

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Hoskin & Bruyns**  
Report Number COA2018-024

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**Public Meeting**

**Meeting Date:** April 19, 2018  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis St., Lindsay

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**Ward: 6 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to request relief from Section 3.6.1 to permit the construction of a storage shed on a property that has no direct access onto an improved public street.

The property is located at 270 Louisa Street, geographic Township of Fenelon (File D20-2018-017).

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**Author:** Quadri Adebayo, Planner II

**Signature:**

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**Recommendations:**

**RESOLVED THAT** Report COA2018-024 Hoskin & Bruyns, be received;

**THAT** minor variance application D20-2018-017 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **THAT** the construction of the storage shed related to this approval shall proceed generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-024, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** the applicant acknowledge through the granting of this approval that the accessory structure shall not be used for human habitation, nor shall it be connected to water or septic facilities. Similar wording shall be placed on the required building permit;
- 3) **THAT** prior to a final Building Inspection for the proposed storage shed, the steel container shall be removed from the property to the satisfaction of the Chief Building Official; and

- 4) **THAT** the building construction related to the minor variance shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the final Building Inspection.

**This approval pertains to the application as described in report COA2018-024. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** The subject property is a lot of record, supported by historical data which revealed the first structures (a dwelling unit, and a detached garage) installed on the property were built in 1880, following which a subsequent structure (a second dwelling unit with attached garage) was built in 1966.

The applicant recently relocated to the property in November of 2017. The applicant also advised that the proposed storage structure is meant to serve as permanent space to store yard equipment, and lumber which are temporarily being housed in a steel container and portable shelter respectively. This application was deemed complete March 19, 2018.

**Proposal:** To construct an approximately 66.72 square metre (222.4 square foot) storage structure.

**Owners:** Michael John Hoskin & Deborah Ann Maria Bruyns

**Applicant:** Michael John Hoskin

**Legal Description:** Part Lot 28, Concession 10, geographic Township of Fenelon, City of Kawartha Lakes

**Official Plan:** "Rural" – City of Kawartha Lakes Official Plan

**Zone:** "Agricultural (A1) Zone" – Township of Fenelon Zoning By-law 12-95

**Site Size:** 5.44 hectares (13.43 acres)

**Site Servicing:** Private individual septic and well systems

**Existing Uses:** Residential

**Adjacent Uses:** North: Residential/Agricultural  
East: Agricultural  
South: Agricultural

West: Cameron Lake

**Rationale:**

**1) Are the variances minor in nature? Yes**

**And**

**2) Is the proposal desirable and appropriate for the use of the land? Yes**

The historical nature of the property is due to the existing developments on the property predating the oldest Township of Fenelon by-law (dated September, 1977). This accounts for the indirect access to the abutting public road (Louisa Street) through a deeded Right-of-Way, thereby establishing its “legal non-conforming status”. In the interim, the property has sufficient size to accommodate an additional accessory structure like the one proposed through this application.

The proposed location of the development will also ensure that the structure will be appropriately positioned at a substantial distance from the property lines, the existing dwelling unit with an attached garage, the well, the septic system, and driveway respectively. This will ensure that the functionality of the accessory use is maintained.

In addition, the location of the proposed storage shed is considerably further away from the shoreline regulated area for Cameron Lake, and will not be connected to any water or septic facilities. As a result, no adverse impacts are anticipated.

Based on this, the variance is minor as well as desirable and appropriate for the use of the land.

**3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes**

The proposed storage shed is permitted in the “Agricultural (A1) Zone”. Although the primary use on the property is residential, it can be appreciated that the property is a lot of record, and the storage shed proposed through this application can be considered to be an accessory use, subordinate to the single detached dwelling unit.

Overall, the building will have a low profile, being below the maximum height of 5 metres permitted in the zoning by-law, and together with other accessory structures on the property, it would be maintaining a combined lot coverage below the maximum 225 square metres or 8% permitted for the total accessory buildings. This ensures compliance with Section 3.1.3.2 of the corresponding zoning by-law as the shed is proposed to have a height of 4.57 metres, and Section 3.1.3.1 whereby the shed accounts for 0.02% (16.2 square metres) out of approximately 0.28% (158.72 square metres) proposed as the total lot coverage of all accessory structures on the subject property; comprising an existing old storage, a playhouse structure, and the new shed respectively.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

**4) Do the variances maintain the intent and purpose of the Official Plan?**

**Yes**

The property is designated “Rural” under Section 16, in the City of Kawartha Lakes Official Plan. The “Rural” designation permits a wide range of uses including limited low density residential dwellings. An accessory structure is contemplated as a secondary use on the property.

In consideration of the above, the variance maintains the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

No other alternatives were considered.

**Servicing Comments:**

The property is serviced by private well and septic systems. The proposed accessory use will not be connected to water or septic facilities.

**Consultations:**

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from:

**Agency Comments:**

Building Division – Building Inspection/Plans Examiner (April 5, 2018): No concerns.

Building Division - Sewage System (March 29, 2018): No concerns.

Engineering & Corporate Assets (April 10, 2018): No objections.

**Public Comments:**

No comments as of April 10, 2018.

## Attachments:



Appendices A-E.pdf

Appendix "A" – Location map  
Appendix "B" – Air photo  
Appendix "C" – Applicant's sketch  
Appendix "D" – Elevations  
Appendix "E" – Department and Agency comments

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<b>Phone:</b>	705-324-9411 ext. 1367
<b>E-Mail:</b>	qadebayo@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall
<b>Department File:</b>	D20-2018-017