

MEMORANDUM

To: Chairman and Committee
Copy: Ms. Kristina Grondin, Secretary
From: Chris Jones MCIP, RPP
Date: October 14, 2022
Re: Minor Variance Application D13-22-02 (Tikanagen Child and Family Services)

Tikanagen Child and Family Services has submitted an application for minor variance seeking relief from certain regulations of the Red Lake Zoning By-law in order to facilitate the proposed construction of a new administration building. The applicant's lot is described legally as PCL 7717, SEC DPF SRO; Pt. Mining Claim K1415 (Recorded as KRL10514) Heyson, Part 1, Plan 23R-10871 (Highway 105, Red Lake).

According to the application, the applicant's lot has an area of 2.12 hectares (5.24 acres) with a frontage of 121.7 metres (400 feet) on Highway 105. The lot is currently vacant. A key map of the subject lands is provided in Figure 1.

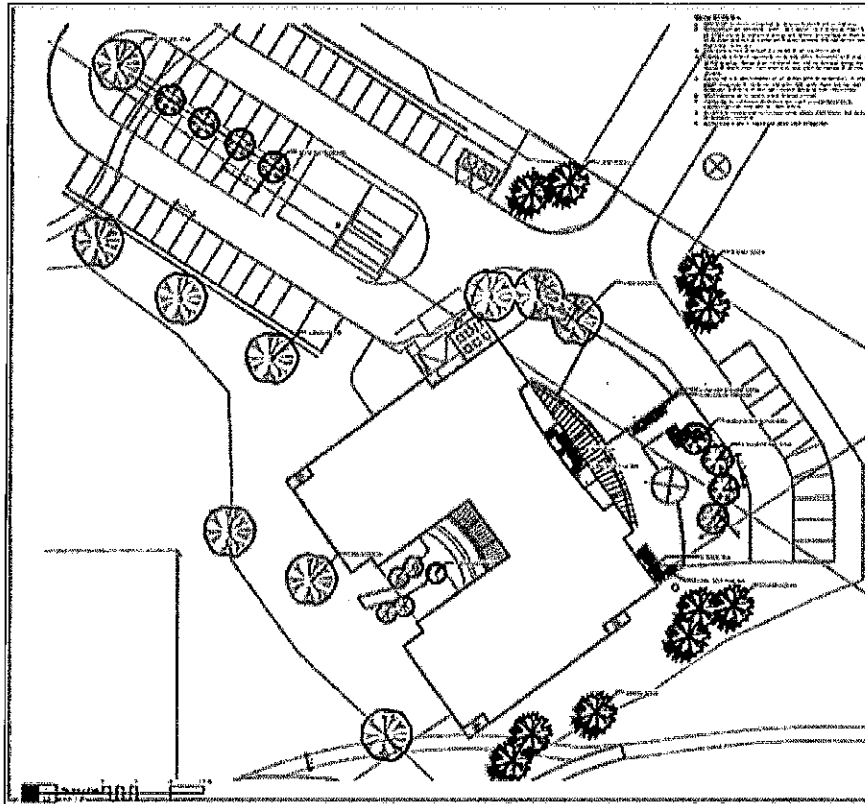
Figure 1 – Map of Subject Lands



THE DEVELOPMENT PROPOSAL

The applicant proposes to construct an office and administration building. The main building is one-storey and would have a ground floor area of 1,437 m² (15,467 ft²). An accessory storage garage is also proposed which would have a floor area of 110 m² (1,184 ft²). A site plan of the proposed building is provided in Figure 2.

Figure 2 – Site Plan



It is noted that although the site has frontage on Highway 105, access will not be from Highway 105. Instead, the applicant has reached agreement with the Municipality to extend a service road from Hughes Crescent to the site. The proposed new service road and ingress/egress is shown in the top right corner of the site plan.

In order to construct the proposed building, the applicant requires relief from the following zone regulations:

- Section 12.2 which requires a minimum lot frontage of 30 metres for lots in the Highway Commercial (C3) Zone. Given that the By-law defines lot frontage as being the lot line from which access is gained, the front lot line will be the new access from the service road which is 20 metres in width and is therefore deficient by 10 metres.
- Section 3.2 c) which does not allow accessory buildings to be constructed in the front yard. In this case the proposed storage garage would be located in the front yard.

- Section 3.29 a) requires any parcel to be utilized in accordance with the By-law to have frontage on a street which is "opened and maintained by the Municipality". At this juncture it is understood the proposed new service road is under construction but is not "opened and maintained by the Municipality". On this basis, the variance would provide interim relief from this regulation.

THE FOUR TESTS OF A MINOR VARIANCE

In considering this application, Committee needs to be satisfied that the proposal is in keeping with each of the "four tests" of a minor variance as set out in the Planning Act.

1. Is the variance in keeping with the intent of the Official Plan?

The subject lands are located within the Highway Commercial designation. I believe the proposed variance is in keeping with the intent of the Highway Commercial policies of the Official Plan as the site plan suggests the proposed development will be orderly and will not result in the creation of a new direct access to Highway 105.

2. Is the variance in keeping with the intent of the Zoning By-law?

The intent of the By-law as it relates to minimum road frontage and the location of accessory buildings is to ensure access to commercial lands can be accommodated safely and that development of commercial lands will be orderly. In this case, I find the nature of the relief sought through the proposed variance to be in keeping with and will not offend or detract from the intent of the zoning by-law.

3. Will the variance provide for the desirable development of the lot?

It is recommended Committee form their own opinion with respect to this test based on a site visit and review of the applicant's site plan. I did not conduct a site visit prior to the preparation of this report, however based on my review of the aerial map and the applicant's site plan, I would have difficulty reconciling that the development of the proposed administration building will not provide for the desirable development of the lot.

4. Is the Variance Minor?

I consider the relief sought through this minor variance to be minor given that the proposed accessory building is not obtrusive and will not be out of character and that the relief required to address frontage requirements likely represent overall design benefits in terms of controlling or minimizing direct access to Highway 105.

SUGGESTED CONDITIONS

Should Committee be satisfied the variance meets the four tests, they may establish any reasonable condition to the approval of the variance. In this case it is recommended that the following condition be stipulated with the approval:

1. That the applicant enter into a site plan agreement with the Municipality prior to issuance of a building permit.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'CJ', enclosed within a hand-drawn oval.

Chris Jones MCIP, RPP



FILE NUMBER

NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT APPLICATION FOR:

Minor Variance – s. 45(1) Permission – s. 45(2)

APPLICATION BY: Tikanagen Child and Family Services

LOCATION OF PROPERTY: PCL 7717, SEC DPF SRO; Pt. Mining Claim K1415 (Recorded as KRL10514) Heyson, Part 1, Plan 23R-10871 (Highway 105, Red Lake).

PURPOSE OF APPLICATION To receive relief from requirements of the Zoning By-Law. The applicant is requesting relief from Sections 12.2 (minimum lot frontage), 3.2 c) accessory building in the front yard, 3.29 a) exemption from frontage on a public road that is assumed and maintained by the Municipality.

WE, the undersigned, in making the decision upon this application, have considered whether or not the permission requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use in a property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the *Planning Act*, concur in the following decision and reasons for the decision made on the **19th day of October, 2022.**

DECISION: That Application D13-22-02 submitted by Tikanagen Child and Family Services to grant relief from:

Section 12.2 to permit a minimum lot frontage of 20 metres;
 Section 3.2 c) to permit one detached accessory storage building in the front yard; and.
 Section 3.29 a) to permit the issuance of a building permit on a lot that is accessed by a public road that has not been opened and maintained by the Municipality.

Approved: Defeated:

CONDITIONS: That the owner/applicant enter into a site plan agreement with the Municipality prior to the issuance of a building permit.

REASONS FOR DECISION:

The requested minor variance maintains the general intent and purpose of the Zoning By-law and is considered minor.

SIGNATURES OF MEMBERS

..... Gary Ripley, Chair Enid Carlson, Member Jerrett Landry, Member
..... Paul Damsma, Member Allistair McRae, Member Brenda Cooke, Member

Appeal – The last date for filing a notice of this decision is 20 days after the notice of decision is given.

Any such appeal must be filed with the secretary-treasurer of the committee and must set out the objection to the decision and the reasons in support of the objection and must be accompanied by the fee required by the Local Planning Appeal Tribunal.

Person – appeal limitation – Only individuals, corporations and public bodies may appeal decisions in respect on an application for a minor variance or permission to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Other Applications – if known, indicate if the subject land is the subject of an application under the Act for:

- Approval of a plan of subdivision (under section 51) File #N/A..... Status:
- Consent (under section 53) File #N/A..... Status:
- Previous application (under section 45) File #N/A..... Status:

CERTIFICATION

I, Mark Vermette, certify that the information included herein is a true copy of the decision of the

Committee with respect to the application recorded therein.

Dated this 19th day of October, 2022

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Mark Vermette, CAO/Secretary-Treasurer