

TOWN OF FORT FRANCES

Committee of Adjustment

AGENDA - March 13, 2017 5:30 PM

MEETING - Fort Frances Library-Shaw Community Room

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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 Approval of February 22, 2017 Minutes	2 - 4
5. <u>Committee Applications</u>	
5.1 A5-2017 Application for Minor Variance 1228 Third Street East	5 - 13
6. <u>Other Business</u>	
7. <u>Outstanding Items</u>	
8. <u>Meeting Close</u>	

TOWN OF FORT FRANCES

MINUTES

COMMITTEE OF
ADJUSTMENT

February 22, 2017

The meeting of Committee of Adjustment of the Town of Fort Frances was held in the Committee Room on February 22, 2017 from 5:30 p.m. to 6:37 p.m.

PRESENT: Tyson Dennis, Charleen Mallory, Barry Jackson, Jennifer Horton, Cindy Mason, Gary Rogozinski

ALSO PRESENT: Travis Rob, Don Demichele

1. **Call to Order** - 5:30 p.m.
2. **Non-agenda items**
3. **Declarations, Municipal Conflict of Interest Act** - 5:31 p.m.
None
4. **Minutes of Previous Meetings** - 5:31 p.m.
Minutes from previous meeting were approved as submitted.

Moved by - Charleen Mallory

Second by - Barry Jackson

- 4.1 Approval of January 25, 2017 meeting minutes

5. **Committee Applications** - 5:32 p.m.

- 5.1 B1-2017
Application for Consent to divide property into individual town houses from a single property.

The application was presented by Don Demichele from Syncor Contracting. The application for Consent for the property was read aloud to the committee. Don explained the reason for the consent. The homes were to be sold as individual properties. The homes were to be individually owned. He explained the tax base increase for the town with five homes on the lots instead of just a single detached dwelling. The committee asked why the application wasn't applied for prior to the start of construction? The reason was explained by Travis Rob and backed by Don Demichele. It was known there would be Consent as well as Minor Variances needed for the property. The ability to make all applications at once made more sense to the town and the builder. The wording and setbacks in the Zoning By-Law does not allow for proper townhouse sizes when dealing with lot coverage, Part 9 of the Ontario Building Code, and the allowable setbacks. This is something the town will be amending to allow for easier development for such builds as townhouses. The side yard set back was approved at 1.5 m from 2 m. The committee made comments that when another similar development comes forward, they would like to know details prior to the building commencement that an application will be needed prior to the completion of the build. It was concluded the application was complete and the Consent of the property at 625 Nelson Street was approved.

Moved by Cindy Mason

Second by Barry Jackson

- 5.2 A1-2017
Minor Variance

Don Demichele explained the application for the Minor Variance application from relief

of section 4.5.3 of the Zoning By-Law to reduce the interior side-yard from 2.5 m to 1.5 m. This was discussed with the committee. One question was why the property was not utilized and the town houses made smaller to allow for the 2.5 m side-yard setback. Don explained the townhouses were designed to to have the specific frontage and instead of moving the entire building to the East and having two side-yard set backs not meet the By-Law, applying for a single variance for the side yard on the West side of the property made more sense. The Ontario Building Code requires the minimum side-yard setback between two buildings to be 1.2 m unless additional fire separations are constructed. The 1.5 m meets residential side-yard setbacks in others Zones, is more the the OBC code minimum and allowed the East side-yard to be compliant. The those facts and discussion the Committee approved the A1-2017 application for Minor Variance for relief from 2.5 m to 1.5 m.

Moved by- Jennifer Horton

Second by - Barry Jasckson

5.3 A2-2017
Minor Variance

Don Demichele explained the application for the Minor Variance application for relief of lot frontage from 8.0 m to 7.1 m. The design of the townhouses, lots coverage, Zoning By-Law generic specifications, and the need to have completed survey for the division of the Consent played factors in the need to have less frontage than allowed in section 4.5.3 of the Zoning By-Law. It was explained frontage was the width of each town house and not the front set back from the road. The width of the townhouses did not comply with the Zoning By-Law. The survey was shown to the committee so a visual representation was given. Once the application was explain the Committee approved the application for Minor Variance from relief from 8.0 m to 7.1 m for lot frontage.

Moved by Jennifer Horton

Second by Barry Jackson

5.4 A3-2017
Minor Variance

Don Demichele explained the application for the Minor Variance application for relief of lot frontage from 8.0 m to 7.1 m. The design of the townhouses, lots coverage, Zoning By-Law generic specifications, and the need to have completed survey for the division of the Consent played factors in the need to have less frontage than allowed in section 4.5.3 of the Zoning By-Law. It was explained frontage was the width of each town house and not the front set back from the road. The width of the townhouses did not comply with the Zoning By-Law. The survey was shown to the committee so a visual representation was given. Once the application was explain the Committee approved the application for Minor Variance from relief from 8.0 m to 7.1 m for lot frontage.

Moved by Charleen Mallory

Second by Cindy Mason

5.5 A4-2017
Minor Variance

Don Demichele explained the application for the Minor Variance application for relief of lot frontage from 8.0 m to 7.1 m. The design of the townhouses, lots coverage, Zoning By-Law generic specifications, and the need to have completed survey for the division of the Consent played factors in the need to have less frontage than allowed in section 4.5.3 of the Zoning By-Law. It was explained frontage was the width of each town house and not the front set back from the road. The width of the townhouses did not comply with the Zoning By-Law. The survey was shown to the committee so a visual representation was given. Once the application was explain the Committee approved the

application for Minor Variance from relief from 8.0 m to 7.1 m for lot frontage.

Moved by Jennifer Horton
Second by Charleen Mallory

6. Other Business - 6:11 p.m.

There was discussion with regards to the way the Committee of Adjustment follows the Planning Act for Committee of Adjustment Notification to the public. The previous meeting had an application submitted and when the committee asked the applicant if a neighboring property knew of the application, the applicant stated they did know know if neighbors had knowledge of the application. With that statement, after the application the Committee had a discussion of what are the options for public notification? Tyson Dennis would bring information the the next Committee of Adjustment meeting to discuss further. Tyson brought forward the act and went through the sections of what options are available to notify the public. Cindy Mason also brought research forward in regards to the ability to hand deliver notices. The act is very specific if you choose an option of notification the entire section must be fulfilled. The question of changing the notification process from the free public distributed Newspaper could make for more hours and labour to then cause application fees to be increased. The idea of social media came up as well. It was agreed to keep the pubic Newspaper notification in placed for the main notification process as well as add the advertisements of the meetings to the Fort Frances Website. This would be satisfy the act, as well as go above necessary measures the Act specifies, Tyson Dennis will add the process of notifying the public in the Planning and Development Departments Spring and Fall Newspaper article as well. Tyson is also going to research the possibility of adding a notification for residence in their water or tax bills to continue to be aware in the Thursday paper for any special meetings being help by committees within the Town of Fort Frances. The Committee was satisfied with the actions discussed and any additional information will be given when available for the Committee to know about public notifications.

7. Outstanding Items

8. Meeting Close - 6:37 p.m.


Chair, Committee of Adjustment

T. Dennis, Chief Building Official

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	FILE NO.
\$304.50	A5/20/17
PAYMENT RECEIPT STAMP	
	

PROPERTY INFORMATION	
Property Address	1228 third street East
Tax Roll No.	59 - 12 - 03 - 007 - 07900 - 0000
Legal Description	01228 Third Street East Plan M91 Lot 45 PCL 6733
OWNER/APPLICANT INFORMATION	
Registered Owner(s)	Mark and Tina Fontana
Application Contact	715 COLONIZATION ROAD East
Full Mailing Address	FORT FRANCES ONTARIO P9A 2S2
Telephone	807 274 9110
Email	RISPORTS@SHAW.CA
AGENT INFORMATION (if applicable)	
Company Name	NONE
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	NONE
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 4.5 of Zoning by-law – to permit The by-law for R-2 zoning indicates the minimum side yard requirements for building a house is 1.5 meters. This means 3.0 meters (9' 10") is required, which is 1.5 meters on each side of the house. The lot is 39' 6" wide, the house is 30' wide. This leaves 9' 6" of space which is approx. 4" less than I need to satisfy the requirements of the by-law.

We are asking for approx. a 4" Variance, preferring to go towards the East as the house on 1226 third street is very close to the property line. Minimum front yard requirements are 25', I would like to request a 20' min to front of Property, which is the overage for the street.

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)
- The lots along the street are all 39' 6" this 6" shortage on the lot width makes it more difficult to design a house to fit the lot. We would like to build a 30x36 foot house which is 1080 sq. feet. This house is probably much smaller than houses being built today. The even size of the house will simplify construction slightly. With this size of house we are well within the max lot coverage of 40% as we would be at approx 37.3% of the lot covered by buildings.
3. When did the current owner acquire the Property? Feb. 2003
4. Provide the date of construction for all buildings and structures on the Property.
- The house scheduled for demolition was built in approx 1940. We built the garage new in 2007
5. What is the existing use of the Property? Residential
6. How long has the existing use of the Property continued? pre-1940
7. What is the existing use of the abutting properties?
- | North | South | East | West |
|-------|-------------------|--------|--------------------------------|
| Alley | Third Street east | Avenue | Residential owned by applicant |
8. Dimensions of the Property:
- | Property Dimensions | Metric | Imperial |
|---------------------|-----------------------|--------------|
| Frontage: | 12.04 m | 39' 6" |
| Depth: | 37.19 m | 122' |
| Area: | 447.78 m ² | 4819 sq feet |

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:	Scheduled	100.27 m ² 1080 sq ft
Width:	for	9.14 m 30'
Length:	Demolition	10.97 m 36'
# of Storeys:		2/SPLIT LEVEL

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

Front Yard:		6.01 m 20'
Rear Yard:		8.38 27' 6"
North <input type="checkbox"/> or East <input checked="" type="checkbox"/> - Side Yard:		1.4 m 4' 7"
South <input type="checkbox"/> or West <input checked="" type="checkbox"/> - Side Yard:		1.5 m 4' 11"

Accessory Building:	Existing	Proposed
Ground Floor Area:	66.90 m ² 720 sq ft	
Width:	7.32 m 24'	
Length:	9.14 m 30'	
# of Storeys:	one	
Height:	4.57 m 15'	
Distance to Main Building:	8.38 m / 27' 6" to	PROPOSED MAIN Building

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

Front Yard:	25.30 m 83'	
Rear Yard:	2.5 m 8' 2"	
North <input type="checkbox"/> or East <input checked="" type="checkbox"/> - Side Yard:	1.5 m 4' 11"	
South <input type="checkbox"/> or West <input checked="" type="checkbox"/> - Side Yard:	1.5 m 4' 11"	

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sanitary Sewer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Storm Sewer	<input type="checkbox"/>	<input type="checkbox"/>

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		✓
Other Public Road	BACK ALLEY	
Water Access Only		✓

Needs curb cut down for driveway

12. What is the Official Plan designation of the Property? R1

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, Mark and Tina Fontana 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

6th day of February, 2017.

Elizabeth Slomke

A Commissioner, etc.

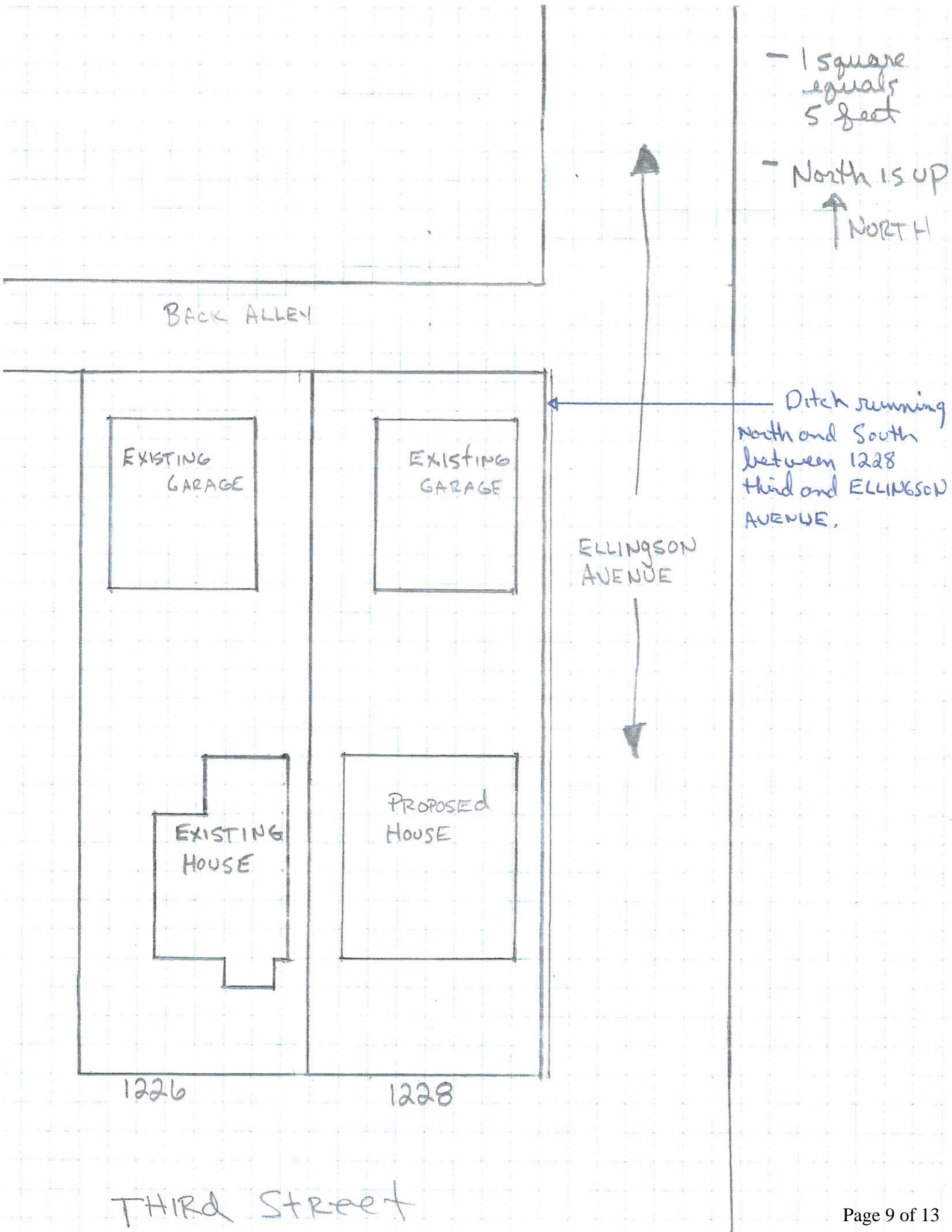
**Elizabeth Slomke, a Commissioner, etc.,
District of Rainy River, for the Corporation
of the Town of Fort Frances.**

[Signature]

(Signature of Owner or Agent)

Mark Fontana

(Signature of Owner or Agent)



- 1 square equals 5 feet
- North is up
↑ NORTH

BACK ALLEY

EXISTING GARAGE

EXISTING GARAGE

EXISTING HOUSE

PROPOSED HOUSE

ELLINGSON AVENUE

Ditch running North and South between 1228 Third and ELLINGSON AVENUE.

1226

1228

THIRD STREET

Notes in relation to 1228 Third St. E. Site Plan asking for a 4" variance going towards the east.

-Scale 1 square = 5 feet

-North is at the top of the page.

-Existing garage is 24 x 30 feet with 1.5 meters (4.92 feet) of space from the east property line. The garage is 2.5 meters from the back lane (8.2 feet).

-The proposed house is 30 x 36 feet.

-The set back from the front would be 20 feet which is the average for the street.

-The space between the North side of the house and the South side of the garage would be approximately 27.5 feet (8.4 meters).

-The building height at the peak is 22 feet (6.7m).

-The only power line is running east and west south of the property of 1228 Third St. E. and just south of the sidewalk above the boulevard.

-There is no driveway to the property so a driveway entrance would be requested coming off Third Street.

- Lot 39'6" x 122' = 4819 sq. ft.

Garage 24' x 30' = 270 sq. ft.

Proposed house 30' x 36' = 1080 sq. ft.

$$\frac{4819 \text{ sq. ft.}}{1800 \text{ sq. ft.}} = \frac{100\%}{x}$$

$$X=37.35\%$$

Therefore 37.35% of lot covered by buildings

Interim	2017
Mailing Date	January 26, 2017

Roll No. 030-007-07900-0000				Bill No. 101164			
Mortgage Company				Mortgage No.			
Name and Address				Municipal Address/Legal Description			
FONTANA MARK ANDREW FONTANA TINA MARIE 715 COLONIZATION RD E FORT FRANCES ON P9A 2S2				01228 THIRD ST E PLAN M91 LOT 45 PCL 6733			
Assessment		Municipal Levy		County Levy		Education Levy	
Class	Value	Class/Educ. Support	Tax Rate(%)	Amount	Tax Rate(%)	Amount	Tax Rate(%) Amount
RTES	\$44,750.00	Res/Farm Tx:Full - ESepSup	0.01654275	\$370.15			0.00188000 \$42.07
Sub Totals >>>				Municipal Levy \$370.15	County Levy \$0.00	Education Levy \$42.07	
Special Charges				Installments		Summary	
By Law #	Description	Amt	Exp Year	Due Date	Amount		
				28/02/2017	\$206.22	Sub-Total - Tax Levy	
				31/03/2017	\$206.00	Special Charges/Credits	
						2017 Tax Cap Adjustment	
						Interim 2017 Levies	
						Past Due Taxes/Credit	
Total Special Charges		\$0.00		Total Amount Due		\$412.22	

Town of Fort Frances
320 Portage Avenue
Fort Frances Ontario P9A 3P9

(807) 274-5323

Payment may be made by mail or in person at the
Town of Fort Frances.

Payments, on or before the due date, may be made at most
financial institutions. Penalty at 1.25% will be added on
the 1st day of month following default and on the 1st day of
each calendar month thereafter.

An NSF charge of \$31.90 will apply to all returned cheques.

Do Not Pay - On Pre-Authorized Payment Plan.

Payment will be automatically withdrawn from your bank account.

PLEASE DETACH AND SUBMIT WITH PAYMENT THANK YOU

Received from:	
Roll #	030-007-07900-0000
Name	FONTANA MARK ANDREW FONTANA TINA MARIE
Address	715 COLONIZATION RD E FORT FRANCES, ON P9A 2S2
Due Date	Total Due
March 31, 2017	\$206.00

Town of Fort Frances
320 Portage Avenue
Fort Frances Ontario P9A 3P9

(807) 274-5323

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Payment will be automatically withdrawn from your bank account.

PLEASE DETACH AND SUBMIT WITH PAYMENT THANK YOU

Received from:	
Roll #	030-007-07900-0000
Name	FONTANA MARK ANDREW FONTANA TINA MARIE
Address	715 COLONIZATION RD E FORT FRANCES, ON P9A 2S2
Due Date	Total Due
February 28, 2017	\$206.22

4.5 RESIDENTIAL TYPE TWO (R2) ZONE

No **person** shall within a Residential Type Two (R2) **Zone**, **use** any land or **erect**, alter or **use** any **building** or **structure** except in accordance with the following:

4.5.1 Permitted Uses

- a) single detached dwelling
- b) semi-detached dwelling
- c) duplex dwelling
- d) townhouse dwelling
- e) triplex dwelling
- f) fourplex dwelling
- g) apartment dwelling
- h) group home
- i) home occupation
- j) boarding house
- k) community garden

4.5.2 Regulations for Single Detached Dwellings

- a) Single detached dwellings shall meet the Regulations for Permitted Uses for the R1 **Zone**.

4.5.3 Regulations for Semi-Detached, Duplex, Triplex, Fourplex, Townhouse, Dwellings

- a) Minimum **Lot Area** 240 m² per unit
- b) Minimum **Lot Frontage** 8.0 m per unit
- c) Minimum Yard Requirements
 - Front Yard 7.5 m
 - Interior Side Yard
 - with attached wall nil
 - without attached wall 2.5 m
 - Exterior Side Yard 3.5 m
 - Rear Yard 7.5 m
- d) Maximum **Lot Coverage** 50%
- e) Minimum **Landscaped Open Space** 20%
- f) Maximum Height of Building 12 m
- g) Minimum Floor Area 70 m²

4.5.4 Regulations for an Apartment Dwelling

- a) Minimum **Lot Area** 240 m² per unit for first 4 units plus 93 m² for every unit thereafter
- b) Minimum **Lot Frontage** 30 m
- c) Minimum **Yard** Requirements
 - Front Yard** 7.5 m
 - Interior Side Yard** 4.5 m or half the **building** height; whichever is

	greater
Exterior Side Yard	7.5 m
Rear Yard	7.5 m
d) Maximum Lot Coverage	50%
e) Minimum Landscaped Open Space	30%
f) Maximum Height of Building	15 m
g) The minimum floor area of apartment dwelling units, shall be as follows:	
Bachelor	28 m ²
1 bedroom	37 m ²
2 bedroom	55 m ²
3 or more bedrooms	65 m ²

4.5.5 Regulations for a Boarding House

a) Minimum Lot Area	650 m ²
b) Minimum Lot Frontage	21 m
c) Minimum Yard Requirements	
Front Yard	7.5 m
Interior Side Yard	4.5 m or half the building height; whichever is greater
Exterior Side Yard	7.5 m
Rear Yard	7.5 m
d) Maximum Lot Coverage	50%
e) Minimum Landscaped Open Space	20%
f) Maximum Height of Building	12 m