

TOWN OF FORT FRANCES

Committee of Adjustment

AGENDA - December 1, 2020 5:30 PM

MEETING - Held Virtually

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[+1 807-701-5975,,786854965#](#) Canada, Thunder Bay

Phone Conference ID: 786 854 965#

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1. **Call to Order**
2. **Declarations, Municipal Conflict of Interest Act**
3. **Minutes of Previous Meetings**
 - 3.1 October 20, 2020 2 - 3
4. **Committee Applications**
 - 4.1 A7-2020: Application for Consent (Lot Creation) at 103 Sixth Street East 4 - 20
5. **Other Business**
 - 5.1 Next Meeting Date
6. **Meeting Close**

TOWN OF FORT FRANCES

MINUTES

COMMITTEE OF ADJUSTMENT

October 20, 2020

The meeting of Committee of Adjustment of the Town of Fort Frances was Held Virtually on October 20, 2020 from 5:49 p.m. to 6:04 p.m.

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

ALSO PRESENT: Cody Vangel, CBO/Municipal Planner, Carolyn Vandetti

1. Call to Order

5:49pm

2. Non-agenda items

None.

3. Declarations, Municipal Conflict of Interest Act

None.

4. Minutes of Previous Meetings

4.1 September 21, 2020

- Approved as presented
 - Moved by Charleen Mallory, seconded by Donald Taylor.

5. Committee Applications

5.1 A6-2020: Application for Consent (Lot Creation) at 906-908 Portage Avenue

- The municipal planner provided a general summary of the application.
- The applicant was given the opportunity to expand on the application.
- The Committee was able to ask questions regarding the application.
- The Committee approved the application subject to the following conditions:
 - That the owner deposits a Reference Plan of Survey in the Land Registry Office clearly delineating the parcels of land if approved by The Town of Fort Frances Committee of Adjustment. A listing of the parts and their respective areas is required. A digital and hard copy of the deposited Reference Plan are to be submitted to the Municipal Planner of the Town of Fort Frances.
 - That the severed parcels be consolidated on title.
 - That the Municipal Planner be provided with the revised legal descriptions of the severed and retained properties.
 - That prior to final approval by the Town of Fort Frances Committee of Adjustment, the owner provides confirmation of payment of all outstanding taxes and interest on taxes.
 - That prior to final approval by the Town of Fort Frances Committee of Adjustment, the owner provides confirmation of payment of all outstanding accounts payable.

6. Other Business

None.

7. Meeting Close

6:04pm

Chair, Committee of Adjustment

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

Date: December 1, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A7-2020 – Application for Consent: 103 Sixth Street East (Richard Brandrick)

Application Purpose

Richard Brandrick has applied for consent to sever a parcel of land from locally known 103 Sixth Street East property for the creation of a new lot.

The existing property is legally described under PIN 56018-1536 as PCL 9346 SEC RAINY RIVER; PT THE HUDSON'S BAY COMPANY'S RESERVE MCIRVINE AS IN SLT25406, EXCEPT SLT43449; FORT FRANCES

Property History

From the information contained on file it is shown that a new single detached dwelling was constructed on the property in 2015. There is no additional information on file.

The Official Plan

The severed and retained properties would be designated as **Living Area** which typically hold residential type uses. Both the severed and retained lands would be destined to continue as single-family residential uses.

Zoning By-Law

Both the severed and retained properties are zoned Residential Type One (R1).

4.4 RESIDENTIAL TYPE ONE (R1) ZONE

No person shall within a Residential Type One (R1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.4.1 Permitted Uses

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

4.4.2 Regulations for Permitted Uses

- a) Minimum **Lot Area** 460 m²
 - b) Minimum **Lot Frontage** 15 m
 - c) Minimum Yard Requirements
 - Front Yard 7.5 m
 - Interior Side Yard 1.5 m
 - Exterior Side Yard 3.0 m
 - Rear Yard 7.5 m
 - d) Maximum **Lot Coverage** 40%
 - e) Minimum **Landscaped Open Space** 20%
 - f) Maximum Height of Building 12 m
 - g) Minimum Floor Area 79 m²
-

The following table shows a comparison of the min/max requirements of the R1 zone as outlined in the zoning by-law compared to the criteria proposed for the severed and retained lands by the applicant.

	Required	Retained	Severed
Lot Area (m²)	460	1781.8	1339.04
Lot Frontage (m)	15	20.878	15.69
Minimum Front Yard (m)	7.5	≈19.5	Vacant
Minimum Interior Side Yard (m)	1.5	≈1.905	Vacant
Minimum Rear Yard (m)	7.5	≈56.69	Vacant
Maximum Lot Coverage	40%	<40%	Vacant
Minimum Landscaped Open Space	20%	>20%	Vacant
Maximum Height of Building (m)	12	<12	Vacant
Minimum Floor Area (m²)	79	>79	Vacant

Provincial Policy Statements

The proposed severed portion of land including the proposed use appears to fit well under the housing section of the Provincial Policy Statement 2020.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation

with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

- b) permitting and facilitating:
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Divisional Comments

Fort Frances Power Corporation: No comments received.

Fort Frances Fire Rescue: No concerns noted.

Fort Frances Public Works:

- New water/sewer services were installed to the property in 2015. Sewer is located to the West of the curb stop (2.5m), both of which would be on the portion retained by the existing house. New services for the severed property would require installation.
- there is a private crossing for the retained property which would be on the new property, There may need to be another private crossing installed as the property owner of the retained portion cannot cross onto another lot for access.

Fort Frances Building & Planning:

- Proposal appears to satisfy the minimum/maximum general provisions for the Residential Type One zone
- Proposal allows for additional development and generation of new assessment if the new lot is constructed upon
- Appropriate permits required for construction

Other

If the Committee of Adjustment wish to impose conditions on the consent, Subsection 53(41) of The Planning Act states the following:

A. Conditions not fulfilled

(41) If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfil the conditions until the expiry of one year from the date of the order of the Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33). 2017, c. 23, Sched. 5, s. 100 (6).

Additionally, applicants shall be aware of the following regarding consent application in Subsection 53(43) of The Planning Act:

B. Lapse of consent

(43) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent. 1994, c. 23, s. 32.

Sample Conditions

The Committee of Adjustment may wish to impose conditions on the consent including but not limited to the following:

- That the Municipal Planner be provided with a deposited reference plan bearing the seal of the Land Registrar depicting the severed property a part thereon. A digital and hard copy of the deposited Reference Plan are to be submitted to the Municipal Planner of the Town of Fort Frances.
- That the Municipal Planner be provided with the legal description of the severed and retained property for the issuance of the Certificate of Official.
- That all current and outstanding accounts payable to the Town of Fort Frances by the property owner be paid in full to the date of Consent.
- That all current and outstanding municipal tax paid in full to the date of Consent.

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.

The Planning Act sets the standard to which provincial interests, provincial and local policies and goals are implemented. Accordingly, review of the application to consider the following:

- Conform to Subsection 51(24) as required by Subsection 53(12) of The Planning Act.
- Conform to the Town of Fort Frances Official Plan.
- Conform to the Provincial Policy Statements as required by Subsection 3(1) of The Planning Act.

Should the Committee of Adjustment find it appropriate to approve this application, the previously noted conditions have been recommended.

Respectfully submitted

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

Cody Vangel
Chief Building Official & Municipal Planner

FORT
BOUNDLESS
APPLICATION FOR CONSENT

FOR OFFICE USE ONLY			
File Number: <u>A7-2020</u>			
Property: <u>103 Sixth St. E.</u>		Roll #: <u>59-12-010-007-04300</u>	
Date Application Received: <u>Oct. 30, 2020</u>		Date Fee Received: <u>Oct. 30, 2020</u>	
Date Application Complete: <u>Nov. 4, 2020</u>		Receipt #: <u>50751</u>	Application Fee: \$ <u>581.67</u>

Please Print and Complete or (✓) Appropriate Box(es)

1. Applicant Information

1.1 Name of Applicant: <u>Richard & Sherry Brandrick</u>		Home Telephone No.: <u>204-891-3855</u>	Business Telephone No.: <u>204-823-1546</u>
Address: <u>103 6 Street East</u>		Postal Code: <u>P9A-1W6</u>	
1.2 Name of Owner(s) (If different from the applicant). An owner's authorization is required in Section 11.1 if the applicant is not the owner.			
Name of Owner(s): <u>Same as above</u>		Home Telephone No.	Business Telephone No.
Address:		Postal Code:	
1.3 Please indicate to whom all communications should be sent:		<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Agent

Note: If this application is being submitted by an agent on behalf of the Property Owner, the owner's written authorization must accompany the application. If the applicant is a corporation acting without agent, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

2. Location of Subject Land (Severed and Retained) Complete Applicable Boxes in Section 2.1

2.1 Municipality: <u>Fort Frances</u>		Township: <u>MCIRVINE</u>		Property Roll No.: <u>59-12-010-007-04300-0000</u>	
Property descriptor: <u>00103 Sixth Street W</u>		Lot/Section No.: <u>PCL 9346</u>		Part No.: <u>PT HB RES PCL 9346</u>	
Other Information (parcel #, etc.): <u>PT HB RES PCL 9346 SEC RAINY RIVER</u>		Reference Plan No.:			
		Registered Plan No.:			
2.2 Are there any easements or restrictive covenants affecting the subject land? If Yes, describe each easement or covenant and its effect					<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
<u>BELL LINE BEHIND HOUSE</u>					
<u>MCIRVINE AS IN SLT25406 EXCEPT SLT43449</u>					
<u>FORT FRANCES PIN 560181536</u>					
2.3 Is there a mortgage or other encumbrance on title to the subject land? If Yes, provide name, full mailing address and contact information of encumbrance holder					<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
<u>CIBC MORTGAGE CORP.</u>					

3. Purpose of this Application

► 3.1 Type and purpose of proposed transaction (X appropriate box):

Transfer ☒ Creation of a new lot ☐ Addition of a lot (see also 3.3) ☐ An easement /encroachment agreement
 Other ☐ A charge ☐ A lease ☐ Correction of title
☐ Other purpose _____

► 3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged

RICHARD & SHERRY BRANDRICK

► 3.3 If a lot addition, identify the lands to which the parcel will be added. Also show on accompanying sketch.

SEE ATTACHED SKETCH

4. Existing or Proposed servicing information regarding the subject land.

(complete each section)

Severed

Retained

		(complete each section)	
		Severed	Retained
► 4.1 Dimensions	Frontage (m) (# of ft x .3048)	15.69m ^{Foot-7cm}	20.878m ^{Foot-7cm}
	Depth (m) (# of ft. x .3048)	85.34m	85.34m
	Area (ha.) (# of acres x .4047)	0.1339 ha	0.1781 ha
► 4.2 Use of Property	Existing Use(s)		✓ House is already there
	Proposed Use(s)	✓ (New House Construction)	
► 4.3 Buildings or Structures	Existing		✓ House is already there
	Proposed	✓ (New House Construction)	
► 4.4 Access (✓ appropriate space)	Provincial Highway (secondary or primary)		
	Municipal Road (maintained all year)	✓	✓
	Municipal Road (seasonally maintained)		
	Other Public Road		
	Right of Way		
► 4.5 Water Supply (✓ appropriate space)	Publicly owned & operated piped water system	✓	✓
	Privately owned & operated individual well		
	Privately owned & operated communal well		
	Lake or other water body		
	Other means		
► 4.6 Sewage Disposal (✓ appropriate space)	Publicly owned & operated sanitary sewage system	✓	✓
	Privately owned & operated individual septic tank*		
	Privately owned & operated communal septic system		
	Privy		
	Other means		
*A certificate of approval from the local Health Unit or Ministry of the Environment and Energy submitted with this application will facilitate the review.			
► 4.7 Other Services (✓ if service is available)	Electricity	✓ will be installed	✓
	School Bussing	✓	✓
	Garbage Collection	✓	✓

- 4.8 If access to the subject land is by private road, or if "other public road" or "right of way" was indicated in section 4.4 above, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.

6 Street is owned by Town of Fort Frances & maintained by them year around

5. Land Use

- 5.1 What is the existing Official Plan designation(s), if any of the subject land? Living
- 5.2 What is the zoning, if any, of the subject land? R1 is the existing Parcel 9346
- 5.3 Are any of the following uses or features on or adjacent to the subject land. (X appropriate boxes if any apply)

Use or Feature	On subject land	Adjacent to subject land
An agricultural operation		
A landfill		
An industrial or commercial use (specify uses)		
An active railway line		
A Municipal Airport		

6. History of the Subject Land

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act?

☐ Yes ☒ No ☐ Unknown

If Yes, and if known, provide the Ministry or Municipal Application file number and the decision made on the application

- 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

- 6.3 Has any land been severed from the parcel originally acquired by the owner of the subject land?

☒ No ☐ Yes

If yes, provide for each parcel severed the date of transfer, the name of the transferee and the land use.

7. Current Applications

- 7.1 Is the subject land currently the subject of a proposed Official plan or Official Plan amendment, Zoning By-Law amendment, a minister's zoning order, a minor variance, an approval or a plan of subdivision or a consent?

☐ Yes ☒ No ☐ Unknown

If yes and if known, specify the appropriate file number and status of the application.

8. Sketch

- 8.1 The application shall be accompanied by a sketch showing:
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
 - (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
 - (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
 - (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
 - (e) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i. are located on the subject land and on land that is adjacent to it, and
 - ii. in the applicant's opinion, may affect the application;
 - (f) the current uses of land that is adjacent to the subject land (*for example, residential, agricultural or commercial*);
 - (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
 - (h) if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and
 - (i) the location and nature of any easement affecting the subject land.

9. Other Information

- 9.1 Is there any other information that you think may be useful to the Committee of Adjustments for the Township or other agencies in reviewing this application? If so, explain below or attach a separate sheet.

NOT AWARE OF ANY

10. Signature and Statutory Declaration

- 10.1 **Signature and Statutory Declaration of Applicant**

I, Rick Brandrick ^{JB}
Sherry Brandrick of the Town of Fort Frances ^{RB}

In the District of Rainy River, make oath and say OR solemnly declare that the
all of the above statements contained herein and all exhibits and supporting documentation submitted and attached
hereto 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.

Sworn/Declared before me at the Town of Fort
Frances, in the District of Rainy River, this 30th
day of October, 2020

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

Rick Brandrick
Richard Brandrick

Applicant

11. Notice of Collection – Municipal Freedom of Information and Protection of Privacy Act

- 11.1 Personal information collected on this form is collected under the authority of the *Planning Act*, R.S.O. 1990 as amended, and will be used to assist in making a decision on this matter. All names, addresses, opinions and comments will be made available for public disclosure. Questions regarding the Municipal Freedom of Information and Protection of Privacy Act should be forwarded to: Town Clerk, c/o Town of Fort Frances, 320 Portage Avenue, Fort Frances, Ontario P9A 3P9, Telephone (807) 274-5323, Ext. 236.

12. Owner's Authorization and Consent

- 12.1 This form must be used in all cases where individual(s) are being authorized on behalf of the owner to file an application and to act on behalf of the owner of property that is the subject of the application. Some instances where this authorization will be required are: where a solicitor is acting for an owner; where an agent is acting for an owner; where one owner is acting on behalf of other joint owners; where one owner with a percentage interest in a property is acting for other owners with a whole or percentage interest in a property; where a single spouse only has signed the application. Anyone having an interest in the property must provide a signed authorization. This form, or separate individual copies of this form must be appended to and duly executed by any and all owners of the property that is the subject of this application.

Authorization to Applicant and Consent to Use and Disclosure of Personal Information

I, _____ of the _____ of _____ in the _____ of _____ am the owner of the land that is the subject of this application and, as evidenced by my signature below, I hereby authorize _____ to make this application on my behalf and further to provide any of my personal information that will be included in this application or collected during the processing of the application.

Date

Signature of Owner


A File Number will be assigned by the Secretary for the Committee of Adjustment, which will be used in all communication.

Applicant's Checklist: Have you remembered to attach

- ☒ 1 copy of completed application form
- ☒ 1 copy of sketch
- ☐ 2 copies of Certificate of Approval from Northwestern Health Unit or Ministry of Environment and Energy (if applicable)
- ☒ Application Fee by cash, certified cheque or money order

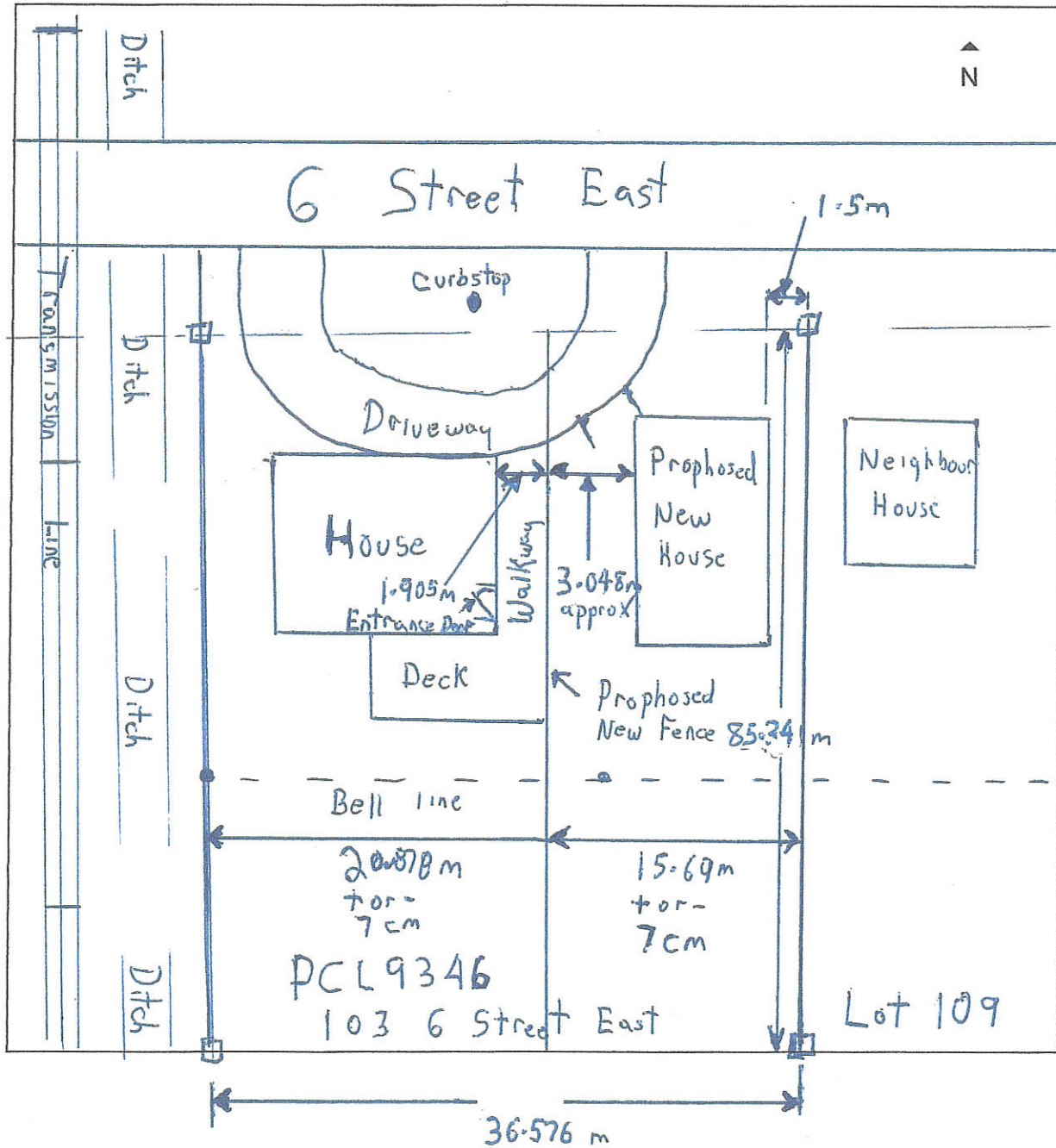
Forward to: Town of Fort Frances
Committee of Adjustment
320 Portage Avenue
Fort Frances, On. P9A 3P9

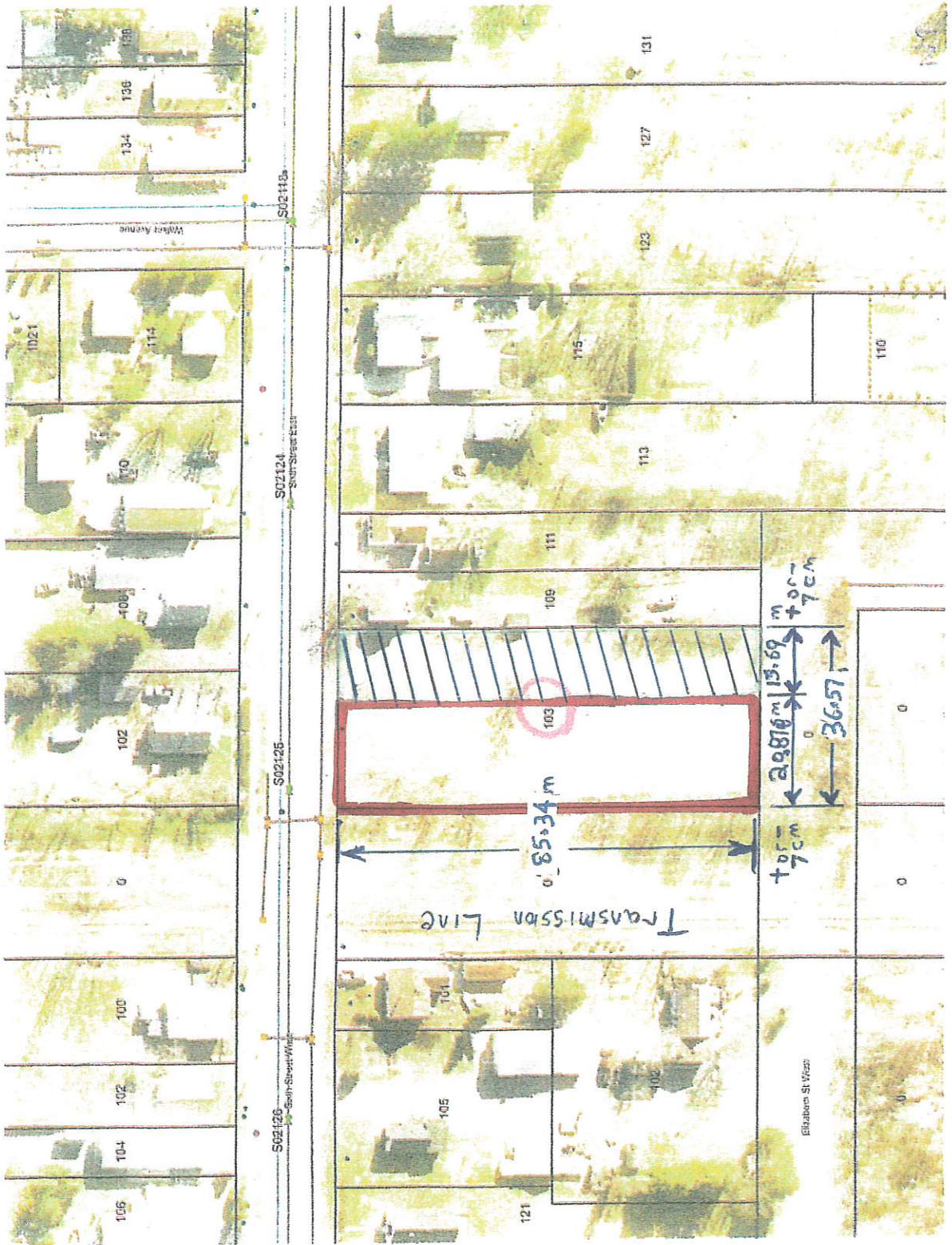
SKETCH SHEET

Outline area to be severed in GREEN or 

Outline area to be retained in RED

Sketch accompanying Application. (Use metric Units) (See Section 8)





SixthStW

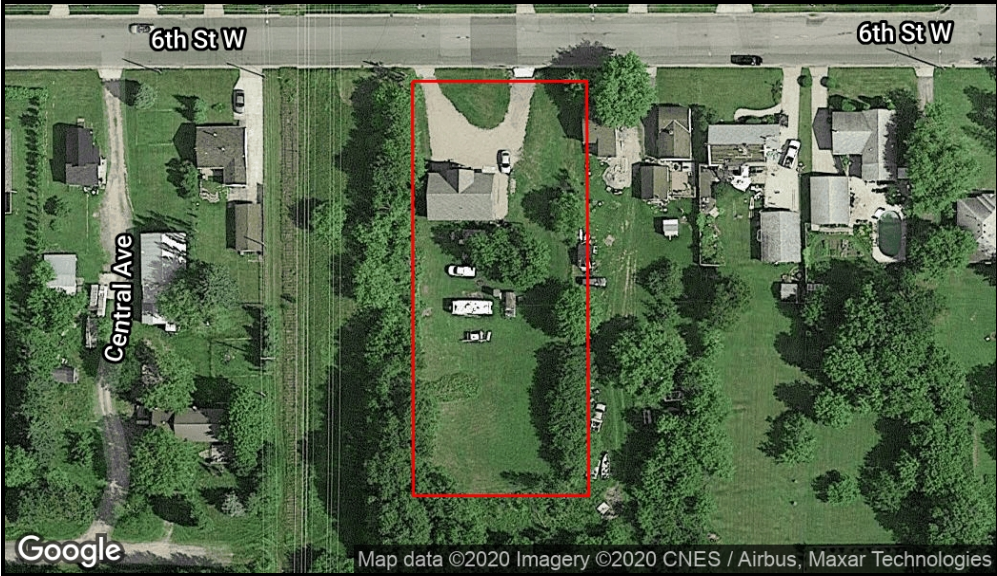
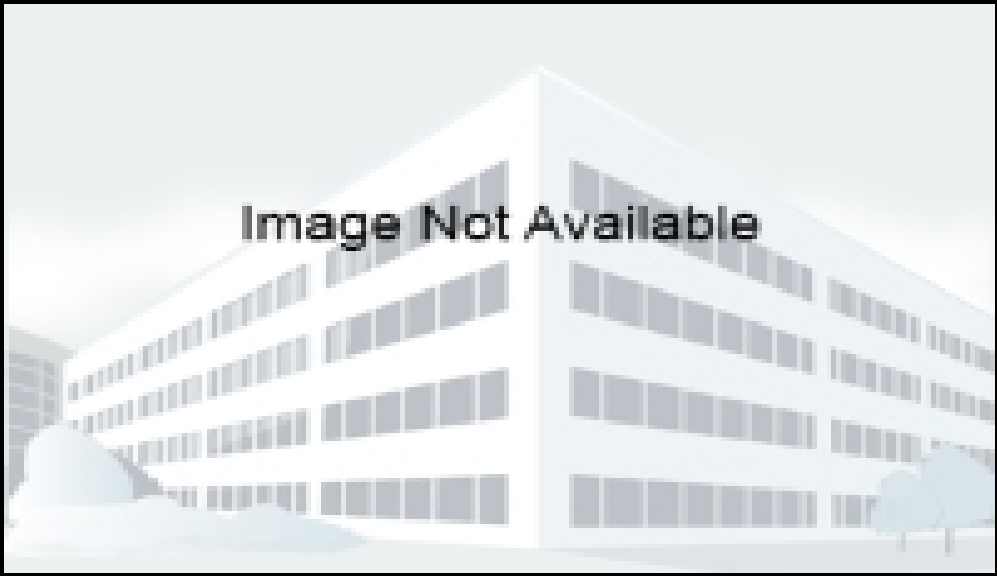
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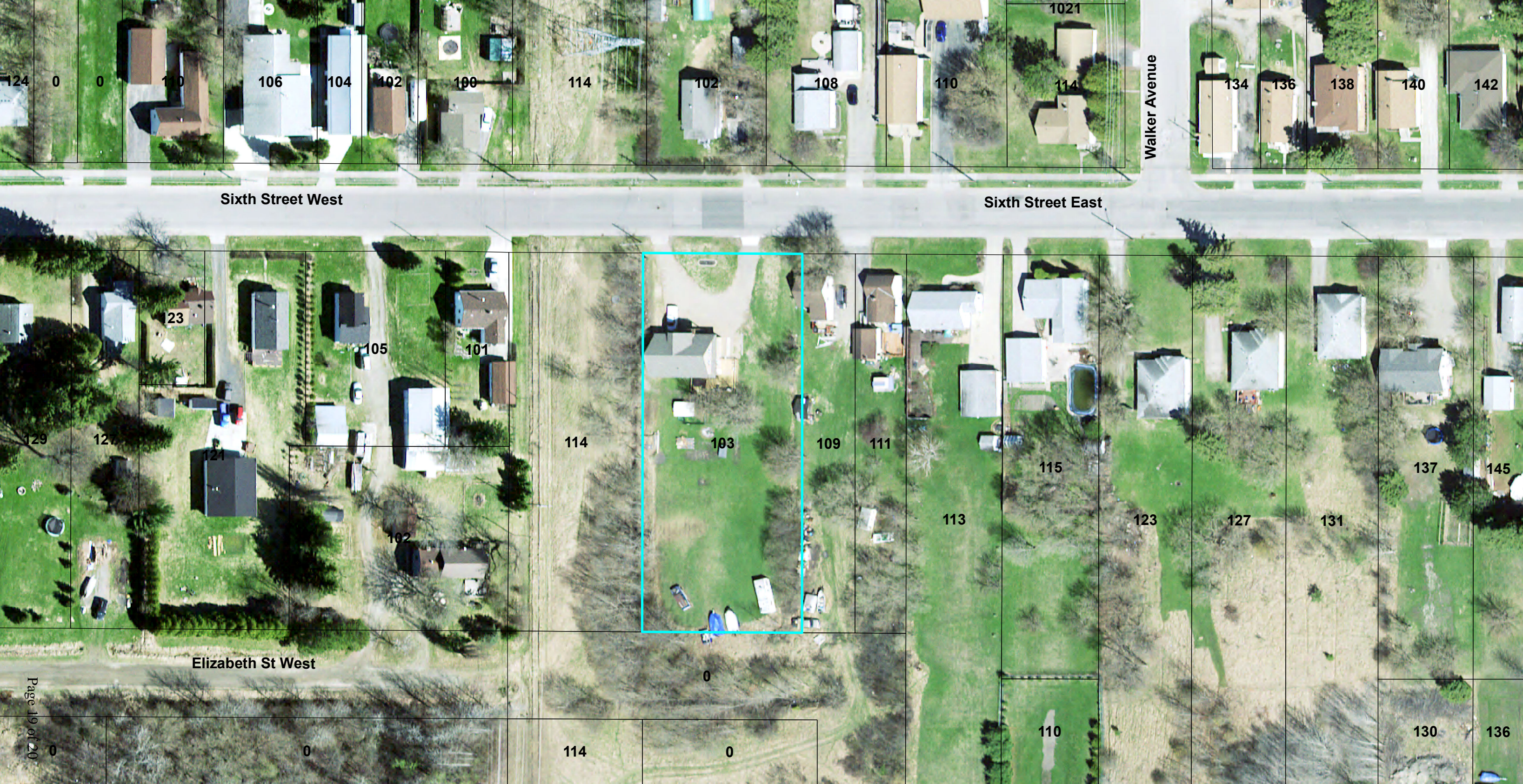
103 SIXTH ST E



Property Details

RollNumber	59 12 010 007 043 00
Address	103 SIXTH ST E
Municipality	Fort Frances
Legal	PT HB RES PCL9346
Owner Name	BRANDRICK SHERRY BRENDA, BRANDRICK RICHARD CHARLES
Prop Code	301 - Single family detached (not on water)
Zoning	R2
Is Serviced	Y
Site Area	33,600 (sq ft)
Site Access	Y - Year Round Road Access
Frontage	120 ft.
Depth	280 ft.
Dest CVA	150,000
Tenant Tax Liable	N
Farm Operation	n/a
BIA	n/a

Mailing Address
168 4TH AVE SE SS 3 ALTONA MB R0G 0B3



Sixth Street West

Sixth Street East

Walker Avenue

Elizabeth St West

