

TOWN OF FORT FRANCES

Committee of Adjustment

AGENDA - December 13, 2017 5:30 PM

MEETING - Civic Centre - Committee Room

Page

1. **Call to Order**
2. **Non-agenda items**
3. **Declarations, Municipal Conflict of Interest Act**
4. **Minutes of Previous Meetings**
 - 4.1 Meeting minutes from October 25, 2017 meeting. 2 - 4
5. **Committee Applications**
 - 5.1 Special permission from Zoning By-Law 03-14 Section 3.2 5 - 14
6. **Other Business**
7. **Outstanding Items**
8. **Meeting Close**

TOWN OF FORT FRANCES

MINUTES

COMMITTEE OF
ADJUSTMENT

October 25, 2017

The meeting of Committee of Adjustment of the Town of Fort Frances was held in the Civic Centre Committee Room on October 25, 2017 from 5:30 p.m. to 6:45 p.m.

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

ALSO PRESENT: Paul Noonan, Clint Calder, Neil Kabel, Christine Belluz, Glenda Belluz

1. Call to Order - 5:30 PM

Gary Rogozinski chaired meeting and called meeting to order.

2. Non-agenda items - 5:31 PM

None

3. Declarations, Municipal Conflict of Interest Act - 5:32 PM

Cindy Mason declared conflict with the Committee of Adjustment on application A13-2017.

4. Minutes of Previous Meetings - 5:37 PM

Previous meeting minutes were approved.

4.1 Previous Meeting Minutes September 26, 2017

Motion Carried

Moved by Charleen Mallory

Seconded by Barry Jackson

5. Committee Applications - 5:37 PM

5.1 A11-2017 Application for Zoning By-Law Amendment Site Specific Zoning Amendment from C2 to R2. 5:37 PM

Application was explained by Tyson Dennis Secretary Treasurer of the Committee of Adjustment. The applicant went through the application and explained in detail the need for changing zoning of the building and property to R2. The Committee members asked if neighboring properties had the same or similar designations. There are properties with the R2 zoning in the area. The change would benefit the property owner and still fit the Official Plan and Zoning By-Law requirements. Fort Frances has a shortage of rental properties and this would be fitting to allow more options for living areas. Off street parking would not be an issue, the property was being consolidated to be one property as it was originally a single lot (604/608 Scott Street), and existing accessory buildings would fit within the zoning designation. The Committee of Adjustment voted to recommend the change in zoning designation from C2 Light Commercial to R2 Type Two Residential.

Carried

Moved by Don Taylor

Second by Barry Jackson

5.2 A12-2017 Application for Zoning By-Law Amendment for changes to the current 03-14 Zoning By-Law. 5:59

Application was explained to the Committee by Tyson Dennis Secretary Treasurer of the Committee of Adjustment. Origin of the application stemmed from letters being submitted by citizens with concerns of property being unable to develop land within 15m

of an embankment of navigable and non navigable water courses. History of zoning by-law changes were explained as well. The changes in 2014 to the Zoning By-Law 03-14, were made from a provincial starting point which allowed municipalities to make set-backs in waterway and hazard lands while using area specific interpretation to govern those set-backs. Such interpretation was not made during this time and the wording of Section 3.31 of the existing zoning by-law does not fit very well with the Fort Frances Township. Research of other area communities, Ontario Land Survey information, local residential input as well as Town divisional input allowed for draft wording of the by-law to read:

Notwithstanding any other provisions of this By-law, a **structure** in any zone, may be required to have the *normal ordinary water edge* determined by an Ontario Land Surveyor and a set-back determined from the *normal ordinary water edge*, back 15m, measured horizontally, to allow for development near navigable and non-navigable watercourses. This is to be determined on a site-specific basis.

In the case of **hazard lands and municipal surface drains**, no part of any **structure** shall be constructed closer than 15 meters, horizontally measured, to the nearest point of the area to which the hazardous condition is deemed to exist by an Ontario Land Surveyor.

The Committee of Adjustment voted of the changes and made the recommendation to Council to adopt the changes allowing changes to watercourse setbacks.

Carried
Moved by Cindy Mason
Seconded by Charleen Mallory

- 5.3 A13-2017 Application for special permission to have parking lot surfacing requirement date extended. 6:20

Neil Kabel and Clint Calder were representing the Wahkaiganun Futures Corporation for an extension of surface treating the driveway at 237 Eighth Street in Fort Frances. Cindy Mason declared conflict of interest as she works for the contractor which will be completing the surface treatment. The two representatives gave reasoning of delayed funding for the project was the primary reason for the surface treatment delay. The original project started with a ten-plex. As funding become available, two more six-plexes were constructed. The property allowed for a final six-plex to be built. The Wahkaiganun Corporation had an extension previously which allow the surface treatment to be completed by October 31, 2017. The Committee recognised the final phase of the project had delays in funding with intentions of completing the surface treatment by October 31, 2017. This was confirmed by Dennis Robinson LTD which has been granted the contract for surfacing the parking area. The Committee agreed to a final extension to July 31, 2018 preemptory. This will come the final extension for surface treatment of the parking lot. The Committee Voted.

Moved by Don Taylor
Second by Barry Jackson

- 6. **Other Business**
None

- 7. **Outstanding Items**
None

- 8. **Meeting Close - 6:45 PM**

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

A14 /2017

PAYMENT RECEIPT STAMP

PROPERTY INFORMATION

Property Address	1044 Cornwall Ave North
Tax Roll No.	59 - 12 - 010 -007 -258
Legal Description	PT HB Reserve Plan 48R2723 Parts 142 PCL 14819-12278

OWNER/APPLICANT INFORMATION

Registered Owner(s)	Gary Arnold Vittie
Application Contact	Gary Vittie
Full Mailing Address	1044 Cornwall Ave North
Telephone	807-274-7226
Email	NA

AGENT INFORMATION (if applicable)

Company Name	NA
Application Contact	NA
Full Mailing Address	NA
Telephone	NA
Email	NA

Note – All communication will be sent to Application Contact unless otherwise requested

MORTGAGEES, HOLDERS OF CHARGES OR OTHER ENCUMBRANCES

Institution	NA
Contact/Reference	NA
Full Mailing Address	NA
Telephone	NA
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 3.2 of Zoning by-law – to permit an accessory building to be on the property without a principal buildings.



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)

Principal Building is in poor condition. It needs to be demolished and replaced with a new building.

3. When did the current owner acquire the Property? July 25 2017

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

The principal building was constructed in 1953, the accessory building was constructed in 1986.

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

6. How long has the existing use of the Property continued? Since construction in 1953

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

North	South	East	West
Single Family Dwelling	Single Family Dwelling	Warner Ave. Street Allowance	Single Family Dwelling/Municipal Road

8. Dimensions of the Property:

Property Dimensions	Metric	Imperial
Frontage:	NA	48 feet
Depth:	NA	292 feet
Area:	Na	14016 square feet

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:	594.81 Square Feet	1300-1500 Square Feet	
Width:	20.5 Feet	NA	
Length:	26.5 Feet	NA	
# of Storeys:	1	Handicap Accessible	
Location of Building/Structure – Check geographic direction of Side Yard Setbacks			
Front Yard:	25 feet	25 feet	
Rear Yard:	240.5 feet	Within Zoning Requirements	
North <input checked="" type="checkbox"/> or East <input type="checkbox"/> - Side Yard:	18 feet	Within Zoning Requirements	
South <input checked="" type="checkbox"/> or West <input type="checkbox"/> - Side Yard:	9.5 feet	Within Zoning Requirements	
Accessory Building:	Existing	Proposed	
Ground Floor Area:	720 Square Feet	NA	NA
Width:	24 Feet	NA	NA
Length:	30 Feet	NA	NA
# of Storeys:	1	NA	NA
Height:	13.5 feet	NA	NA
Distance to Main Building:	Within Zoning Requirements	NA	NA
Location of Building/Structure - Check geographic direction of Side Yard Setbacks			
Front Yard:	106 Feet	NA	NA
Rear Yard:	156 Feet	NA	NA
North <input type="checkbox"/> or East <input type="checkbox"/> - Side Yard:	19 Feet	NA	NA
South <input type="checkbox"/> or West <input type="checkbox"/> - Side Yard:	5 Feet	NA	NA

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	Yes	NA
Sanitary Sewer	Yes	NA
Storm Sewer	Yes	NA

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11. Check the appropriate box to indicate access to the Property:
- | Source of Access: | Yes | No |
|-------------------|-----|----|
| Municipal Road | Yes | |
| Other Public Road | | No |
| Water Access Only | | No |
12. What is the Official Plan designation of the Property? Living
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, CARY VITTIE 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

23 day of Nov, 2017.

Kathryn Mae Lawson
A Commissioner, etc.

[Signature]
(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, GARY VITTE, am an Owner of the property known as 1844 CORTLAND AV. 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.


Owner Signature

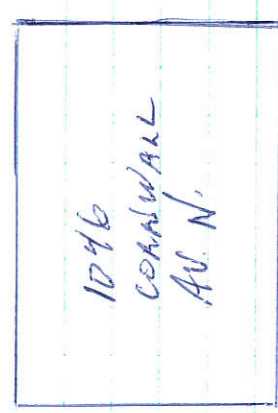
20 NOV 2017
Date

Owner Signature

GARY VITTIE - APPLICATION FOR PERMISSION TO KEEP ACCESSORY BUILDING
NOT TO SCALE

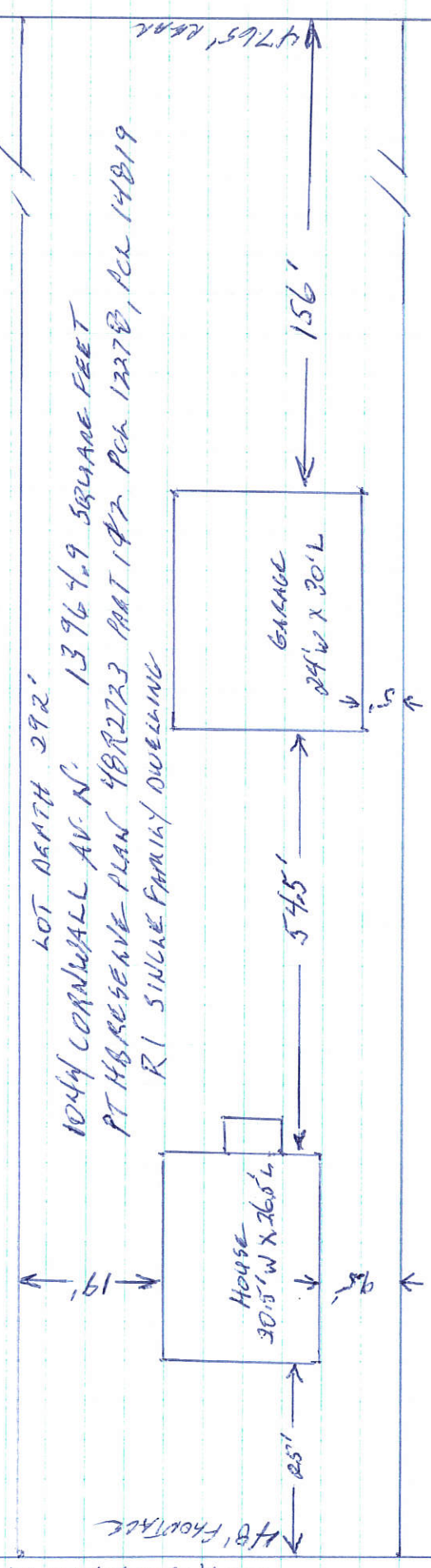
CORNWALL AVE. N. FORT FRANCES

RICHARDSON PROPERTY



R1 SINGLE FAMILY DWELLING

LOT DEPTH 292'
1044 CORNWALL AVE. N. 13967.9 SQUARE FEET
PT HB RESERVE PLAN 48R2223 PART 1472 PCH 1327B, PCH 14819
R1 SINGLE FAMILY DWELLING



WALKER AVE. NOT DEVELOPED



1036 CORNWALL AVE. N.
VITTIE PROPERTY
R1 SINGLE FAMILY DWELLING

LAND
REGISTRY
OFFICE #48

56018-0062 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

DESCRIPTION: PCL 14819 SEC RAINY RIVER; PT HUDSON'S BAY COMPANY RESERVE MCIRVINE PT. 1 48R2723; SURFACE RIGHTS ONLY; FORT FRANCES

REMARKS: CROWN GRANT SEE P2305.

QUALIFIER: LE
RECENTLY: FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
2003/06/16

NAMES
GARY ARNOLD

CAPACITY SHARE
ROWN

M.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO
TOTAL INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **					
	1988/03/11	PLAN REFERENCE			
	2017/07/25	TRANSFER	\$80,000	MC FAYDEN, JEFFREY DANIEL MC FAYDEN, TESSA RAE	VITTIE, GARY ARNOLD
REMARKS: PLANNING ACT STATEMENTS.					

LAND
REGISTRY
OFFICE #48

56018-0153 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

DESCRIPTION: PCL 12278 SEC RAINY RIVER; PT HUDSON'S BAY COMPANY'S RESERVE MCIRVINE PT 2, 48R2723 SURFACE RIGHTS ONLY; FORT FRANCES

REMARKS: CROWN GRANT SEE P2305.

QUALIFIER: LE
RECENTLY: FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
2003/06/16

NAMES
GARY ARNOLD

CAPACITY SHARE
ROWN

M.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO
TOTAL INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **					
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REMARKS: PLANNING ACT STATEMENTS.					



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

RECEIPT OF PAYMENT

Page 1

GORD VITTIE
1044 CORNWALL AVE N

Receipt Number: 18159
Tax Number: HST #106984586 RT0001
Date: November 23, 2017
Initials: WK

Type	Account / Ref. #	Description	Quantity	Discount	Amount Paid	Balance Remaining
General	66	MINOR VARIANCE	N/A	\$0.00	\$304.50	N/A
Subtotal:					\$304.50	
Taxes:					\$0.00	
Total Receipt:					\$304.50	
Cheque:					\$304.50	
Total Amount Received:					\$304.50	
Rounding:					\$0.00	
Amount Returned:					\$0.00	

SECTION 3 GENERAL PROVISIONS

3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

Accessory **buildings** or **structures**, are permitted in any **yard**, in any **zone**, subject to the provisions of this By-law for the particular **zone** in which said **building**, **structure**, or **use** is located, **provided the principle building or structure or is already in existence on the lot**, and provided that the accessory **building, structure or use**:

- a) shall not be used for human habitation, except where an accessory residential **use** is a permitted **use**.
- b) accessory residential units above boat houses shall not be permitted;
- c) shall not be built closer to the **front lot line** than the minimum distance required by this By-law for the **main building** on the **lot** unless otherwise specified;
- d) shall not be located in the **front yard** or **exterior side yard** nor be built closer to the street than the **main building** is to that street except in an industrial **zone** where a gatehouse is permitted in the **front yard**;
- e) may be permitted in the **front yard** of a lot abutting a lake or river;
- f) shall not be built closer than 1.5 metres to any **lot line**;
- g) no detached accessory **building** or **structure** shall be located closer than 2.0 metres to a **main building** unless the accessory **structure** is a **gazebo**;
- h) shall not exceed 15 percent coverage of the total **lot area**;
- i) in a residential **zone** shall not exceed **5.0** metres in height, or contain more than one **storey**, except that where a **dwelling unit** is a permitted accessory **use** it shall not exceed 6.0 metres in height, or contain more than two **storeys**. In all other **zones** the maximum height shall not exceed **6.5** metres;¹
- j) shall not be considered as an **accessory building** or **structure** if **attached** to the **main building** in any way except for an **accessory apartment dwelling** that is permitted above or behind a commercial or industrial **use**;
- k) shall not be considered an **accessory building** or **structure** if located completely underground;