

TOWN OF FORT FRANCES

Committee of Adjustment

AGENDA - January 25, 2017 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 Application C1-2017	4 - 13
Application for Minor Variance at 1225 Scott Street	
6. <u>Other Business</u>	
7. <u>Outstanding Items</u>	
8. <u>Meeting Close</u>	

TOWN OF FORT FRANCES

MINUTES

COMMITTEE OF
ADJUSTMENT

December 19, 2016

The meeting of Committee of Adjustment of the Town of Fort Frances was held in the Committee Room on December 19, 2016 from 5:30 p.m. to 6:25 p.m.

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

ALSO PRESENT: Tyson Dennis, Al Werenko (Conference Call In)

1. Call to Order - 5:30 PM

Gary Rogozinski Called the meeting to order.

2. Non-agenda items

None

3. Declarations, Municipal Conflict of Interest Act

None

4. Minutes of Previous Meetings

4.1 Previous meeting minutes from previous meeting November 21, 2016

Moved - Cindy Mason

Second - Jennifer Horton

5. Committee Applications

5.1 C3-2016 Removal of Holding Provision on Part Lot 21, Minnie North.

The Committee was given an overview of the application by Secretary/Treasurer Tyson Dennis. The application, area zoning map, survey of property and zoning permitted uses were explained. The history of the property being zoned R2-H versus the change to R1-H in 2011 was explained. The explanation of a Holding Provision not allowing any development of the land was discussed. The Committee discussed the comments made by all Fort Frances Town Divisions. The main topic of discussion was fire suppression. Hydrant protection being a main topic to the area of Minnie Avenue North. The Committee discussed other uses of fire protection that could be used such as Mutual Aid Agreements, temporary ponds and permanent ponds. The Fire Department is still giving Fire Protection but the placement of hydrants are not in the deemed 40 m radius for insurance rate reduction (this property is around 300 m to the Williams Avenue Hydrant). The area already has multiple properties with homes built and Fire Protection services being served now. The Committee discussed similar areas such as 8th Street and Frog Creek which are covered by similar scenarios. Discussion stopped at 6:04 pm. Al Werenko was called at 6:05 pm. and he gave his view of the property, his ambition for the property to be sold and/or developed into a Single Family Detached Dwelling. The 9.67 acres of land would allow for a home to be developed and the tax base increase to benefit the Town. The size of the property would allow for a "diamond on the rough" type of home. Al made the point of the New Gold Mine operation west of Fort Frances. The opportunity for the Town Al feels is extraordinary for development and expansion. Al spoke until 6:20. After the conference call the Committee spoke of the points established for the removal of the Holding Provision. These included: development would better the tax base of Fort Frances, a large desirable property being developed in a quiet area with private services would not impact the towns infrastructure negatively and the development brings positive change to the town. The Committee voted unanimously

on removing the Holding Provision. The recommendation to council will be to remove the Holding Provision.

Moved - Barry Jackson
Second - Jennifer Horton

6. **Other Business**
None

7. **Outstanding Items**
None

8. **Meeting Close** - 6:25 pm.

Moved - Cindy Mason
Second - Jennifer Horton

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.
\$ _____	A__ /20__

PAYMENT RECEIPT STAMP

PROPERTY INFORMATION

Property Address	1225 SCOTT ST.
Tax Roll No.	59 - 12 - 030 - 006 - 03800
Legal Description	MCIRVINE PT RIVER RANGE LOT 20 RP 481522 PART 1 PARCEL 22416

OWNER/APPLICANT INFORMATION

Registered Owner(s)	KEVIN LEE ANDERSON
Application Contact	
Full Mailing Address	1785 HWY 602 RMB 50 FORTFRANCES ONT P9A3H2
Telephone	274-4923 275-7327
Email	kevin_anderson_cont@yahoo.ca

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	CIBC
Contact/Reference	SARAH BOYD
Full Mailing Address	
Telephone	807-274-5391 EXT. 401
Email	sarah.boyd@cibc.com

- 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 45.3 of Zoning by-law – to permit SIDE YARD.
SURVEY PROVIDED SHOWING WHAT IS PROPOSED

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 EXISTING GARAGE IS 4.134 FT. FROM THE PROPERTY LINE AT THE CLOSEST POINT. (SOUTH WEST CORNER)
THIS APPLICATION, A REQUEST TO REMOVE THE GARAGE AND FOUNDATION, WHICH INCLUDES TWO STOREYS IN PART, AND REPLACE WITH A NEW FOUNDATION AND COMPLETE A TWO STORY ADDITION IN THE SAME LOCATION.
THE PLAN ALSO INCLUDES SQUARING OFF THE ADDITION TO THE EXISTING BUILDING WITH A 10'x6' SECTION WHICH RESULTS IN THE REMOVAL OF THE EXTERIOR STAIRCASE TO CREATE AN INTERIOR STAIRWAY.

3. When did the current owner acquire the Property?

2000

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

1940

5. What is the existing use of the Property?

3 UNIT APARTMENT

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

? Unknown @

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

North	South	East	West
SCOTT ST.	SINGLE FAMILY RESIDENTIAL	COLONIZATION ROAD EAST	SINGLE FAMILY RESIDENTIAL

8. Dimensions of the Property:

Property Dimensions	Metric	Imperial
Frontage:	41.08 METERS	135.38 Ft.
Depth:	19.22 METERS + -	49.94 Ft + -
Area:	0.054 HECTARES	5812.5 sq. ft.

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:	233.34	5.66
Width:	16.83 9.15 10.02	1.85
Length:	11.26 1.44 3.06	3.06
# of Storeys:	2	2

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

Front Yard:	ENCROACHES .06 - 6.4	
Rear Yard:	1.46 - 1.26	1.46 - 1.25
North <input type="checkbox"/> or East <input checked="" type="checkbox"/> - Side Yard:	.04 - .24	
South <input type="checkbox"/> or West <input checked="" type="checkbox"/> - Side Yard:	varies (see survey)	

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

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	✓	

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?

Living (TD)

13. What is the Zoning of the Property?

R1 (TD)

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, Kevin Anderson 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

20th day of December, 2016.

Kathryn Mae Lawson
A Commissioner, etc.

(Signature of Owner or Agent)

(Signature of Owner or Agent)

Kathryn Mae Lawson, a Commissioner, etc.,
District of Rainy River, for the Corporation
of the Town of Fort Frances.

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, KEVIN ANDERSON, am an Owner of the property known as 1225 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 KEVIN ANDERSON 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.



Owner Signature

Dec 28/16

Date

Owner Signature



GeoWarehouse Residential Detailed Report (Level 2)

Generated on 12/13/2016

Property Address	1225 SCOTT ST
Roll Number	5912030006038000000
Legal Description	MCIRVINE PT RIVER RANGE LOT 20 RP 48R1522 PART 1 PCL 22416
Municipality	FORT FRANCES TOWN
Property Code & Description	333 - Residential property with three self-contained units
Structure Code & Description	116 - ATTACHED GARAGE 322 - DUPLEX
2016 Taxation Year Phased-In Assessment *	\$ 137,000
Year Built	1940 1940
Total Floor Area (Above Grade) (sq ft)	3000
Basement Total Area (sq ft)	0
Basement Finished Area (sq ft)	0
Number of Full Storeys	2
Number of Bedrooms	7
Number of Full Baths	3
Number of Half Baths	0
Heating Type	EL - Electric (baseboard, wall insert)
Air Conditioning	N
Garage Type	-
Garage Spaces	1
Services Hydro	Y - Hydro available
Services Water	M - Municipal
Services Sanitary	M - Municipal
Pool on Property	-
Frontage (ft)	135.86
Depth (ft)	49.94
Site Area	6786 F
Zoning	R2
Last Sale Date (yyyy/mm/dd)	2003/08/01
Last Sale Amount	\$ 1

NOTE: Under the Assessment Act a number of changes have been made to the property assessment system, which became effective in the 2009 property tax year. These changes include the introduction of a four-year assessment update and a phase-in of assessment increases. For more information regarding Assessment Updates, please visit www.mpac.ca. * Assessed Value is based on a January 1, 2012 Valuation Date. ** Phased-In Assessment reflects the phased-in portion of the Assessed Value returned to the municipality/local taxing authority on the 2016 Assessment Roll for the 2016 taxation year.

surface which is treated to prevent the raising of dust. Such loading facilities shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete or brick and shall include provisions for drainage facilities. In Industrial **zones**, a crushed stone or gravel surface shall be permitted.

The **loading spaces** required shall be located in the interior side or rear yard unless such space or spaces are removed from the street line a minimum distance of 15 metres.

The **loading space** requirements referred to herein shall not apply to any **building** in existence at the date of passing of this By-law so long as the **gross floor area**, as it existed at such date, is not increased by more than 300 square metres. If an addition is made to the **building** or **structure** which increases the **gross floor area**, then additional **loading spaces** shall be provided as required by the provisions of the **loading space** Requirement Table for such addition.

3.14 MINIMUM OPENING ELEVATION

No habitable **building** located east of the Rainy River dam shall have any **building** opening below the elevation of 339.5 m CGD.

3.15 MULTIPLE ZONES ON ONE LOT

Where a **lot** is divided into more than one **zone** under the provisions of this By-law, each such portion of this said **lot** shall be used in accordance with the **zone** provisions of this By-law for the applicable **zone** as if it were a separate **lot**.

3.16 NON-CONFORMING USES

The provisions of this By-law shall not apply to prevent the **use** of any **existing lot, building or structure** for any purpose prohibited by this By-law if such **existing lot, building or structure** was lawfully used for such purposes, prior to the effective date of this By-law and provided that the **lot, building or structure** continues to be used for that purpose. Where the **use** ceases to exist for a period of one year, the **use** will be deemed to have been discontinued. A **non-conforming use** shall be considered abandoned:

- a) when the **use** has been discontinued for one year; or
- b) when the characteristic equipment and furnishings of the nonconforming **use** have been removed and have not been replaced within one year; or
- c) when it has been replaced by a conforming **use**; or
- d) when re-establishment has not been commenced within two (2) years of the date of destruction or damage caused by fire or natural disaster.

The exterior of any **building** or **structure** which was lawfully used prior to the effective date of this By-law for a purpose not permissible within the **zone** in which it is located, prior to the effective date of this By-law, shall not be enlarged, extended more than 0.2 metres, reconstructed or otherwise structurally altered, unless such **building** or **structure** is thereafter to be used for a purpose permitted within such **zone**.

The interior of any **building** or **structure** which was lawfully used for a purpose not permissible within the **zone** in which it is located prior to the effective date of this By-law, may be reconstructed or structurally altered, in order to render the same more convenient for the **existing** purpose for which such **building** or **structure** was lawfully used.

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any **existing**, legal **non-conforming building** or **structure** or part thereof, provided that the strengthening or restoration does not increase the **building** height, size or volume or change the **existing**, lawful use of such **existing building** or **structure** unless these changes are necessary to provide for floodproofing of the **building**.

The provisions of this By-law shall not apply to prevent the **erection** or **use**, for a purpose prohibited by this By-law, of any **building** or **structure**, the plans for which have, prior to the date of passing of this By-law, been approved by the **Municipality**, so long as the **building** or **structure**, when **erected**, is used and continues to be used for the purpose for which it was **erected**.

3.17 NON-COMPLYING LOTS, BUILDINGS AND STRUCTURES

Where a **building** or **structure** is located on a **lot** having less than the minimum **frontage** and/or **lot area**, and/or having less than the minimum **setback** and/or **side yard** and/or **rear yard** required by this By-law, the said **building** or **structure** may be enlarged, reconstructed, repaired and/or renovated provided that:

- a) the enlargement, reconstruction, repair and/or renovation does not further reduce a **front yard**, and/or **side yard** and/or **rear yard** and/or **lot coverage** less than the minimum required by this By-law;
- b) the **building** or **structure** is being used for a purpose permissible within the **zone** in which it is located; and,
- c) all other applicable **Zone Provisions** of this By-law are complied with.

Nothing in this By-law shall apply to prevent the reconstruction of any permitted **building** which is accidentally damaged or destroyed by causes beyond the control of the owner. Such permitted **building** may be reconstructed in accordance with the previously **existing** standards, even if such did not conform with one or more of the provisions of this By-law, but the non-compliance may not be further increased provided that the reconstruction occurs within 12 months of the damage being done.

Where a **lot**, having a lesser **lot area** and/or **lot frontage** than required herein, existed on the date of passing of this By-law, or where such a **lot** is created by a **public authority** such smaller **lot** may be used and a permitted **building** or **structure**, may be **erected**, altered and/or used on such smaller **lot** provided that all other applicable **Zone Provisions** of this **By-law** are complied with. All vacant islands and **existing** vacant **lots** of record on islands must have an area of at least 0.5 ha above the normal or controlled high water mark.

A **lot** which has been increased in size following the passage of this By-law may also be used in accordance with this provision and the resultant **lot** shall be deemed to comply with all of the provisions of this By-law and all zone provisions applicable to any existing building on the benefiting **lot** shall be deemed to comply with the provisions of this By-law.¹

¹ Amendment 3/14-B – Sept. 8, 2014 – to correction to compensate for new definition of height