

TOWN OF FORT FRANCES

Committee of Adjustment

AGENDA - September 21, 2020 5:30 PM

MEETING -

[Join Microsoft Teams Meeting](#)

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

Conference ID: 932 977 46#

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1. <u>Call to Order</u>	
2. <u>Non-agenda items</u>	
3. <u>Declarations, Municipal Conflict of Interest Act</u>	
4. <u>Minutes of Previous Meetings</u>	
4.1 August 12, 2020	2 - 3
5. <u>Committee Applications</u>	
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7. <u>Meeting Close</u>	

TOWN OF FORT FRANCES

MINUTES

COMMITTEE OF ADJUSTMENT

August 12, 2020

The meeting of Committee of Adjustment of the Town of Fort Frances was Held Virtually on August 12, 2020 from 5:30 p.m. to 6:04 p.m.

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

ALSO PRESENT: Cody Vangel, CBO/Municipal Planner, Ian McKay, Bailey Jewell, Ryan Lundy

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 July 14, 2020

- Approved as presented
- Moved by Don Eldridge, seconded by Barry Jackson

5. Committee Applications

5.1 A4-2020 1210 Third Street East - Minor Variance

- Brief discussion was held on this item.
- No representative was present from the applicant.
- All committee members present voted in favour of the application with the condition that the proposed deck never be enclosed or covered.

5.2 B3-2020: Eighth Street East - Removal of Holding Provision (Lundy)

- The applicant provided a summary of their application.
- The committee had the opportunity to ask questions.
- All committee members present voted in favor to recommend approval subject to the following conditions:
 - 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
 - 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 the above stated agreement include verbiage regarding noise and vibration due to proximity to the railway

5.3 B4-2020: 840 Sixth Street West - Zoning Exception

- The applicant provided a summary of their application.
- The committee had the opportunity to ask questions.
- All committee members present voted in favor to recommend approval

6. Other Business

- 6.1 Ryan Lundy Request for Private Well and Septic Services - Eighth Street East
- Brief discussion was held on this item.
 - All committee members present voted in favor to recommend approval

7. Meeting Close
6:04pm

Chair, Committee of Adjustment

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

Date: September 21, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A5-2020: 660 Third Street East – Minor Variance Application

Application Purpose

Joanna Loney has submitted a minor variance application for her property located at 660 Third Street East to request the following:

Section 4.4.2.c. of Zoning By-Law 03/14 requires a minimum exterior side yard of 3.0m. Section 3.2.d of Zoning By-Law 03/14 states that an accessory building cannot be located in the exterior side yard.

Relief from section 3.2.d is being requested to allow for the construction of an accessory building encroaching 1.8m into the required 3.0m exterior side yard.

The current layout of telephone poles and support wires creates a challenge to conform with the zoning by-law provisions for the construction of an accessory building and subsequently being able to access the structure.

Property History

Information contained on file shows that an addition to the dwelling was constructed in 1962, though the original construction date is unknown.

Official Plan

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

Zoning By-Law 03/14

3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

Accessory **buildings** or **structures**, are permitted in any **yard**, in any **zone**, subject to the provisions of this By-law for the particular **zone** in which said **building**, **structure**, or **use** is located, provided the principle building, structure or use is already in existence on the lot¹, and provided that the accessory **building**, **structure** or **use**:

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

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 m ² |
| 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 m ² |

Divisional Comments

Fort Frances Power Corporation: No comments received.

Fort Frances Fire Rescue: No concerns.

Fort Frances Recreation and Culture: No comments received.

Fort Frances Public Works:

- Concerns about overlap distance between garage and back guy wire anchor. Garage may be too close to guy wire and removal or material may undermine existing anchor
- Should ensure there is no service easement and should be well back if so
- Concerns over driving in at angle in the winter. Icy lane and poles/wires could be hazardous
- Suggest to work with Bell to relocate guy wire. Concerns oversight line at end of lane

Fort Frances Building & Planning:

- Applicant to apply for building permit within one year of approval (if approved).
- Would like to understand if discussion were held with Bell on pole/guy wire relocation.

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

A handwritten signature in black ink, appearing to be 'C. J. V. S.', written in a cursive style.

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)

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

\$322.55

FILE NO.

A5 / 20 20

PAYMENT RECEIPT STAMP

Receipt No.

49224

Sept. 1, 2020

PROPERTY INFORMATION

Property Address	660 Third Street East
Tax Roll No.	59 - 12 - 030-003 04600 - 0000
Legal Description	660 Third St E, PSM64 E PT LOT 28 PT CLD AVE

OWNER/APPLICANT INFORMATION

Registered Owner(s)	JOANNA LONEY
Application Contact	JOANNA LONEY
Full Mailing Address	660 THIRD STEET EAST, FORT FRANCES, ONTARIO, P9A 1R8
Telephone	807-271-1020
Email	

AGENT INFORMATION (if applicable)

Company Name	
Application Contact	
Full Mailing Address	
Telephone	
Email	

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

MORTGAGEES, HOLDERS OF CHARGES OR OTHER ENCUMBRANCES

Institution	I do not have a mortgage.
Contact/Reference	
Full Mailing Address	
Telephone	
Email	

- Describe the nature and extent of relief applied for (indicate what the by-law requirement is, the relevant section of the by-law, and what you are proposing):

Section 4.4.2.c of Zoning By-Law 03/14 requires a minimum exterior side yard of 3 meters.

Section 3.2.d of Zoning By-Law 03/14 states that an accessory building cannot be located in the exterior side yard.

Relief from Section 3.2.d is being requested to allow for the construction of an accessory building encroaching 1.8m into the required 3.0m exterior side yard.

Please note, the measurements above are to the property line instead of to the sidewalk.

There is at least .74 m (29 inches) between my property line and the sidewalk which belongs to the town.

I'm asking for 2.007 m (79 inches) lawn width between my proposed garage and the sidewalk.

Please see attached photos of Bell and Hydro Wires.

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

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

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)**
- As shown in an attached photo, there is a Bell pole and guy-wire which blocks forty-five percent of the back width of my property. A 1.8 meter relief will allow me to access a proposed garage. Changing my parking location will also greatly improve safety for pedestrians and drivers.
- Currently I park on a short driveway which is flush to the back of the house. It is a safety hazard backing out directly onto the Frenette sidewalk from such a short driveway (narrow lot). Even if it was safe, a garage at my current driveway would barcade the deck from the back yard. With a 1.8 meter variance, the guy wire will only overlap with the garage width by 15 inches. I will be able to drive at a slight angle for a distance of 12 feet to get into the garage.
- There is no other location for a garage. Creating a new apron off Frenette would require removal of a hydro pole, yet another guy-wire, and street signage. It would also blockade the front of the property from the back because the lot is so narrow.
- Repositioning the guy-wire is not an option. I have opened two tickets with Bell and it states that there is a "right away" on my property.
- I'm requesting to build a garage that it is twelve inches farther from the sidewalk than my house is from the sidewalk. The town-owned strip of land between my property and the sidewalk is part of a 19 foot distance to the road. What I request is safer and does not interfere with what is desirable for neighbours, drivers or pedestrians.
3. **When did the current owner acquire the Property?** August, 2019
4. **Provide the date of construction for all buildings and structures on the Property.**
- There are no surveys or records for the house, but it's estimated that it was built in the late 1960's.
- The house is the only structure on the property.
5. **What is the existing use of the Property?** I live there.
6. **How long has the existing use of the Property continued?** 13 months
7. **What is the existing use of the abutting properties?**
- | North | South | East | West |
|-------------|-------------|-------------|-------------|
| residential | residential | residential | residential |
8. **Dimensions of the Property:**
- | Property Dimensions | Metric | Imperial |
|---------------------|----------------------|---------------------|
| Frontage: | 9.065 m | 29.75 feet |
| Depth: | 48.463 m | 159 feet |
| Area: | 439.32 meters square | 4728.32 feet square |

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:	59.48 square meters	No change to main building.	
Width:	6.1 m		
Length:	9.75 m		
# of Storeys:	one		
Location of Building/Structure - Check geographic direction of Side Yard Setbacks			
Front Yard:	9.065 m x 7.9 m = 71.7 m sq.	No change.	
Rear Yard:	9.065 m x 32 m = 290 m sq.		
North <input type="checkbox"/> or East <input checked="" type="checkbox"/> - Side Yard:	1.9 m width to the property line		
South <input type="checkbox"/> or West <input checked="" type="checkbox"/> - Side Yard:	1.98 M width		
Accessory Building:	Existing	Proposed	
Ground Floor Area:	There is no accessory building (yet).	29.75 m	320 sq feet
Width:		4.877 m	16 ft
Length:		6.10 m	20 ft
# of Storeys:		one	
Height:		2.44 m	8 ft
Distance to Main Building:		21.64 m	71 inches
Location of Building/Structure - Check geographic direction of Side Yard Setbacks			
Front Yard:	Between garage and house =	21.64m	71 ft
Rear Yard:	Towards back land =	4.77m	15.7 ft
North <input type="checkbox"/> or East <input checked="" type="checkbox"/> - Side Yard:	Towards Frenette =	1.27m	To pass Bell wire-pole. 50 inches
South <input type="checkbox"/> or West <input checked="" type="checkbox"/> - Side Yard:	Towards west neighbour =	2.87m	9.5 ft

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	Yes	
Sanitary Sewer	Yes	
Storm Sewer	Yes	

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

13. What is the Zoning of the Property? Residential

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, Joanna Loney 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
28 day of August, 2020.

Elizabeth Slomke
 A Commissioner, etc.

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

Joanna Loney
 (Signature of Owner or Agent)

(Signature of Owner or Agent)

OWNER'S AUTHORIZATION, ACKNOWLEDGMENT & CONSENT

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

I, Joanna Lorey, am an Owner of the property known as 660 in the Town of Fort Frances, that is the subject of this Application, and hereby Third St. East

Authorize Agent to Act (if applicable):

1. Authorize and instruct _____ 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

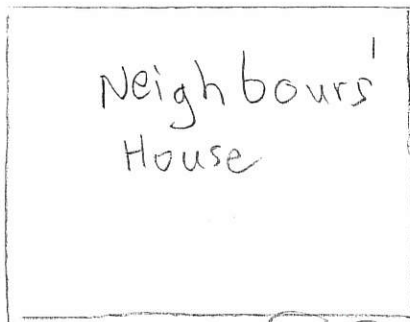
Consent re Meeting:

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.

August 24,
Date
2020

Joanna Lorey
Owner Signature

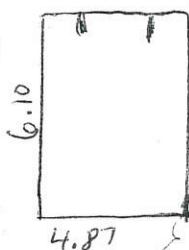
Owner Signature



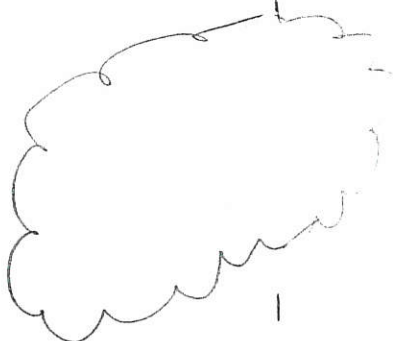
Back Lane

Pole
Bell Guy
4.71

2.87

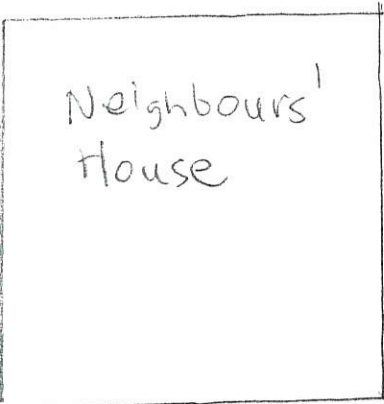


Pole
Hydro Guy
1.27



Spruce
Spruce
Property Line

21.64



Driveway

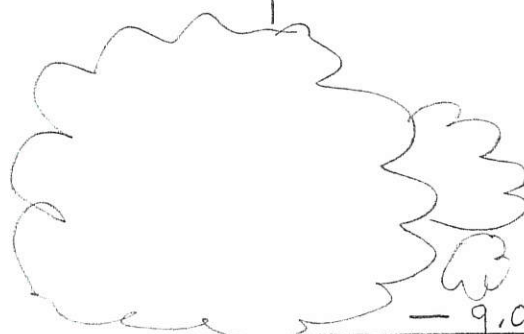
Deck
660 Third St E.
Residence -
Floor Elev.
Relative
to curb
- 83 meters.

- 9.75 m -

1.7
m
←

- 6.1 m -

- 7.9 m -



- 9.065 m -

Frenette Ave.

Third Street East

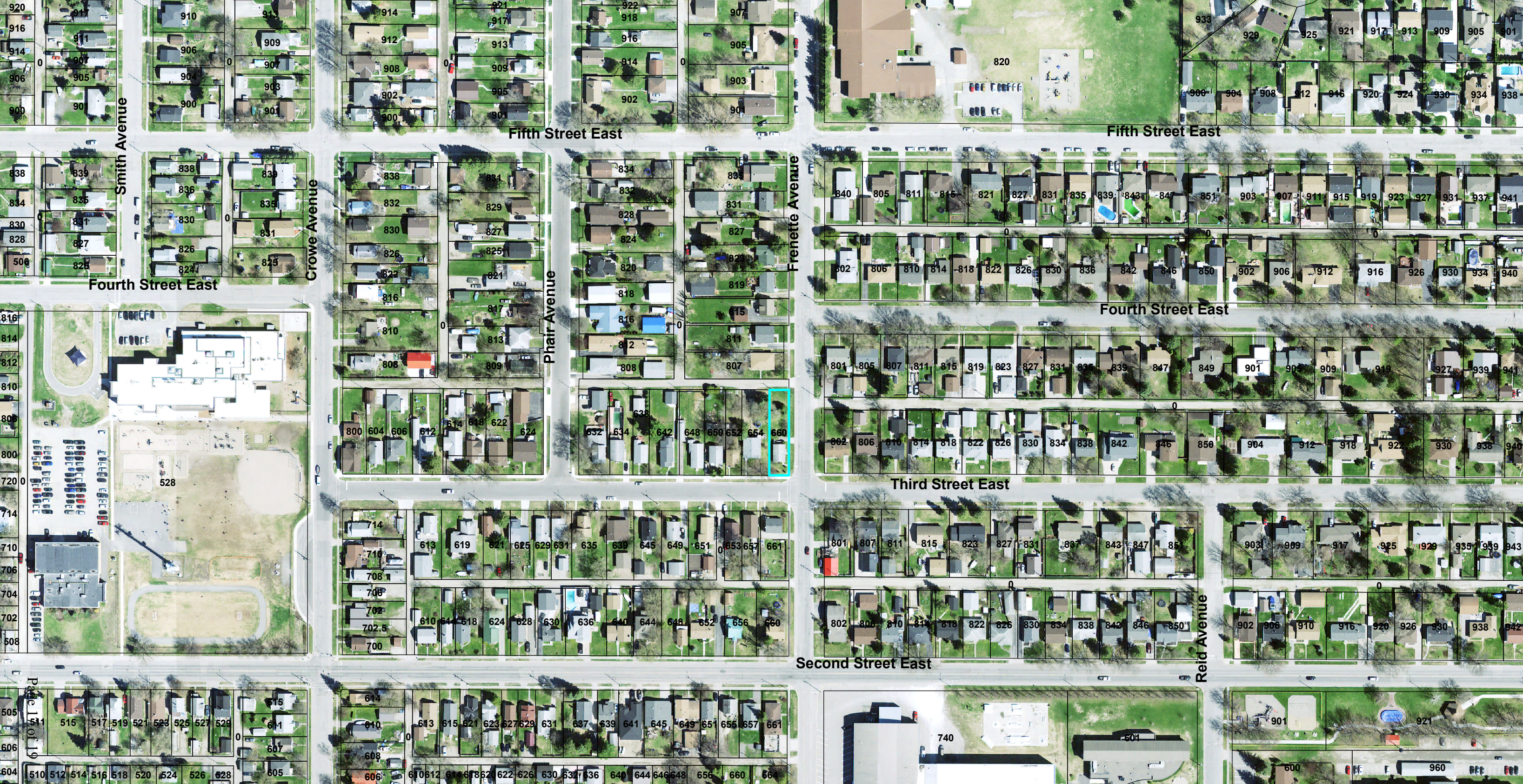


The white line is where I propose to put the east wall of the garage. The white circle near the guy-wire shows where that puts the west bottom of the garage door. I will need to drive in at an angle.



The white line above shows where I propose to put the east wall of the garage. It is farther from Frenette than the house.





Cindy Mason
608 Church Street
Fort Frances, ON P9A 1E6

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

Dear Cody,

Please accept this letter of resignation as a member of the Committee of Adjustment.
I have enjoyed serving on the committee but after many years I feel it's time for me to vacate
the position allowing for others to serve. Thank you for the opportunity to sit on the committee
which was always informative and educational.

Regards,

Cindy Mason

Date: September 21, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Committee of Adjustment Complement

The Committee of Adjustment of the Town of Fort Frances is currently made up of five members. The Town of Fort Frances By-Law No. 17/07 states that the Committee shall be comprised of seven (7) members. This would mean that the current Committee of Adjustment complement is two members shy of what the By-Law states.

Section 44 of the Planning Act makes reference to the following:

- When the Committee of Adjustment is comprised of three members, two members constitute a quorum
- When the Committee of Adjustment is comprised of more than three members three members constitute a quorum

The intent of this report is to generate discussion amongst the Committee to determine if they wish to continue with a seven person complement and subsequently advertise the vacancies, or to determine if the Committee would entertain an amendment to By-Law 17/07 to adjust the number of members required.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Cody Vangel', written in a cursive style.

Cody Vangel, EIT
Chief Building Official & Municipal Planner