

Date: June 19, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A3-2020: 305 Kirsti Place – Minor Variance Application

Application Purpose

Jeffrey Ogden has submitted an application for minor variance asking for relief from Section 4.4.2.d of zoning By-Law 03/14 to increase the allowable lot coverage from 40% to 42.1% at 305 Kirsti Place, to permit the construction of a 24' by 32' garage.

Property History

In 2006 a minor variance (Application A12/2006) was granted to reduce the side yard requirement to 1.07m to allow the construction of a single detached dwelling.

The primary dwelling on the subject lands was constructed in 2006.

In 2019 a culvert was installed by Public Works on the west side of the property abutting Pit Road #1 in preparation for and to provide access to a future garage.

Official Plan

The property is designated as a **Living Area** which supports residential development.

Zoning By-Law 03/14

Lot Area = 8,460 ft²

Dwelling Area = 2793 ft² (33%)

Proposed Garage Area = 768 ft² (9.1%)

Proposed Total Coverage Area = 3,561ft² (42.1%)

Allowable Total Coverage Area = 40%

Allowable Accessory Building Coverage = 15%

Garage Required Setbacks:

- 1.5m (4.92ft) from any lot line
- 2.0m (6.56ft) from main building

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, structure or use is already in existence on the lot¹, 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 contain more than two **storeys**. In all other **zones** the maximum height shall not exceed 6.5 metres;²³
- 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;
- l) where a commercial retail **use** is permitted as an accessory **use** in an industrial zone, it shall be located within the **main building** or within 2.0 metres of the **main building** and shall not exceed 10% of the total floor area of the **main building** to a maximum of 280 square metres; and
- m) No land may be used for the purpose of a swimming pool capable of containing in excess of 0.6 metres (2 ft.) of water unless the pool is enclosed by a fence, or by the wall of a

¹ Amendment May 9, 2016 to clarify accessory use building uses

building or **structure**, or by a combination of walls and fences, at least 1.5 metres (4.92 ft) in height and despite any other provisions to the contrary, an outdoor swimming pool and its associated mechanical equipment, shall be located, altered, **erected** or renovated in accordance with the following provisions:

- i. An outdoor swimming pool shall be set back a minimum of 1.5 m (5 ft) from any **lot line**;
 - ii. No outdoor swimming pool accessory to a permitted residential **use** shall be located in any part of a front or exterior side yard; and
 - iii. Any filter, pumps, or similar operating machines are a minimum distance of 0.6 metres from any **lot line** and a minimum distance of 3.0 meters from any **main building**.
- n) A **storage container** shall not be used as an **accessory building** or **structure** except as may otherwise be permitted under this By-Law. Within the Industrial zone, storage containers may be permitted as an **accessory use** to the **principal or main use** but shall be used exclusively for the storage of goods and materials and shall not be used to accommodate work areas, shops, office uses, retail sales or human habitation.

4.4 RESIDENTIAL TYPE ONE (R1) ZONE

No **person** shall within a Residential Type One (R1) **Zone**, **use** any land or **erect**, alter or **use** any **building** or **structure** except in accordance with the following:

4.4.1 Permitted Uses

- a) single detached dwelling
- b) home occupation
- c) group home
- d) community garden

4.4.2 Regulations for Permitted Uses

- | | |
|---|--------------------|
| a) Minimum Lot Area | 460 m ² |
| b) Minimum Lot Frontage | 15 m |
| c) Minimum Yard Requirements | |
| Front Yard | 7.5 m |
| Interior Side Yard | 1.5 m |
| Exterior Side Yard | 3.0 m |
| Rear Yard | 7.5 m |
| d) Maximum Lot Coverage | 40% |
| e) Minimum Landscaped Open Space | 20% |
| f) Maximum Height of Building | 12 m |
| g) Minimum Floor Area | 79 m ² |

Divisional Comments

Fort Frances Power Corporation: No comments received.

Fort Frances Fire Rescue: No concerns.

Fort Frances Recreation and Culture: No concerns, only comment regarding access to garage.

Fort Frances Public Works: 300mm PVC watermain runs N/S in East blvd Pit Road 1 behind the property, with hydrant located nearly mid-property 305 Kirsti. Drainage should be directed towards the drainage ditch on Pit Road #1

Fort Frances Building & Planning: Applicant to apply for building permit within one year of approval (if approved). Setbacks must comply with zoning by-law. Construction to comply with Ontario Building Code.

Conditions for Consideration

The Committee of Adjustment may wish to impose conditions on the minor variance including but not limited to the following:

- That the owner or applicant apply for a building permit within one year of approval of the application.

Summary:

Administration acts as an advisory body to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

Section 45(1) of the Planning Act gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

The four tests are:

1. The application maintains the general intent and purpose of the Town of Fort Frances Official Plan;
2. The application maintains the intent of the zoning by-law;
3. The requested variance represents appropriate development of the land; and
4. The requested variance is minor.

Should the Committee of Adjustment find it appropriate to approve this application, the previously noted conditions have been recommended.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Cody Vangel', with a stylized flourish at the end.

Cody Vangel, EIT
Chief Building Official & Municipal Planner