

May 4, 2016

Report To: Mayor and Council

From: Travis Rob, Interim Municipal Planner

**RE: Letter dated April 21, 2016 from Thor and Lisa Ruppenstein RE: construction of a garden suite 1411 Colonization Road West.**

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## **Background**

The Planning Act (the Act) was amended recently to allow for the construction of a garden suite dwelling on, and accessory to, and existing residential lot. The Planning act outlines that these structures are to be subject to a temporary use by-law outlining such related matters as deemed necessary including; the installation and removal of the structure, period of occupancy by any of the persons named in the agreement, and the monetary or other security that council may require for actual or potential costs to the municipality related to the garden suite. The act further outlines that the agreement shall outline the area to which it applies and cannot exceed 20 years. The agreement can be extended by no more than 3 years. The act further defines a garden suite as a one unit detached residential structure containing bathroom and kitchen facilities, is ancillary to an existing residential structure and is designed to be portable.

The Town of Fort Frances Official Plan (OP) also speaks to the construction of garden suites within the Town and further stipulates that these structures are to only be on lots zoned for a singled detached dwelling. The OP further reiterates that the structures be small temporary and portable structures physically separate from the primary structure, and that the exterior design be in character with the design of the principle dwelling. The OP also stipulates that the garden suite shall be adequately serviced by the primary dwelling and a lot may not have a garden suite and accessory dwelling unit. The OP reiterates the Planning Act, stipulating that the garden suite is subject to a temporary use by-law.

The Town of Fort Frances Zoning By-Law 03/14 defines a garden suite as a free standing dwelling, containing one dwelling unit which is accessory to and located on the same lot as a single detached dwelling and is designed to be temporary and portable and temporary but excludes a recreational vehicle.

## **Review**

Based on the provisions of the Town of Fort Frances Official Plan and Zoning By-Law as well as the Planning Act the construction of a garden suite is permitted in the Town of Fort Frances subject to a temporary use by-law and could be site built to be portable or be a pre-constructed modular home. Further the accessory building requirements in the zoning by-law for property line setback and lot coverage apply to this construction. Further the Ontario Building Code will apply for spacial separation for fire protection as well as foundation design and servicing requirements. Upon a review of the provided proposed site plan, there are no issues with lot coverage, spacial separation or property line setbacks, however there are some serviceability issues to be worked out with one of the locations. The Town of Fort Frances fees by-law outlines the 2016 fees for a temporary use by-law being \$1200.00 for the application for the initial by-law and additionally \$360.00 for each extension.

## Recommendation

It is the recommendation of Administration that a temporary use by-law be enacted for the construction of a garden suite at 1411 Colonization Road West as requested by Mr. And Mrs. Ruppenstein. The matter was discussed at the May 2, 2016 meeting of the Planning and Development Executive Committee and the recommendation from that committee was to agree with the recommendation of Administration and permit the construction of a garden suite at the above noted location and further a temporary use by-law be prepared upon application by Mr. & Mrs. Ruppenstein.

Respectfully Submitted

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

Travis Rob, EIT  
Interim Municipal Planner  
Chief Building Official, Facilities/Special Projects Coordinator

Council Approval of this report will agree with the recommendation of the Planning and Development Executive Committee and permit the construction of a garden suite at the above noted location and further a temporary use by-law be prepared upon application by Mr. & Mrs. Ruppenstein.