

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Istchenko
Report Number COA2018-058

Public Meeting

Meeting Date: September 20, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 10 – former Town of Lindsay

Subject: The purpose and effect is to request relief from Section 6.1 to add Accessory Building – Frame Shed to the list of permitted uses within the Residential One (R1) Zone for a maximum of three years to permit a frame shed to remain on the lot to be created.

The variance is requested at 226 Victoria Avenue North, former Town of Lindsay (File D20-2018-044).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-058 Margaret and Alexander Istchenko, be received;

THAT minor variance application D20-2018-044 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the variance apply solely to the existing 24.8 square metre shed upon the proposed severed lot identified within Consent Application D03-16-001;
- 2) **THAT** the shed cannot be used for human habitation nor may it be altered or replaced while the variance is in effect; and
- 3) **THAT** the requested variance shall be deemed to be refused if the first Building Inspection for a single detached dwelling is not successfully completed within a period of thirty-six (36) months after the date of the Notice of Decision.

This approval pertains to the application as described in report COA2018-058. Fulfillment of the conditions is required for the Minor Variance to be considered final and binding.

Background: On November 15, 2017, the Director of Development Services, as delegated by Council, granted provisional consent to file

D03-16-001 to create an approximately 1,712 square metre residential infill lot and retain an approximately 3,387 square metre residential lot with single detached dwelling. As per the owners' wishes, condition 8 of the provisional consent approval requires a variance to permit an accessory building (shed) to be retained on the proposed severed lot.

This application was deemed complete July 12, 2018.

Proposal: To permit an approximately 24.8 square metre shed to remain on a lot as the primary building for a period not exceeding 3 years.

Owners: Margaret and Alexander Istchenko

Legal Description: Block T, Part Lot 6, Plan 1, 57R-10360, Part 1, former Town of Lindsay, City of Kawartha Lakes

Official Plan: Residential within the Town of Lindsay Official Plan

Zone: Residential One (R1) Zone within the Town of Lindsay Zoning By-law 2000-75

Site Size: Severed: 1,712 square metres (0.42 acres)
Retained: 3,387 square metres (0.84 acres)

Site Servicing: Municipal water, sanitary sewer and storm water sewer supply

Existing Uses: Severed: Residential (Accessory Building)
Retained: Residential

Adjacent Uses: North: Residential
East: Residential, Trail
South: Residential
West: Residential

Rationale: The shed is currently accessory to the dwelling on the subject property. However, once the consent is finalized, the shed will be upon a separate lot. Relief is needed to permit the consent to be finalized. Due to the depth of the proposed lot and the location of the shed upon it, it is possible for a single detached dwelling to be constructed without requiring the demolition or removal of the shed, hence why relief is being sought to retain the building rather than have it demolished.

1) Is the variance minor in nature? Yes
And

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

The variance is anticipated to be a temporary measure to permit the shed to remain until it can become accessory to a single detached dwelling once again.

The subject property is situated within an established residential neighbourhood of single detached dwellings. The subject property contains many mature trees that act as vegetative buffers, screening the site from the surrounding residential lots. The shed is located in the centre of the proposed lot, approximately 50 metres from the front and rear lot lines, and approximately 3 metres from the north side lot line, and 12 metres from the southern side lot line that is proposed. Due to the degree of spatial separation between the shed and the existing/proposed lot lines and the presence of mature trees, the continued existence of the shed on the property in the absence of a single detached dwelling is not anticipated to adversely impact the character of the neighbourhood or use of the property.

Therefore, the variance is minor in nature and desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law?
Yes

The subject property is zoned “Residential One (R1) Zone” within the Town of Lindsay Zoning By-law 2000-75. The R1 Zone permits a single detached dwelling.

The zoning by-law intends for low density residential development within the neighbourhood to occur, and for accessory buildings to be accessory to primary uses. The staff report for the consent application anticipates that the lot will be built upon soon after it is created as it is a municipally serviced lot within an established residential neighbourhood. The variance will allow the shed, which is in good repair, to be accessory to a future dwelling.

The shed covers approximately 1.5% of the proposed lot. If the proposed variance is granted, the residential storage function will not be a prominent use on the lot. The primary use of the lot will continue to be landscaped open space until such time that a single detached dwelling is built. As such, the variance is not anticipated to change the use of the property.

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

4) Does the variance maintain the intent and purpose of the Official Plan?
Yes

As the Lindsay Secondary Plan is under appeal, the property is designated “Residential” within the Town of Lindsay Official Plan, which permits a variety of residential uses, including low density residential uses.

The variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by full municipal services.

Consultations:

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

Agency Comments:

No comments as of September 10, 2018.

Public Comments:

No comments as of September 10, 2018.

Attachments:

Appendices A-C to
Report COA2018-058.

Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch

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