

# TOWN OF FORT FRANCES

## Committee of Adjustment

### AGENDA - June 29, 2017 5:30 PM

#### MEETING - Civic Centre - Committee Room

	Page
1. <b><u>Call to Order</u></b>	
2. <b><u>Non-agenda items</u></b>	
3. <b><u>Declarations, Municipal Conflict of Interest Act</u></b>	
4. <b><u>Minutes of Previous Meetings</u></b>	
4.1 Approval of March 13, 2017 Meeting Minutes	2 - 3
5. <b><u>Committee Applications</u></b>	
5.1 A6-2017 Minor Variance	4 - 12
5.2 A7-2017 Minor Variance	13 - 21
6. <b><u>Other Business</u></b>	
7. <b><u>Outstanding Items</u></b>	
8. <b><u>Meeting Close</u></b>	

TOWN OF FORT FRANCES

MINUTES

COMMITTEE OF  
ADJUSTMENT

March 13, 2017

The meeting of Committee of Adjustment of the Town of Fort Frances was held in the Shaw Community Room on March 13 2017 from 5:24 p.m. to 5:37 p.m.

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

ALSO PRESENT: Mark and Tina Fontana

1. **Call to Order** - 5:24 P.M
2. **Non-agenda items** - 5:26 P.M  
None
3. **Declarations, Municipal Conflict of Interest Act** - 5:26 P.M  
None
4. **Minutes of Previous Meetings** - 5:29 P.M  
Previous minutes from February 22, 2017.

Approved  
Carried by Charleen Mallory  
Second by Barry Jackson

- 4.1 Approval of February 22, 2017 Minutes

5. **Committee Applications**

- 5.1 A5-2017 Application for Minor Variance 1228 Third Street East

The application was discussed by Tyson Dennis Secretary/Treasurer of the Committee of Adjustment the history of the property and what was pre-existing. The property lot size was very narrow. This particular area of town allows front yard set backs to be less than 25' (7.5 m) if an average of the residential block can be determined to be conforming to the Zoning By-Law 03-14. Mark and Tina Fontana explained in more detail the application for the variance was in respect to the width of the building lot. The application was for a 6" (0.1524 m) variance in side yard set back. 1" on West side and 5" on East side of the proposed building. All diagrams and application was fulfilled. The Committee of Adjustment voted and passed the minor variance.

Moved by Charleen Mallory  
Second by Cindy Mason

6. **Other Business** - 5:35 P.M  
None
7. **Outstanding Items** - 5:36 P.M  
None
8. **Meeting Close** - 5:37 PM  
Closed  
Moved Charleen Mallory  
Second Barry Jackson

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Chair, Committee of Adjustment

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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

\$304.90

FILE NO.

A6/20/17

PAYMENT RECEIPT STAMP

*Paid.*

**PROPERTY INFORMATION**

Property Address: 570 Scott Street  
Tax Roll No.: 59 - 12 - 020 - 002 - 10000  
Legal Description: 570 Scott Street  
PALB WPT LOT PCL 4331

**OWNER/APPLICANT INFORMATION**

Registered Owner(s): Jorma + Heather Johnson  
Application Contact: Jorma Johnson  
Full Mailing Address: 570 Scott Street, Fort Frances, ON P9A 1H4  
Telephone: 807-276-2175 (Jorma) 276-0333 (Heather)  
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: RBC  
Contact/Reference: Dana-Lynn Begin  
Full Mailing Address: 343 Scott Street Fort Frances, ON P9A 1H1  
Telephone: 274-  
Email:

1. 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 4.1 of Zoning by-law – to permit G2-R1

As being zoned . we cannot add on to our residential home.

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)

We would like to add on to our residential home which is zoned Commercial.

3. When did the current owner acquire the Property? Sept 26/08

4. Provide the date of construction for all buildings and structures on the Property.

House was built in 1930

5. What is the existing use of the Property? Home.

6. How long has the existing use of the Property continued? ? 1930

7. What is the existing use of the abutting properties?

North	South	East	West
Residential	Scott Street	Commercial.	Residential.

8. Dimensions of the Property:

Property Dimensions	Metric	Imperial
Frontage:		50'
Depth:		165'
Area:		8250'

**APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

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

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:	1052'	544
Width:	24'4"	17'
Length:	48'10"	32'
# of Storeys:	1	1

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

Front Yard:	28'	28'
Rear Yard:	91'	56'
North <input type="checkbox"/> or East <input checked="" type="checkbox"/> - Side Yard:	195'	195"
South <input type="checkbox"/> or West <input checked="" type="checkbox"/> - Side Yard:	6'	6'

**Accessory Building:** Shed

Existing	Proposed
Ground Floor Area:	
Width:	
Length:	
# of Storeys:	
Height:	
Distance to Main Building:	15'

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 type="checkbox"/> - Side Yard:	

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	✓	
Sanitary Sewer	✓	
Storm Sewer	✓	

# 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 |     |    |
| Water Access Only |     |    |
12. What is the Official Plan designation of the Property? Residence
13. What is the Zoning of the Property? Commercial
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.  
File NO A 11/2008  
Attached Previous application. Condition of obtaining Permit  
Expired.
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, Jorma + Heather Johnson 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.

[Signature]  
(Signature of Owner or Agent)

[Signature]  
(Signature of Owner or Agent)

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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, Jorma + Heather Johnson, am an Owner of the property known as 570 Scott St. in the Town of Fort Frances, that is the subject of this Application, and hereby

**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:**

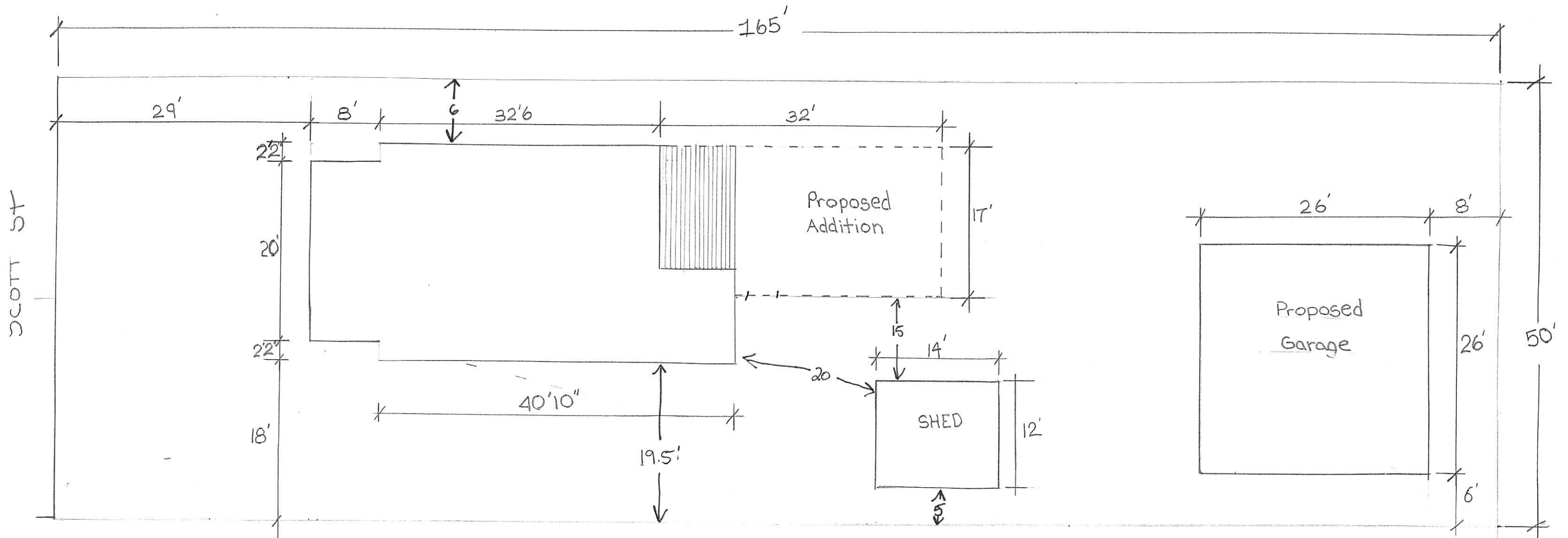
5. Consent to the application herein being considered at the next regular meeting of the Committee of Adjustment notwithstanding that section 45 of the Planning Act requires they be heard within thirty days after the secretary-treasurer receives the completed application.

May 21/17  
Date

  
Owner Signature

  
Owner Signature

Area of lot.	8250	100%
Area of existing dwelling	1052.	12.8%
Area of total proposed addition + dwelling.	1596	19.3%
Area of out buildings	844	10.2%



SITE PLAN 570 SCOTT ST

276-0133. Hedder

**TOWN OF FORT FRANCES**  
320 Portage Avenue, Fort Frances, On P9A 3P9  
**COMMITTEE OF ADJUSTMENT DECISION**

File No.  
**A 11/2008**

<b>Date of Hearing</b> 20 October 2008	<b>Date of Decision</b> 20 October 2008	
<b>Name of Applicant</b> Jorma Johnson and Heather Dobransky	<b>Address of Property</b> 570 Scott Street	<b>Property Roll No.</b> 2-2-100
<b>IN THE MATTER OF</b> Section 45 of The Planning Act for Minor Variance from the Zoning By-Law #8/98, and an application for <input checked="" type="checkbox"/> minor variance for / or <input checked="" type="checkbox"/> permission to allow  An enlargement to a legal non-conforming use greater than 0.2 metres, specifically an addition and deck to a single detached dwelling located in a non-residential zone.		

**DECISION:**

The request is hereby:     ☐ Denied or ☒ **Granted**

**Subject to the following Conditions:**


The applicant apply for a building permit within one year from the date of this Decision, failing which the application will be deemed to have been refused.

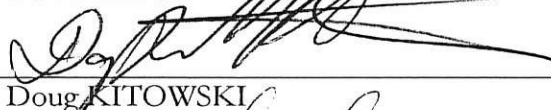
☐ attached

**Reasons for Committee's Decision:**

1. The proposed addition to the existing structure is reasonable and will enhance the existing use of the property for residential use.
2. The proposal and variance requested will not result in adverse affects to either the subject property nor the adjacent properties
3. No objections were received.

**Members concurring in Decision:**

  
Dan BELLUZ

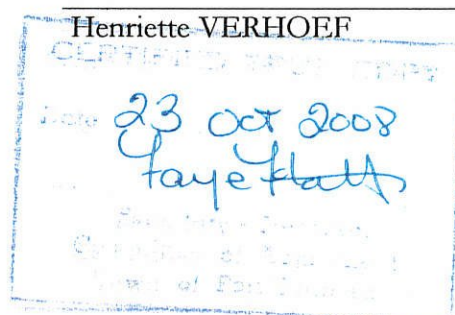
  
Doug KITOWSKI

  
Peter SAS

\_\_\_\_\_  
Gord McBRIDE

  
Jim BROW

\_\_\_\_\_  
Bill MARTIN



#### 4.9 GENERAL COMMERCIAL (C2) ZONE

No **person** shall within a General Commercial (C2) **Zone**, **use** any land or **erect**, alter or **use** any **building** or **structure** except in accordance with the following:

##### 4.9.1 Permitted Uses

- a) accessory dwelling units on a floor above the **first storey** or on the first floor behind the commercial use
- b) assembly hall
- c) bank or financial institution
- d) clinic
- e) community health and resource centre
- f) crisis centre
- g) day nursery
- h) funeral home
- i) gas bar
- j) hotel
- k) laundromat
- l) motel
- m) offices
- n) parking lot
- o) personal services establishment
- p) post office
- q) private club
- r) recreation or fitness establishment
- s) restaurant
- t) retail store
- u) tavern
- v) taxi or bus depot
- w) work/service shop

##### 4.9.2 Regulations for Permitted Uses

- a) Minimum **Lot Area** 230 m<sup>2</sup>
- b) Minimum **Lot Frontage** 7.5 m
- c) Minimum **Yard** Requirements
  - Front Yard** nil
  - Interior Side Yard** nil
  - Exterior Side Yard** nil
  - Rear Yard** 4.5 m
- d) Maximum **Lot Coverage** 75%
- e) Minimum **Landscaped Open Space** 20%  
in any yard abutting a residential zone a planting strip shall be required
- f) Maximum **Height of Building** 15 metres

## APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

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### FOR OFFICE USE ONLY

FEE

\$304.90

FILE NO.

A7/2017

PAYMENT RECEIPT STAMP

*Prd*

### PROPERTY INFORMATION

Property Address	1960 McIrvine Rd North
Tax Roll No.	59 - 12 - 010-004 -139-50
Legal Description	PT NW ¼ SEC 32 RP 48R4145 PART 1

### OWNER/APPLICANT INFORMATION

Registered Owner(s)	Curtis and Kimberly Jacobson
Application Contact	Curtis and Kimberly Jacobson
Full Mailing Address	1960 McIrvine Road North RR #1 RMB 235 Fort Frances ON P9A 3M2
Telephone	807 276 0200
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	RBC
Contact/Reference	Fort Frances Branch
Full Mailing Address	343 Scott Street Fort Frances Ontario P9A 1H1
Telephone	807 274 7311
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 4.17.2 and 3.31 of Zoning by-law cause issues for the ability to construct an addition to the home of an attached garage and bedrooms above the garage.

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)

Section 4.17.2 and 3.31 of Zoning by-law cause non-compliance for the ability to construct an addition to the home, for an attached garage with living area above the garage which will be accessed through the existing dwelling through a stairwell. In section 4.17.2 the requirements for front yard set-back is 20 m in Resource Development. The thought for building an 11m by 11m addition to the home impedes the front yard set-back to 7.5 m. The requirements in an R1 (Residential Type 1) development would require a front yard set-back of 7.5 m. This would not be an issue if zoning requirements were different for this single-family dwelling.

In section 3.31 of the Zoning By-Law requires the distance from any navigable/non-navigable waterway of 15 m from the top of the embankment. The proposed structure will encroach this distance by 4 meters. The distance to the embankment will be 11 m instead of 15 m as required in the Zoning By-Law.

Despite the 1.1 acres owned, we do not have the required 20 m distance for front yard set-back, as well as 15 m from the embankment. Since our property has a water source well, septic tank and septic field, as well as 2-150 ft loops of geothermal pipes dug underground for our heating and cooling system, we are very limited to where we can build. This is the only options we have to complete an addition for our growing family to stay at this location.

3. When did the current owner acquire the Property? June 2008

4. Provide the date of construction for all buildings and structures on the Property.  
1970/1980

5. What is the existing use of the Property? Single Family Dwelling

6. How long has the existing use of the Property continued? Since Home was Built

7. What is the existing use of the abutting properties?
- | North                  | South                  | East           | West       |
|------------------------|------------------------|----------------|------------|
| Single Family Dwelling | Single Family Dwelling | Garage Storage | Farm Field |



8. Dimensions of the Property:

Property Dimensions	Metric	Imperial
Frontage:	NA	274'
Depth:	NA	Irregular
Area:	NA	1.1 Acres

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:	1152'sq	1296'sq
Width:	24'	36'
Length:	48'	36'
# of Storeys:	1	2
Location of Building/Structure – Check geographic direction of Side Yard Setbacks		
Front Yard:	62'	26'
Rear Yard:	49'	NA
North <input checked="" type="checkbox"/> or East <input type="checkbox"/> - Side Yard:	134'+/-	106'+/-
South <input checked="" type="checkbox"/> or West <input type="checkbox"/> - Side Yard:	NA	NA
Accessory Building:	Existing	Proposed
Ground Floor Area:	NA	NA
Width:	NA	NA
Length:	NA	NA
# of Storeys:	NA	NA
Height:	NA	NA
Distance to Main Building:	NA	NA
Location of Building/Structure - Check geographic direction of Side Yard Setbacks		
Front Yard:	NA	NA
Rear Yard:	NA	NA
North <input type="checkbox"/> or East <input type="checkbox"/> - Side Yard:	NA	NA
South <input type="checkbox"/> or West <input type="checkbox"/> - Side Yard:	NA	NA

Note – Above information to match Site Plan

# APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

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

10. Check the appropriate box to Indicate connected or available services to the Property:
- | Source of Service: | Municipal | Private |
|--------------------|-----------|---------|
| Water              |           | X       |
| Sanitary Sewer     |           | X       |
| Storm Sewer        |           | NA      |
11. Check the appropriate box to indicate access to the Property:
- | Source of Access: | Yes    | No |
|-------------------|--------|----|
| Municipal Road    | X      |    |
| Other Public Road |        | X  |
| Water Access Only | Can be |    |
12. What is the Official Plan designation of the Property? Resource Development
13. What is the Zoning of the Property? Resource Development
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.



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**CONSENT OF OWNER**  
**USE AND DISCLOSURE OF PERSONAL INFORMATION**  
(is not required if owner is a Corporation)

I/We Curtis + Kim Jacobson, the owner(s) of the land that is the subject of this application 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.

April 27/2017  
Date

Curtis J  
Signature of Owner

K  
Signature of Owner

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**OWNER' S PERMISSION TO ENTER**

I/We hereby 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 that are the subject of this application, namely Tyson Dennis for the purpose of evaluating the merits of this application and for so doing, this shall be good and sufficient authority.

April 27/2017  
Date

Curtis J  
Signature of Owner

K  
Signature of Owner

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If the applicant is not the owner of the land that is the subject of this application, complete the following page.

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17. A sketch showing the following:

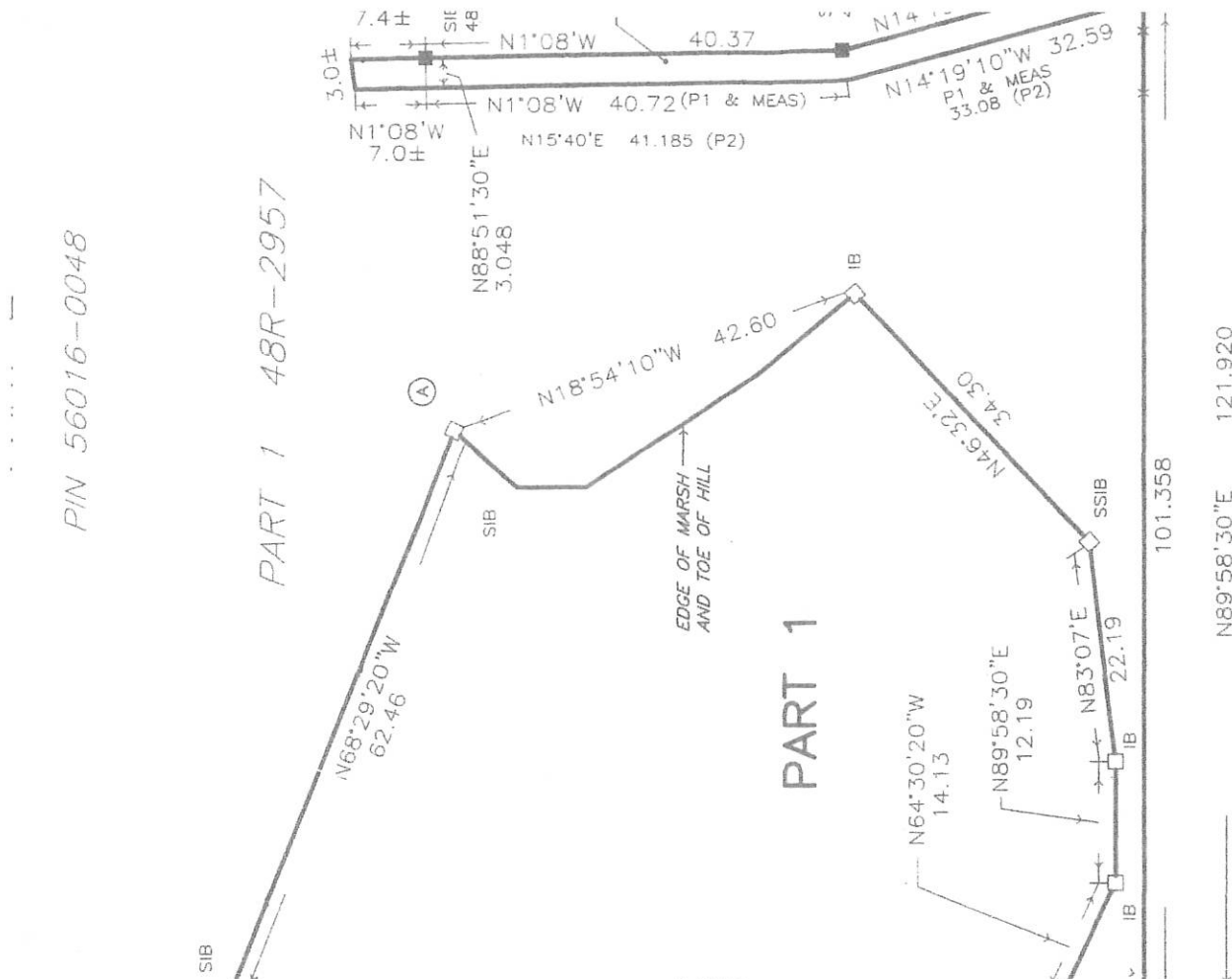
- i. The boundaries and dimensions of the subject land.
- ii. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- iii. 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.

# NORTH EAST QUARTER SECTION 31

ROAD ALLOWANCE BETWEEN SECTIONS 31

(MCIRVINE ROAD) PIN 56016-0670

NO.01'30"W (REFERENCE BEARING) 152.400 60.00



PART 1 48R-2957

PART 1

SECTION



# 1960 McIrvine Road



\*Note: map is not to scale.

#### 4.17 RESOURCE DEVELOPMENT (RD) ZONE

No **person** shall within a Resource Development (RD) **Zone**, **use** any land or **erect**, alter or **use** any **building** or structure except in accordance with the following:

##### 4.17.1 Permitted Uses

- a) agricultural use
- b) commercial nursery or greenhouse
- c) community garden
- d) group home
- e) kennel, animal shelter or veterinary hospital
- f) portable saw mill
- g) public park
- h) recreational trails and related accessory buildings
- i) single detached dwelling unit
- j) wayside pit or quarry

##### 4.17.2 Regulations for Permitted Uses

- a) Minimum **Lot Area** 10,000 m<sup>2</sup>
- b) Minimum **Lot Frontage** 60 m
- c) Minimum **Yard** Requirements
  - Front Yard** 20 m
  - Interior Side Yard** 7.5 m
  - Exterior Side Yard** 20 m
  - Rear Yard** 7.5 m
- d) Maximum **Lot Coverage** 10%
- e) Minimum **Landscaped Open Space** 20%
- f) Maximum **Height of Building** 10.5 m