

October 11th, 2017

Staff Report

To: City of Kenora Planning Advisory Committee

Fr: Devon McCloskey, City Planner

File No.: D13-17-09

Re: Application for Minor Variance

Location: 404 Mill Street

Action: Consideration for Approval

Applicant: Judith Williams

1. Introduction

An application for minor variance is proposed for property described as 404 Mill Street, legally described as PLAN 18 BLK 75 N PT LOT 7;N PT LOT 8 20 FT ADJ TO LOT;7 & 8.



Figure 1 (above) – Location sketch

The application is seeking relief from the City of Kenora zoning by-law 101-2015, Section 3.34.1 (b)(vii) which prohibits the development of accessory structure within 2.0 m of the main building or structure.

The effect of approval would grant relief of **0.9 m** (correction from application submission) from the provision of the zoning by-law to permit the development of an accessory structure 1.067 m from the main building.

2. Existing Conditions

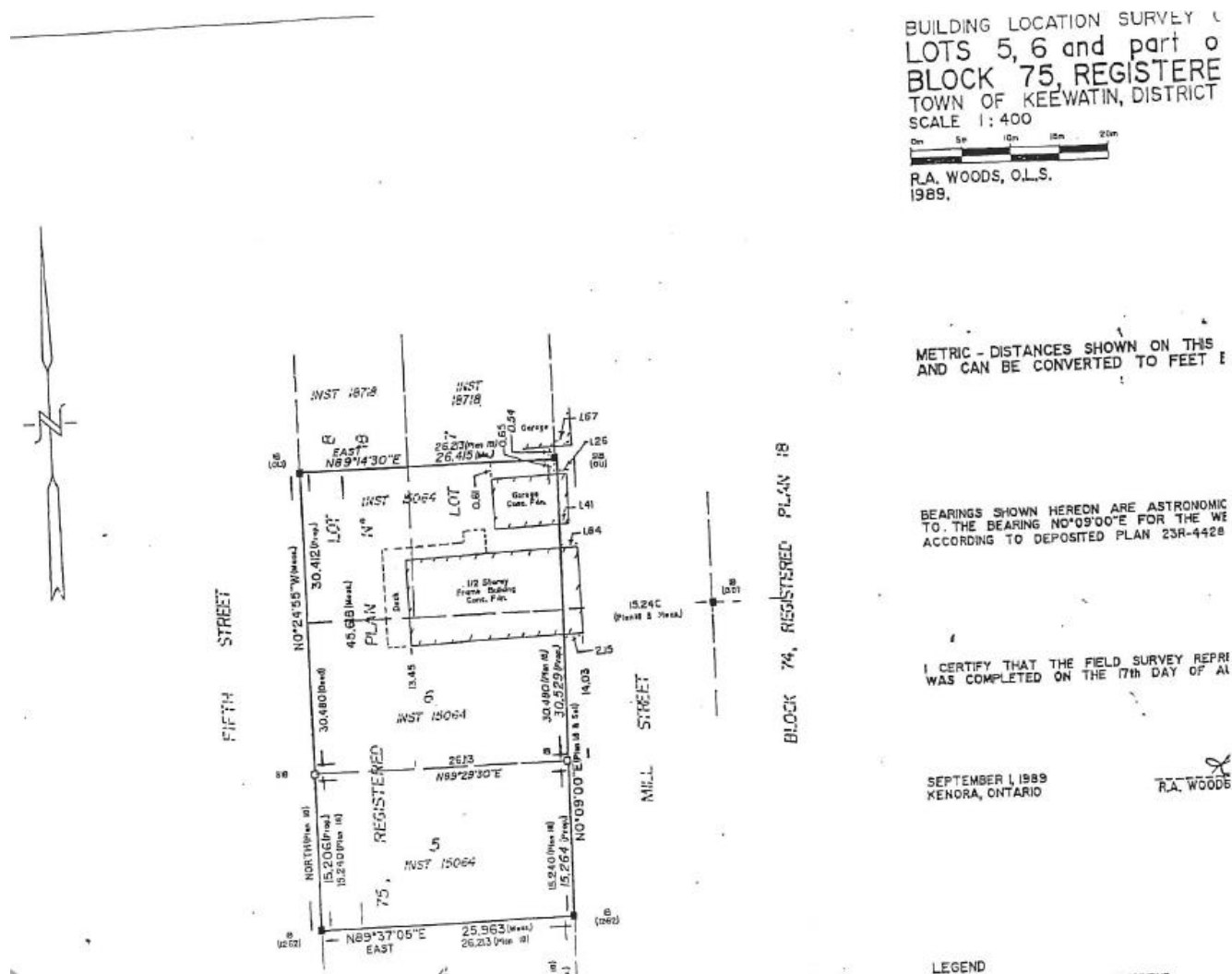
The property is fronting on, as well as accessed from Mill Street. A singled detached dwelling originally constructed in 1911 is positioned toward the north side of the lot.

A detached garage was previously located on the south side adjacent to the dwelling. It was encroaching partially over the side line and onto the neighbouring property, and was demolished down to the original cement foundation. The garage may also have been encroaching over onto city property.

The garage was partially reconstructed without a permit, and the City informed the owner of the need for a variance approval in addition to a building permit. The frontage of the lot is 15 metres, which is the minimum required frontage.

The sideyard on the northside appears expansive, however the side yard is only 2 metres in width. There is a buried stormsewer pipe that extends from the street to the rear of the lot which has caused the property owner some grief in the past. There is no room for development on this side of the lot.

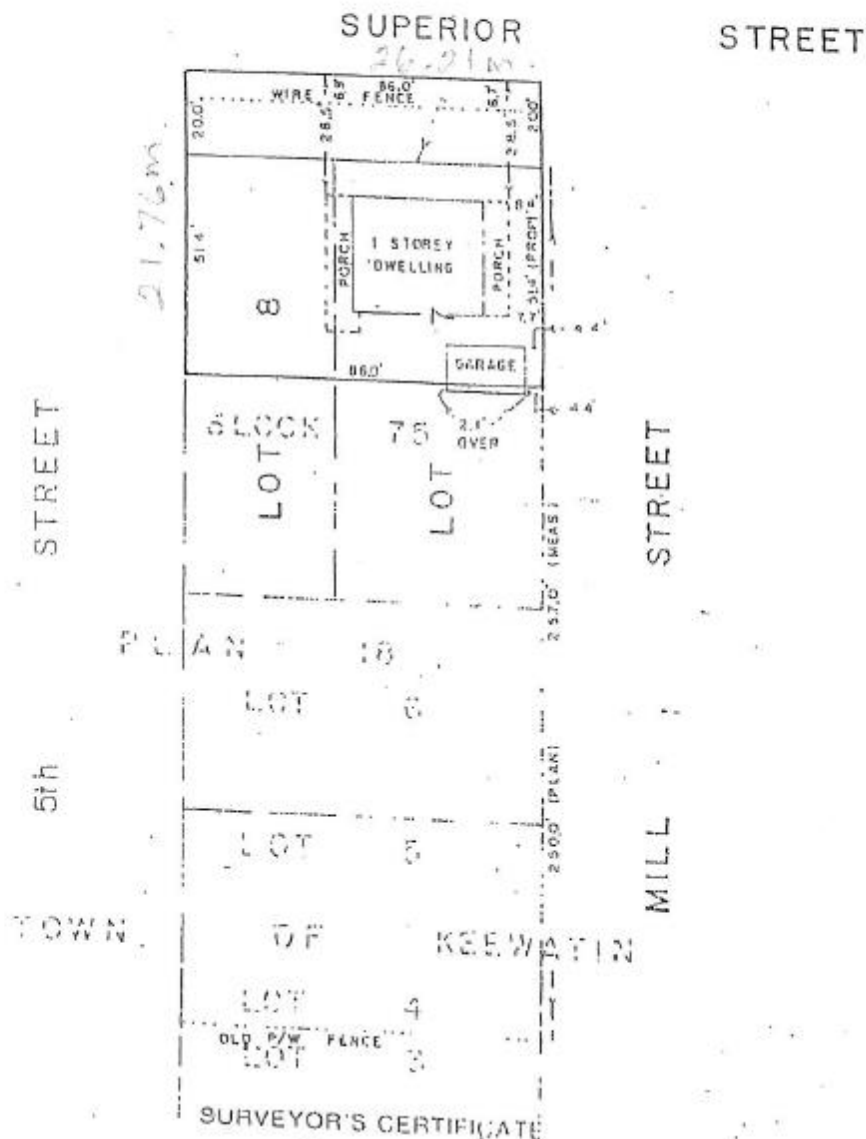
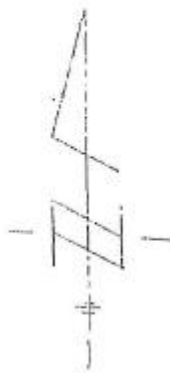
3. Building Location Surveys (2)



PLAN OF SURVEY OF
NORTH HALF of LOTS 7 & 8 AND 20' of
SUPERIOR ST. NORTH of LOTS 7 & 8
BLOCK 75, PLAN 18

TOWN of KEEWATIN
DISTRICT of KENORA

SCALE : 1 INCH = 40 FEET
ROSS H. BALMER O.L.S.
- 1978 -



I hereby certify that I have surveyed the land included in

4. Site Visit

A site visit was conducted on October 4/17. Photos from the visit are included below.

Photo 1: East facing perspective of the main building and partially constructed accessory building from the view of the street



Photo 2: Perspective southwest showing the north sideyard



Photo 3: View of the foundation and current proposed accessory building



5. Description of Proposal

The applicant is requesting relief in order to reposition an accessory building closer to their main building. The previous accessory building was demolished with the intent to rebuild within the lot lines, as it was considered to previously be encroaching over and onto the neighbour's property.

The dimensions of the proposed building are 3.05 x 3.24 metres. The setback from the front yard is said to be 6.1 metres, and 1.21 to the southside lot line. The shed would be accessed from a deck that wraps around the building from rear to the front.

6. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (2014)

Development of the subject land is consistent with policies that promote infill development of existing lots, provided that it will not negatively impact neighbouring properties.

b) City of Kenora Official Plan (2015)

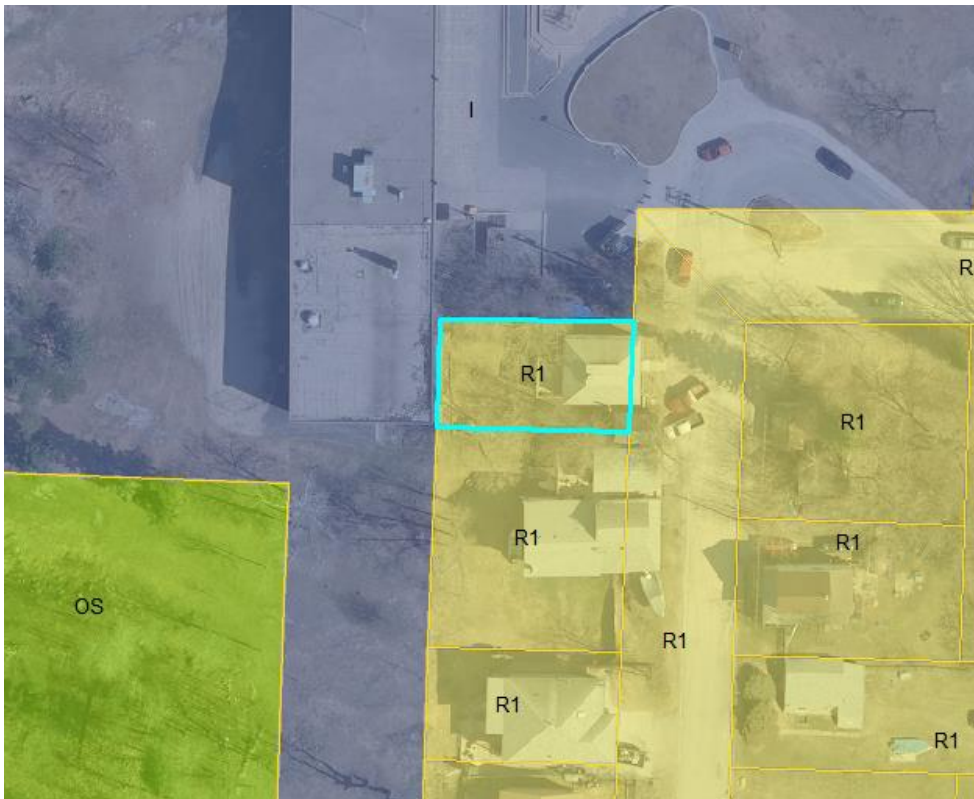
The property is designated Established Area and is situated amongst other similarly designated lands to the north and south which are also designated Established Area.

Figure 2 – OP designation of the subject property



c) Zoning By-law No. 101-2015

Figure 3 – snap shot of the ZBL schedule mapping at the subject location



The property is zoned First Density Residential (R1), and is serviced with Municipal water and waste water.

As noted earlier, the property is only 15 metres in width; it is approximately 388 square metres, whereas the minimum lot area for a First Density Zone property is 450 square meters; the dwelling is established very close to the front lot line and possibly over the lot line according to a survey completed in 1989, whereas the minimum required distance is 7.5 metres. Due to this list of these circumstances, the lot and main building, are deemed to be non-complying to the Zoning By-law.

7. Results of Interdepartmental and Agency Circulation

Departments and Agencies Circulated	Comments Received
Building Department	The building department notes that the location of the accessory building meets the required limiting distance of 0.6m from neighbors property line and principle building (house) and need not conform to the minimum required fire-resistance rating in Table 9.10.14.5 – September 9/17
Roads Department	No comments received
Sewer & Water Department	No comments received
Kenora Hydro	No comments received
Kenora Fire and Emergency Services	Kenora Fire has no issues with the construction of the shed. Although, with the shed being so close to the home, care should be taken in the amount of flammable liquids and propane stored within. Fire Code issues only arise when the buildings are attached to the home – October 3/17
Engineering Department	No comments received

8. Public Comments

Notice of the application was given in accordance with Section 45 of the Planning Act, whereby it was circulated on September 26th, 2017 to property owners within 60 metres, persons and public bodies as legislated, and a sign was posted on the lot for a minimum of 10 days.

A public hearing is scheduled to be held on October 17th, 2017, to hear public comments. If new information or comments are provided at the meeting, additional information may affect the outcome of the recommendation presented.

As of the date of this report, no public comments have been received.

9. Evaluation

A real property survey exists for the subject property as well as for the neighbouring lot to the south, which indicates that the proposed garage is partially encroaching onto the City ROW. Given the narrow width of the lot and existing non conformances, redevelopment of the property is met with challenges.

Whereas the rationale for requiring a minimum setback of 2 metres from a main building and accessory building is to ensure access between buildings to other parts of the property, as well

as for separation for fire prevention and firefighting; the Building Department has commented that requirements of the building code would not be compromised by the proposed setback reduction to the lot line and main building.

Based on the City's records and aerial photography, the proposed setback of 6.1 metres for the building as constructed, doesn't appear accurate.

The Four Tests

- i. General intent and purpose of the City's Official Plan (2015)
- ii. General intent and purpose of the Zoning By-law No. 101-2015
- iii. Appropriate and Desirable Development of the Land
- iv. Proposed variance is minor in nature

10. Opinion of the City Planner

That the proposed relief for separation between the main building and accessory building can be certain and therefore approved; however the setback of the proposed garage to the front lot line, is doubtful, and further review or an application for a letter of comfort should be obtained.

A handwritten signature in black ink, appearing to read "Devon McCloskey".

Devon McCloskey, RPP, MCIP
City Planner

Attachments

- Complete Application for Minor Variance
- Notice of Application and Public Meeting