storage is permitted.

- h) Development in the Light Industrial Area is encouraged to have high quality exterior building materials and high quality landscaping. Development at the perimeter of Light Industrial Areas shall have edge landscaping and urban design treatments, where appropriate, to strengthen the area's visual appeal. Outdoor storage is not permitted, except where finished goods or materials are the primary product of a business (such as lumber in the case of a lumber yard). The design of light industrial subdivisions or individual sites should incorporate pedestrian-friendly, barrier-free and accessible design. Parking areas shall be screened from any adjacent sensitive land uses and large parking areas shall incorporate internal landscaping and be located at the rear or side of the building.
- i) All industrial uses shall be developed on the basis of full municipal services. Private services may be permitted where there is no industrial waste water and sewage facilities are less than 4,500 litres per day on an interim basis in areas where the Town has completed environmental studies regarding extending services to the site and servicing is likely to occur in the near future. Where these situations occur, the developer shall enter into an agreement with the Town to ensure that the site is pre-serviced and to provide a financial guarantee relating to the extension of the connection to full municipal services.
- j) New industrial developments shall meet or exceed provincial standards for noise, emissions and setbacks from adjacent uses.
- k) Industrial traffic should be directed away from, and not through, residential areas. Generally, the number of access points from employment areas to arterial and collector roads should be limited to minimize potential disruptions to traffic flow.
- l) An accessory residential use, such as a caretaker's residence, which is incidental to, and supportive of, the employment use, may be permitted subject to any appropriate mitigative measures required to conform with Provincial standards.
- m) The Town may permit the conversion of lands within employment areas to non-employment uses, but only through a municipal comprehensive review where it has been demonstrated that:
 - i. There is a need for the conversion;
 - ii. The conversion will not adversely affect the overall viability of the Town's Employment Areas and the achievement of other Policies of this Plan;
 - iii. There is existing or planned infrastructure in place to accommodate the proposed use; and
 - iv. The lands are not required over the long term for employment purposes for which they are designated.

4.2.4 Commercial Uses

- a) Commercial developments shall be encouraged to meet the needs of the residents of the District of Rainy River and its tourists, as well as support the industrial uses within the District.

- b) Commercial developments at the easterly and westerly ends of the Town should be focused on serving the needs of tourists and the travelling public. These uses shall provide access and parking areas suited to larger recreational vehicles and trailers and shall be designed as attractive entrance features to the Town. An Economic Gateway overlay designation has been prepared to provide additional development and design policies for uses locating at the easterly, westerly and southern approaches to the Town.
- c) Within the Downtown Business Area, the broadest range of commercial and residential uses shall be encouraged. Commercial uses should develop at the street line on the ground level. Residential uses will be encouraged to locate on upper floors provided that adequate access and parking can be provided.
- d) Building design, signage and landscaping details used in the Downtown Business Area should reflect the historical character of the downtown area.
- e) The Town will consider incentives to encourage the continued viability of the Downtown Business Area.
- f) The Downtown Business Area will be considered a Special Study Area and a Secondary Plan will be prepared to address the Downtown's special issues, as well as provide for a specific set of design guidelines.

4.3 Recreational Areas

4.3.1 Objectives

- a) To provide areas for residents of the Town to enjoy leisure activities and the environment.
- b) To develop a continuous parkland and trail system throughout the Town.
- c) To ensure that sufficient lands and facilities are available to provide for flexibility and variety in recreational opportunities for present and future inhabitants.

4.3.2 Permitted Uses

The uses permitted in the Recreational Areas include Municipal and public recreation facilities such as arenas, playing fields, community parks, walking and bicycle paths, snowmobile trails and related facilities and municipal marina facilities.

4.3.3 Development Policies

- a) Council will encourage the development of a continuous parkland and trail throughout the Town. The Town will acquire lands for this system through the land division and site plan approval processes. In addition, the Town will actively seek partnerships with other government agencies and private sector parties to develop the parkland and trail system.
- b) Where the parkland and trail system is situated within a municipal road allowance, Council shall seek to improve the pedestrian and bicycle routes within

Date: August 7, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Ryan Lundy – Request for Private Well and Septic Services – Eighth Street East

A request has come forward from Ryan Lundy, who is acting as an authorized agent for the property owners, to request permission from Mayor and Council to install private well (water) and septic (sewage) services on a property along Eighth Street East (PCL 12043 SEC RAINY RIVER; PT LT 19 RIVER RANGE MCIRVINE PARTS 1 & 2, RR138; FORT FRANCES).

The property is not currently serviced by municipal water or sewer and is zoned Residential Type One with a holding provision (R1-H). Mr. Lundy has subsequently applied to remove the holding provision from the zoning designation on the subject land, which will be considered alongside but separately from this matter.

The Town of Fort Frances Zoning By-Law 03/14 states the following regarding municipal services:

3.3 ADEQUATE MUNICIPAL SERVICES

No land shall be used or the intensity of any **use** of land expanded or any **building** placed, **erected** or altered, enlarged or used within the **Town** of Fort Frances unless the land is serviced by municipal water and sewer systems that have adequate capacity, except under the following conditions:

- a) in the Resource¹ Development (RD) **Zone**, the Seasonal Residential (SR) **Zone**, or where municipal water and/or sewage systems are not available, private services approved by the Northwestern Health Unit may be permitted; or
- b) where the lands are subject to unique servicing constraints or restricted connection privileges through separate municipal by-laws and through legal and servicing agreement with the **Town** of Fort Frances, such lands are considered to be in compliance with this **By-Law**.

The Town of Fort Frances Official Plan also speaks to servicing requirements and the supporting information has been attached with this report.

The Committee of Adjustment may recall that in 2017 administration contacted several property owners in the area to determine if there was interest for residents to connect to municipal water and sewer. The information contained on file indicates that a unanimous decision was relayed from the residents that the cost of installation was too significant.

If the Committee of Adjustment wishes to make recommendation to approve the installation of private well and septic, they may wish to recommend the following conditions:

- That permission be granted to service one single detached dwelling plus potential associated second dwelling unit
- That prior to any development in, on, or with respect to the property, the owner shall have executed an agreement in form and substance satisfactory to the municipality as to or in respect of existing and future water and septic services in, on, and to the property including, without limitation, provisions confirming responsibility and liability of the owner(s) for and in respect of services whether past, current or future, and that said agreement be registered on title
- That the above stated agreement provide verbiage relating to mandatory connection to municipal water and sewer in the event they are ever extended to the property in the future
- That Northwestern Health Unit approval be provided for well and septic prior to issuance of a building permit
- That approval of well and septic be conditional to successfully removing the holding provision from the zoning designation
- That the by-law, if approved with conditions, be registered against the title to the property

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

Ryan Lundy

905 Phair Avenue
Fort Frances, ON P9A 2M6
rlundy20@gmail.com

6th July 2020

Mayor and Members of Council

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

Madam Mayor and Members of Council,

This proposal is to request permission from the Town of Fort Frances to service Lot 19 on 8th Street East, Fort Frances, ON with a well and septic field as municipal sewer and water services are not extended to the property. I have an accepted offer of sale on the property with the condition that I receive town approval for servicing and rezoning.

The lot is currently vacant land and zoned R-1(H). An application is being submitted to the CBO/Municipal Planner, Cody Vangel, to remove the hold concurrently with this proposal as it is our opinion that the two issues go hand in hand. I am proposing to have the hold removed and to service the lot with well and septic in order to be able to build a single detached dwelling, possibly with a garage, on the property in the future.

I have discussed the property and the current town by-laws with Cody Vangel. I believe this area of land will fall under section 3.3 b) of the by-laws as the area is subject to unique servicing constraints, which is why the option of well and septic are being considered. If this proposal were approved and well and septic are chosen to service the lot, I understand that as the owner, I would be liable for these services. I also understand that approval is also required from the Health Unit, but would like to start by getting permission from Council.

Thank you for your consideration.

Sincerely,



Ryan Lundy





(b) Accessible Design for New Buildings

All new public, commercial, residential, recreational and institutional buildings and facilities will incorporate accessible design, including, but not limited to, elevators where appropriate, automatic door openers, and ramps at building entrances.

(c) Development Review Considerations

In the review of development applications, the Town will address accessibility needs by:

- I. Requiring driveway and sidewalk slopes at a ratio of 1:12, height to length;
- II. Requiring sidewalk curb cuts at all intersections;
- III. Requiring that paving changes (e.g. interlocking brick, tactile strips, etc.) be incorporated at grade changes and intersections;
- IV. Requiring disability parking spaces, as specified in the Zoning by-law;
- V. Encouraging any other features appropriate to ensure that barrier-free design is provided; and
- VI. Where appropriate, circulating the application to an Accessibility Advisory Committee for comment.

(d) Preparation of Guidelines

The Town may prepare specific design guidelines for accessibility and/or ensure that accessible design is addressed when preparing design guidelines for neighbourhoods.

3.4 Infrastructure and Utilities

3.4.1 Planning Objectives

- The Town will ensure there is a sufficient amount of land designated to accommodate infrastructure and utilities.
- The Town will ensure issues related to land use compatibility are addressed.
- The Town will work with appropriate providers to ensure the safe and efficient provision of power, cable and telecommunications in an environmentally acceptable manner.
- The Town is responsible for providing a supply of municipal sanitary sewer and water services within the Town. The Town will work closely with the Province to ensure there is sufficient supply of sanitary and water services to meet long term growth projections outlined in this Plan.
- The Town will ensure all new development within the Townsite occurs on lands with access to full municipal services and necessary utilities. For lands outside of the Townsite, the Town will ensure that development, where necessary, complies with the standards of, and are subject to, the approval of all applicable authorities/agencies.
- The Town aims to improve water quality and reduce stormwater run-off by promoting innovative techniques for stormwater management.

- In the provision of infrastructure and utilities, the Town will encourage the use of innovative techniques and new technology.

3.4.2 Policies

(a) Planned Function

The planned function of the Infrastructure and Utility designation is to allow for the efficient and effective use of land to accommodate utilities and infrastructure.

(b) Permitted Uses

Uses include public and/or privately owned facilities, including water and sanitary sewage facilities, Stormwater Management Facilities, pumping stations, hydro corridors, communications/telecommunications infrastructure and facilities and transmission towers. These facilities are permitted in all land use designations, subject to the Policies of the Plan.

(c) Design

The built form of new infrastructure and utility facilities will be in harmony with the character of the surrounding area and will be appropriately landscaped.

3.4.3 Water and Sanitary Sewerage

(a) General Water Supply

The Town will ensure there is a sufficient supply of water capacity within the treatment plant to serve Fort Frances and accommodate the long term growth projections for Fort Frances.

(b) Water Supply within the Townsite

All new development within the built area is required to be connected to the water system as a condition of development.

(c) General Sanitary Sewerage

The Town will ensure there is a sufficient reserve capacity within the sanitary treatment plant to serve Fort Frances and accommodate the long term growth of Fort Frances.

(d) Sanitary Sewage Supply within the Townsite

All new development within the built area is required to be connected to the sanitary sewage system as a condition of development.

(e) Sewage Outside of the Townsite – Private Services and Systems

- I. New development outside the urban service area of the Townsite shall utilize private sewage disposal and water services.
- II. No development shall be permitted unless it can be shown to the satisfaction of the Municipality that there is an adequate water supply, sewage disposal system and public road access to service the development. In addition, no development shall be permitted unless Council is satisfied that the development will not have an adverse impact on neighbouring wells and sewage disposal systems. In considering impacts on ground water quality and quantity, the Municipality may

require a hydrogeology study that considers among other matters the cumulative impacts of development on the sustainability of ground water resources.

(f) Communal Services

- I. Where full municipal sewage and water services are not or cannot be provided, and site conditions are suitable, communal services may be considered.
- II. Development dependant on communal services may be permitted only where Council is prepared to either assume ownership of communal services, or to enter into a responsibility agreement provided for municipal ownership in the event of default.
- III. The Municipality will consider approving development on communal services only where there is a legal mechanism to ensure that the municipal responsibility and liability related to the ownership, operation and maintenance of such a system is protected and that sufficient financial securities are in place to protect the municipality.
- IV. Any new development on communal services shall be consistent with Policy 1.6.4.1 of the 2005 Provincial Policy Statement to ensure that:
 - the communal systems can be sustained by the existing water resources;
 - is financially viable;
 - protects human health and the natural environment; and
 - is integrated with land use and phasing of the development.

3.4.4 Stormwater

(a) Stormwater Water Management Plan

A Stormwater Water Management Plan and Sediment Erosion Control Plan, prepared and signed by a qualified engineer, may be required depending on the scale, location and other site specific issues related to a proposed development.

(b) Innovative Techniques

The Town encourages the use of innovative techniques to reduce the need for large stormwater management facilities, thereby reducing run-off and improving water quality. Innovative techniques include, but are not limited to, rainwater harvesting systems (rain barrels and cisterns), green roofs, landscape systems and vegetated swales, downspout disconnection and permeable surfaces.

(c) Location

Stormwater Management Facilities should generally be located at the edge of neighbourhoods; at the interface with natural areas; and/or within large public open spaces, including community parks. Stormwater Management Facilities should not be located within the Natural Area.

(d) Naturalization

Where appropriate, Stormwater Management Facilities shall be naturalized, making use of native plants and species.

(e) Integration

Stormwater Management Facilities shall be designed to have a high level of public exposure and should be integrated in, and contribute to, the enhancement of the neighbourhood's public realm.

(f) Safety

The design and layout of Stormwater Management Facilities shall address issues related to safety and shall be designed with gentle slopes in areas with direct access. Areas with steeper slopes shall not have direct access and shall be designed to include overhangs, railings and dense plantings.

3.4.5 Power, Telecommunications and Other Cabled Services

(a) Location

New development will have local service power lines, communications/ telecommunications infrastructure and other cabled services located underground in road rights-of-way, where feasible.

(b) Land Use Compatibility

The Town will encourage utility installations for telecommunications towers to be located outside of residential areas, where feasible. In instances where the facilities are of a scale and function which is perceived to present significant issues related to land use compatibility, infrastructure which must be located within residential areas or within close proximity to residential areas shall be designed to be compatible with the adjacent and surrounding land uses.

(c) Design

Where feasible, the Town will seek to have local service power lines, communications/telecommunications infrastructure and other cabled services located underground. Above ground shall be sited to reduce their visual impact on the streetscape and/or screened using street furniture and landscaping. The Town encourages utility providers to consider innovative methods of containing utility services within streetscape features such as gateways, lamp posts, transit shelters, etc., when determining appropriate locations for large utility equipment and utility cluster sites.

(d) Location and Siting of Large Utility Equipment

The Town will ensure that appropriate locations for large utility equipment and cluster site have been determined and that consideration be given to locational requirements for larger infrastructure within public rights-of-way, as well as easements on private property.

(e) Permissions

Utility infrastructure shall be permitted in all land use designations, subject of the policies of this Plan.

(f) Servicing

The Town will ensure that adequate utility networks, are or will be, established to serve the anticipated development through discussions with public and/or private utility providers.

(g) Coordination

The Town encourages all utilities to be planned for and installed in a coordinated and integrated basis in order to be more efficient, cost effective and minimize disruptions.

(h) Communication Towers

The Municipality of Fort Frances recognizes that the installation of communication towers is required to supply, improve, and maintain the quality of service. Communication towers of 16.5 m in height or greater are designated as a structure under the Ontario Building Code and will be subject to building permits, as well as regulations under the Zoning By-law.

Local zoning by-laws cannot prevent a telecommunication tower from being constructed, since the Federal Government has the approval authority under the *Radio Communications Act*. Industry Canada recognizes the importance of considering the potential impact of communication towers on the adjacent surroundings and the community. A proponent seeking to establish a communications tower shall work with the Municipality, seek input from the community, and meet the requirements as set out in the *Radio Communications Act*.

3.4.6 Power Generation Facilities and Green Energy

Fort Frances will encourage and support alternative and renewable-source energy generation facilities which are developed in accordance with this Plan and Provincial and Federal legislation, policies, and regulations. Proposed developments will be encouraged to locate in areas where their adverse impacts on adjacent lands and natural features are minimized and mitigated to the greatest extent possible. Where feasible and practical, power generation facilities which are primarily buildings (e.g. cogeneration plant) may be encouraged to develop on brownfield sites. When evaluating proposals for alternative energy generation facilities the Town will consider the following:

- a) Location of facility;
- b) Size and scale of proposed facility;
- c) Potential for land use compatibility issues with adjacent land uses and potential for adverse impacts related to air, noise, odour, vibration, etc.;
- d) Potential for perceived risks to human health and safety; and
- e) Any additional considerations.

For highway safety reasons, wind turbines located adjacent to a provincial highway will be set back a minimum distance measured from the limit of the highway property line equal to the distance of the height of the wind turbine structure plus the length of one blade.

Developments which fall under the jurisdiction of the Green Energy Act do not require an Amendment to this Plan.

3.4.7 Energy Conservation

Fort Frances shall encourage and support energy conservation, district heating and combined heat and power, and the on-site use of alternative and renewable energy sources developed in accordance with Provincial and Federal legislation, policies, and

regulations, and where all potential negative impacts to adjacent lands are mitigated. The Town will also encourage the application of energy conservation measures in the infrastructure and utility servicing of new buildings and in the rehabilitation and upgrading of existing neighbourhoods, buildings and structures. The Town will encourage and support water conservation methods (such as efficient landscape irrigation, low water consumption fixtures, etc.) in the development of new sites and buildings and in the rehabilitation and upgrading of existing sites and buildings. The Town may establish energy conservation design guidelines to encourage, or require, future development to implement energy conservation measures.

3.4.8 Site Plan Control

The development of all new infrastructure and utilities are subject to Site Plan Control.

3.5 Gateway Policies

There are three main approaches into Fort Frances. The east-west approaches are along King's Highway No. 11 while the approach from the south is via the International Bridge between International Falls and Fort Frances. The International Bridge traffic connects with Church Street, Central Avenue and eventually with the King's Highway.

These important corridors are gateway entrances into Fort Frances and provide potential economic benefits to the Town. The Town wishes to capture this traffic by providing a welcoming entrance into Fort Frances, with the intent of increasing the time spent in the Town by the travelling public. The Town recognizes that there are unsightly existing uses along these important corridors and it will work with the land owners to relocate these uses to a more appropriate land use designation away from the corridors.

The Plan includes a Gateway Economic Overlay at the three main entrances into the Town of Fort Frances. The Gateway Economic Overlay designation is planned to be a specialized employment area for businesses related to transportation and logistics, including facilities related to shipping and receiving, warehouses, major offices, manufacturers' showrooms, prestige manufacturing, light other similar uses. Minor retail, personal and professional services, commercial uses which are scaled to meet the needs of the employees within the immediate area are also permitted. Educational institutions that are complimentary to the aforementioned uses are also permitted. There shall be no outside storage of raw goods, materials or waste materials.

3.5.1 Design

Gateway Economic Area uses should be planned and designed to reflect the important role they play in serving the Town, the Rainy River District and Ontario. Gateway Economic Area uses should have high quality exteriors and landscaping. Gateway Economic Area uses at the convergence of transportation corridors will be encouraged to incorporate high quality, but unobtrusive, signage, architectural detailing on the principal building, and/or landscaping. The Gateway Economic Area, given its important locational characteristic, will be required to accommodate a high degree of streetscaping. The design of Gateway Economic Area uses should be pedestrian-friendly, barrier-free and accessible. Where outdoor storage is allowed as a previously existing use, it shall be screened using fencing and/or plantings so that the storage area or materials are not

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.

3.3 ADEQUATE MUNICIPAL SERVICES

No land shall be used or the intensity of any **use** of land expanded or any **building** placed, **erected** or altered, enlarged or used within the **Town** of Fort Frances unless the land is serviced by municipal water and sewer systems that have adequate capacity, except under the following conditions:

- a) in the Resource¹ Development (RD) **Zone**, the Seasonal Residential (SR) **Zone**, or where municipal water and/or sewage systems are not available, private services approved by the Northwestern Health Unit may be permitted; or
- b) where the lands are subject to unique servicing constraints or restricted connection privileges through separate municipal by-laws and through legal and servicing agreement with the **Town** of Fort Frances, such lands are considered to be in compliance with this **By-Law**.

3.4 COMMUNITY GARDEN

Where a **community garden** is a permitted **use**, it shall be subject to the following conditions:

- a) All **accessory structures** shall comply with **accessory structure setbacks** as stipulated in the general provisions for **accessory uses**;
- b) Composting is limited only to the materials generated on site, and shall be used on-site and **lot coverage** for composting shall not exceed 5% of the **lot area**;
- c) Compost bins shall be rodent resistant and shall respect the **setbacks** for **accessory uses**;
- d) No off-street parking is required for a **community garden use**;
- e) Planting areas shall be **setback** from the property line a minimum of 1.5 m;
- f) Hoophouses and greenhouses are permitted **structures** in **community gardens** subject to height and **setback** requirements of the zone but not lot coverage requirements; and
- g) **Community garden** planting areas shall be designed and maintained to prevent water from irrigation, storm water and/or other activities and/or fertilizer from draining onto adjacent property.

¹ Amended by 3-14-B – Sept 8, 2014 – to correct typographical error