

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Ellenzweig

Report Number COA2018-078

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### Public Meeting

**Meeting Date:** November 8, 2018

**Time:** 1:00 pm

**Location:** Victoria Room, City Hall, 26 Francis St., Lindsay

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### Ward: 15 – Former Village of Omemee

**Subject:** The purpose and effect is to recognize the supplementary accessory buildings on the property, being a storage shed and a wood shed, in conjunction with a detached garage. Relief is sought from the following provisions:

1. Section 3.1.2.2 – to reduce the minimum interior side yard setback for an accessory building from 1.2 metres to 0.5 metres in order to permit the wood shed in its current location;
2. Section 3.1.3.1 - to increase the maximum lot coverage requirement for all accessory buildings from 40% of the gross floor area of the main building to 46.29%; and
3. Section 3.1.3.3 – to increase the maximum number of accessory buildings permitted in a residential zone from two (2) to three (3).

The variance is requested at 42 Mary Street West, former Village of Omemee (File D20-2018-061).

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**Author:** Quadri Adebayo, Planner II

**Signature:**

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### Recommendations:

**RESOLVED THAT** Report COA2018-078 David Ellenzweig, be received;

**THAT** minor variance application D20-2018-061 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### Conditions:

- 1) **THAT** the accessory buildings 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 COA2018-078, 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 shall remove the open-air gazebo located in the rear yard to the satisfaction of the Chief Building Official. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the open-air gazebo has been removed to his/her satisfaction under the Ontario Building Code; and
- 3) **THAT** the applicant shall complete the Building Permit process to the satisfaction of the Building Division. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the accessory building situation has been satisfied to his/her satisfaction under the Ontario Building Code; and
- 4) **THAT** the Building Permit process 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 receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official.

**This approval pertains to the application as described in report COA2018-078. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** For Committee's information, this application originated from an enforcement notice. Staff at the Building Division recently approved the construction of the newly built detached garage located in the side yard of the subject property, and upon final inspection of the structure, it was discovered that the wood shed located in the rear yard was omitted in the sketch submitted at the time of approval for the detached garage. This discovery culminated into the subject property being over the minimum in terms of accessory use coverage and a minor variance process was recommended to the applicant in order to rectify the issue. The wood shed was also determined by Planning Staff to be part the reliefs upon reviewing the application for minor variance.

This application was deemed complete October 12, 2018.

**Proposal:** To recognize two supplementary accessory buildings (a storage shed and a wood shed) for coverage and setback requirements in conjunction with a newly built 37.1 square metres detached garage.

Owner: David Ellenzweig

Applicant: Scott Mainhood

Legal Description: 42 Mary Street West, Part Park Lot 4, Plan 109, South Mary Street, West Sturgeon, Former Village of Omemee, City of Kawartha Lakes

Official Plan: Urban within the County of Victoria Official Plan

Zone: Residential Type One Floodplain [R1(F)] Zone within the Village of Omemee Zoning By-law 1993-15

Site Size: 0.25 acres (1,000 square metres)

Site Servicing: Private individual well and municipal sanitary sewer system

Existing Uses: Residential

Adjacent Uses: North, West & East: Residential  
South: Vacant Residential lands & Wetland

**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 subject property is situated in an established residential neighbourhood. The rear yard location of the wood shed and storage shed ensures that they are not perceptible at human scale when viewed from the street as the massing of the newly built detached garage located in the side yard helps to screen the said accessory buildings. This also ensures that the residential character of the neighbourhood is maintained.

The location and configuration of the supplementary accessory buildings also ensures that the sufficient amenity rear yard space remains. This is also enhanced by the applicant's proposal to remove an open-air gazebo located in the rear yard. Condition 2 has been placed to facilitate this.

Further, from a property standard perspective, the storage shed use as an additional storage for utility equipment and other items that would typically lay around on the property ensures that a less cluttered appearance of the property is maintained.

As the accessory structures are existing situations and their locations have been determined by the Conservation Authority to not have any negative impact(s) in relation to the flood hazard, the variances are minor as well as 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 Residential Type One Floodplain [R1(F)] Zone provision contemplates accessory uses as ancillary to a principle use. The accessory buildings under the scope of this variance application are being utilized as devoted uses to the detached dwelling on the subject property.

The 6.29% increase to the 40% required for maximum accessory building lot coverage ratio of the gross floor area of the main building, if granted, is not anticipated to be perceptible. Sufficient space remains within the rear yard to facilitate access to the side and front yards respectively.

The interior side yard relief requested for the wood shed is also not anticipated to impact the function of the yard, as sufficient space will remain between the structure and the westerly interior side lot line for maintenance and drainage purposes.

Respecting the number of accessory buildings being increased from two (2) to three (3), removal of the wooden shed from the property may cause the owner undue hardship as the structural feature of the existing house appears to be an uninsulated type that requires heating in cold weathers. The current location of the wood shed also appears to be suitable because the storage shed beside it helps to conceal the visual impact than if it were to be relocated elsewhere on the property.

Therefore, the variances maintain 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 Urban Settlement Area Designation in the City's 2012 Official Plan is under appeal, the Urban designation of the Victoria County Official Plan (VCOP) applies. As the subject property is within a neighbourhood that would be classified as Low Density Residential within VCOP, accessory buildings are permitted ancillary to residential uses. The proposed coverage of the accessory buildings is not anticipated to negatively impact the residential character of its immediate surrounding uses.

In consideration of the above 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 private individual well and municipal sanitary sewer system.

**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 – Plans Examiner (October 25, 2018): No concerns.

Kawartha Region Conservation Authority (October 25, 2018): No objections. See comments.

**Public Comments:**

No comments as of October 29, 2018.

**Attachments:**



Appendices A-E to  
Report COA2018-078

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant’s Sketch

Appendix D – Elevation Drawing

Appendix E – Department and Agency Comments

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**Department Head:** Chris Marshall

**Department File:** D20-2018-061