

Municipality of East Ferris

Report to Council

Report No.: PLAN-2019-06

Date: November 26, 2019

Originator: Greg Kirton, Manager of Planning and Economic Development

Subject: Zoning By-law Provisions – Accessory Structures

RECOMMENDATION

1. That planning staff undertake a Zoning By-law Amendment process to modify the accessory structure setback provisions related to garages and other accessory structures.
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BACKGROUND

Throughout the 2019 building season, multiple building permit applications were received related to the construction of accessory structures that did not comply with the East Ferris Zoning By-law 1284. Specifically, the general provisions contain a section that states that:

"Accessory Uses

...c) Except as may be provided herein any accessory building which is not part of the main building shall be erected to the rear of the front line of the main building and shall comply with the yard requirements of the zone in which such building is situated and such accessory uses shall not occupy more than 10% of the lot area."

The intention of this provision is to help maintain a more aesthetically pleasing streetscape across the residential properties in the Municipality by preventing sheds and other accessory structures from being constructed across the front yard. There is currently no difference in the application of these policies between lakefront properties and all other properties. The front yard on a standard lot is generally considered to be the area between the dwelling and the street and on a lakefront property, the front yard is generally the area between the dwelling and the lake.

This provision generally works well in most cases; however, there are a couple notable exceptions that have come up:

- 1) Garages on very large lots
- 2) Accessory uses on lakefront properties such as saunas, gazebos, etc.

These two scenarios, specifically, have come up multiple times each. On very large rural lots, homes are often situated much further back on the lot than what the minimum required setback is. In this case, property owners often seek to establish a garage off the side of the driveway, which ends up being in front of the main wall of the dwelling, contrary to our Zoning By-law provisions. Although, this would be considered to be located in the front yard, the separation from the street is often significant and in addition, the establishment of a garage in this location does not have the same visual impacts as sheds or other structures.

The second scenario is the desire of lakefront property owners to build structures like saunas and gazebos near the water, which would be in the front yard of a lakefront property. Currently our Zoning By-law does not permit this. Our Official Plan does, however, make mention of allowing these types of structures, provided that saunas do not exceed 10m² in this location. Our Zoning By-law should be updated to reflect our Official Plan policies. With lakefront properties we also have the added benefit of Site Plan Control Agreements being required, which gives the Municipality added controls over lot layout and building location.

Staff are of the opinion that an appropriate solution to these two issues would be to:

- a) Permit garages to be located in the front yard on properties that are not on the water, provided that they meet the front yard setback requirements of the zone in which they are located. Existing provisions would remain applicable for all other types of accessory structures.
- b) Permit accessory structures in the front yard on lakefront properties up to a maximum floor area of 10m² for saunas in accordance with Official Plan policies. Permit other accessory structures, except garages, in the front yard on lakefront properties in accordance with our existing Zoning By-law provisions for accessory structure floor area. In all cases, the use of Site Plan Control Agreements will act as an additional control measure.

A fulsome review of all accessory structure provisions will be conducted through the new Zoning By-law process that the Municipality is currently undertaking, but staff are of the opinion that this amendment will help address immediate complications with building permit applications in the interim until that project has been fully implemented.

OPTIONS

1. Option 1

That planning staff undertake a Zoning By-law Amendment process to modify the accessory structure setback provisions related to garages and other accessory structures.

2. Option 2

Make no changes to existing Zoning By-law provisions.

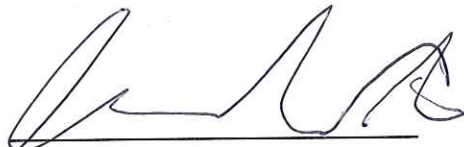
FINANCIAL IMPLICATIONS

There would be a limited financial implication in the form of staff time and advertisement of the amendment in accordance with our internal policies and with Ontario *Planning Act* requirements.

RECOMMENDATION

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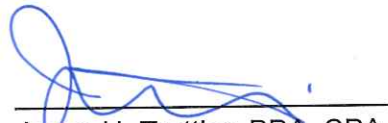
Respectfully Submitted,



Greg Kirton

Manager of Planning and
Economic Development

I concur with this report,
and recommendation



Jason H. Trottier, BBA, CPA, CMA

CAO/Treasurer