

TOWN OF FORT FRANCES

Committee of Adjustment

AGENDA - December 19, 2016 5:30 PM

MEETING - Civic Centre - Committee Room

	Page
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 Previous meeting minutes.	2 - 3
5. <u>Committee Applications</u>	
5.1 C3-2016 Removal of Holding Provision on Part Lot 21, Minnie North.	4 - 14
6. <u>Other Business</u>	
7. <u>Outstanding Items</u>	
8. <u>Meeting Close</u>	

TOWN OF FORT FRANCES

MINUTES

COMMITTEE OF
ADJUSTMENT

November 21, 2016

The meeting of Committee of Adjustment of the Town of Fort Frances was held in the Committee Room at the Civic Centre on November 21, 2016 from 5:02 p.m. to 5:55 p.m.

PRESENT: Cindy Mason, Barry Jackson, Irene Laing, Charleen Mallory, Jennifer Horton

ALSO PRESENT: Tyson Dennis, Travis Rob, Jaime Posen

1. Call to Order - 5:02

Cindy Mason Called the meeting to order.

2. Non-agenda items - 5:03

Question from committee member of the time duration of membership of a Committee of Adjustment appointment.

3. Declarations, Municipal Conflict of Interest Act

None

4. Minutes of Previous Meetings - 5:07

4.1 Approval of the July 18, 2016 meeting.

Minutes were approved from the previous meeting.

Moved by Barry Jackson

Second by Irene Laing

5. Committee Applications - 5:08 to 5:38

5.1 C2-2016 Re-Zoning of 200 McIrvine Road

Jaime Posen from Fotenn Consulting gave a presentation informing the committee of the application for the rezoning from Open Space to Institutional of the property located at 200 McIrvine Road. During the presentation, Jaime thoroughly went through the application and report previously given to the committee to consider in their decision . Jaime informed the committee, the area in the application is only a piece of the entire land that now has the water treatment and water tower on the property which already is zoned Institutional, discussed of all testing that has taken place to gather information for the report, that the area is a great candidate to have all 200 McIrvine rezoned to Institutional zoning. Jaime took the time and answered questions from committee members in regards to traffic, trees and entrance placement for public and workers access to the property. The committee took the information provided by Jaime and voted to have the application C2-2016 Re-Zoning of 200 McIrvine Road approved to have the portion of the property Open Space changed to Institutional. This will be brought forward to Council to have a final decision passed.

Moved-Charleen Mallory

Second-Irene Laing

6. Other Business - 5:43 to 5:50

The discussion of the duration of being a Committee of Adjustment member is 4 years. The position term is carried in relation to the position of council, unless a circumstance arises and a member must resign for personal reasons. Then a letter of resignation is submitted to council.

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arises and a member must resign for personal reasons. Then a letter of resignation is submitted to council.

7. **Outstanding Items**

None

8. **Meeting Close - 5:55**

The meeting of the Committee of Adjustment closed.

Moved-Barry Jackson

Seconded-Jennifer Horton

Chair, Committee of Adjustment

T. Dennis, Chief Building Official

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. 252 or by email at trob@fort-frances.com.

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:	
DAVID LOVISA 101-952 LAWSON AVE, KELLOWNA B.C V1Y 6T1 (250) 859-0919 dave.lovisa@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:	
/	
3. The current Official Plan designation of subject land:	LIVING
4. Describe how the application conforms to the official plan of the municipality?	
- REMOVING HOLD OFF EXISTING PROPERTY FOR RESIDENTIAL USE - PROVIDING A PROPERTY FOR A SINGLE DETACHED DWELLING	
5. The current zoning of the subject land:	R1-H
6. The nature and extent of the rezoning requested:	
REMOVE THE HOLD ALLOWING FOR A SINGLE DETACHED DWELLING WITH PRIVATE WATER AND SEWER SERVICES	

7. The reason why the rezoning is requested.			
To Allow For A Single Detached Dwelling			
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 checked="" type="checkbox"/> No <input type="checkbox"/> If yes, provide information relative to these requirements.			
MINIMUM AREA 460M ² MINIMUM FRONTAGE 15M MAX HEIGHT 12M		FRONT SETBACK - 7.5M SIDE SETBACK - 1.5M REAR SETBACK 7.5M	
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:			
PART OF LOT 21, RIVER RANGE, TOWNSHIP OF MCIRVINE NOW IN THE TOWN OF FORT FRANCES, DISTRICT OF RAINY RIVER, DESIGNATED AS PART 1 THROUGH 6 OF REFERENCE PLAN 48R-4004			
10. The frontage, depth and area of the subject land (in metric):			
Frontage:	367.89M	Depth:	99.67M
		Area:	36,667 M ²
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			
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.			
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			
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			

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:
No
16. Existing uses of the subject land:
VACANT LOT
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:
19. The proposed uses of the subject land:
SINGLE DETACHED DWELLING
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:
MARCH 02/2002
b. the date existing buildings or structures on the subject land were constructed:
NIL
c. the length of time that the existing uses of the subject land have continued:
NIL
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:
No
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:
No

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 + Swales	
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 (<i>for examples buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks</i>).	
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 <input type="checkbox"/> No <input checked="" type="checkbox"/>	

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, ALAN WERENKO of the City Waterloo 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 25th

day of November 20 16

Signature of ~~Applicant or~~
Authorized Agent

Kathryn Mae Lawson

Signature of Commissioner etc.

Kathryn Mae Lawson, 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.
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, DAVID LOVISA, am the owner of the land that is the subject of this consent 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.

Nov 1 / 2016
Date

[Signature]
Signature of Owner

COMPLETE IF APPLICANT IS NOT THE OWNER

AUTHORIZATION OF OWNER

I, _____, 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 _____ 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

Date

Signature of Owner

PLAN OF TOPOGRAPHICAL SURVEY OF
PART OF LOT 21
RIVER RANGE
TOWNSHIP OF McIRVINE
NOW IN THE TOWN OF FORT FRANCES
DISTRICT OF RAINY RIVER
DESIGNATED AS PARTS 1 THROUGH 6
ON REFERENCE PLAN 48R-4004

SCALE - 1:1000
20m 0 25 50m
METRES

CONTOUR INTERVAL = 0.1 METRES

W. J. BOWMAN LTD.
2005



ELEVATION NOTE

ELEVATIONS ARE GEODETIC AND ARE REFERRED TO
MINISTRY OF TRANSPORTATION ONTARIO BENCH
MARK No. 8006738361 LOCATED 0.72 km EAST
OF THE WEST END OF THE MOORE CAUSEWAY,
HAVING AN ELEVATION OF 336.815 METRES,
CANADIAN GEODETIC VERTICAL DATUM.

BEARING REFERENCE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WEST LIMIT
OF PARTS 1, 2 AND 3, AS SHOWN ON PLAN 48R-4004, HAVING A
BEARING OF NORTH.

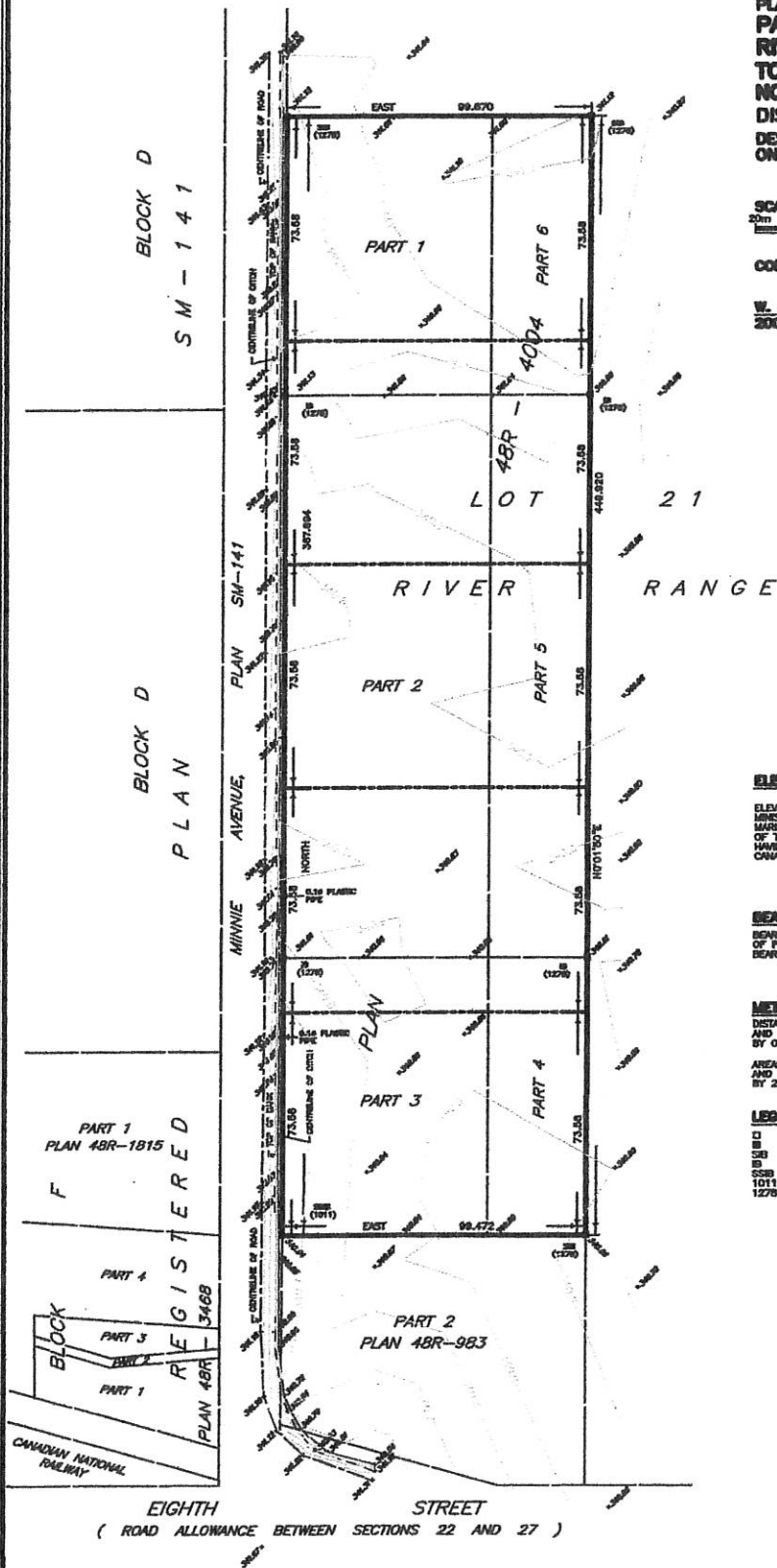
METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING
BY 0.3048.

AREAS SHOWN ON THIS PLAN ARE IN HECTARES
AND CAN BE CONVERTED TO ACRES BY MULTIPLYING
BY 2.471.

LEGEND

BM DENOTES A PLANTED SURVEY MONUMENT
F DENOTES A FOUND SURVEY MONUMENT
SB DENOTES STANDARD IRON BAR
SB DENOTES IRON BAR
SSB DENOTES SHORT STANDARD IRON BAR
1011 DENOTES H. A. SMITH, O.L.S.
1278 DENOTES W. J. BOWMAN LTD.



W. J. BOWMAN LTD.
ONTARIO LAND SURVEYORS
408 SCOTT STREET FORT FRANCES, ONTARIO
P.O. BOX 447 P6A 3M8
PHONE: (807) 274-4504 FAX: (807) 274-4253
EMAIL: wjb@bowman.net

CLIENT: LOVISA	Drawing No.
JOB No. FF3013	F.J.N. No. M84 31-37
F8-1082	

Tyson Dennis

From: Dave Lovisa <davelovisa@gmail.com>
Sent: Thursday, November 17, 2016 10:06 PM
To: Tyson Dennis
Cc: Al Werenko
Subject: Signing authority

To: Tyson Dennis - Town of Fort Frances

I, David Lovisa, give Al Werenko, my joint partner in the Minnie Ave. property, the full authority to sign all legal documents, including zoning by-law amendments.

From : Dave Lovisa

Sent from my iPad



- 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*.

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 |