

**DATE:** September 23<sup>rd</sup>, 2020

**REPORT NO:** COA-001-20

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by Mitchell & Lucy Mietus  
File No. A10/2020WL

**CONTACT:** Madyson Etzl, Planner II  
Brian Treble, Director of Planning and Building

**OVERVIEW:**

- A minor Variance application has been submitted by Mitchell & Lucy Mietus for the property municipally known as 1775 Abingdon Road.
- This Minor Variance application is requesting to increase the maximum floor area for an accessory building from the permitted 100 square metres to 170 square metres so that a new accessory building can be constructed on the subject property that will replace the existing ±60 sq.m. accessory building.
- The applicant has requested this increase to store his vintage vehicles, antique collections and use as a garage.
- Planning Staff recommend support of this application, subject to one condition of a minimum interior side yard setback of 2m, as it generally meets the four tests of a minor variance.

**RECOMMENDATION:**

1. THAT, the application for a Minor Variance made by Mitchell & Lucy Mietus as outlined in Report COA-001-20, to permit an accessory building with a maximum floor area of no greater than 170 square metres whereas 100 square metres is the permitted maximum, BE APPROVED, subject to the following conditions:
2. THAT, the minimum interior side yard setback be 2 metres;
3. THAT, a demolition permit be applied for the existing 60sq.m. accessory building before the proposed building is constructed;
4. THAT, the proposed accessory building shall not be used for commercial purposes; and,
5. THAT, the façade of the proposed accessory building compliment the residential character of the existing house.

**BACKGROUND:**

The subject lands are legally described as Concession 5, Part of Lot 15, Part 2 on 30R-6359, in the Township of West Lincoln, municipally known as 1775 Abingdon Road.

A minor variance application has been submitted by Mitchell & Lucy Mietus to request a maximum floor area of  $\pm 170$ sq.m. for an accessory building whereas 100 sq.m. is the maximum permitted size. If approved, the applicant will need to demolish the existing  $\pm 60$ sq.m. accessory building on site and replace it with the proposed  $\pm 170$ sq.m. accessory building. The applicant has requested the increase in size to store his vintage vehicles, antique collection and use as a garage.

**CURRENT SITUATION:**

Planning Staff have completed an analysis of the proposed Minor Variance application and can provide the following evaluation:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

**Yes**

The property is within the Abingdon Hamlet and is designated as Hamlet Settlement Area in the Township's Official Plan. As stated in the Township's Official Plan, the predominant land use for this designation shall be single-detached dwellings and their accessory uses (7.2.1), which is the current and proposed use of the property. The proposed accessory building will continue to facilitate this use.

The minor variance application is proposing to construct a  $\pm 170$ sq.m. accessory building, whereas 100 sq.m. is the maximum permitted ground floor area for an accessory building. This will replace the existing  $\pm 60$ sq.m. building on site. The applicant has requested this size increase to store his vintage vehicles, antique collections and use as a garage.

Within the Abingdon Hamlet area, there are 5 existing accessory buildings that are similar in size or larger than the proposed accessory building.

Township Planning Staff are of the opinion that this minor variance meets the general intent and purpose of the Official Plan as the proposed use is permitted and generally fits the character of the surrounding area.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

**Yes**

The subject land is zoned Residential Low Density – Type 1A 'R1A' in the Township's Zoning By-law 2017-70, as amended. The subject parcel is  $\pm 0.41$ ha ( $\pm 0.1$  acres) in size. The R1A zone permits for single detached dwelling units and their accessory uses.

The applicant is proposing to demolish the existing  $\pm 60$  sq.m. accessory building on the property and replace it with a  $\pm 170$  sq.m. accessory building whereas 100 sq.m. is the permitted maximum ground floor area.

The purpose of limiting the ground floor area of an accessory building is for streetscaping purposes to ensure accessory buildings don't become the focal point of the property and are unlikely to become larger than the main building. Another purpose

for limiting the ground floor area is to ensure that the accessory building does not become large enough to operate a commercial business.

Below is a table of accessory building sizes in the surrounding Hamlet area:

Property Address	Accessory Building Size
1743 Abingdon Rd	185sq.m.
1739 Abingdon Rd	170sq.m.
9197 Regional Road 65	142sq.m.
1676 Abingdon Road	155sq.m.
1800 Abingdon Road	177sq.m.

In their application, the applicant has stated that the building will be used to store their personal vintage vehicles and antique collections, tractors and use it as a garage.

As such, Township staff are of the opinion that this application meets the general intent of the Township Zoning Bylaw.

**Is the proposal desirable for the appropriate development or use of the land? Yes**

The applicant has proposed to replace a  $\pm 60$  square metre accessory building with a larger  $\pm 170$  sq.m. accessory building. This building is proposed to be used for residential purposes, which is permitted on this R1A zoned property.

As noted earlier in this report, there are 5 existing accessory buildings within the Hamlet of Abingdon that are a similar size to the proposed structure.

Due to the increase sized of the accessory building, Staff is recommending a minimum 2m side yard setback for the building to provide a larger setback from the property line for the larger building.

The septic department had no objections to the application as proposed.

The proposed accessory building is to be used for accessory residential purposes, is similar in size to existing accessory buildings within Abingdon, and the septic inspector has no objections to the variance. As such, Planning Staff are of the opinion that the requested variance is appropriate development and use of the land with the recommendation that a minimum side yard setback of 2m be obtained.

**Is the proposal minor in nature? Yes**

The subject minor variance application is requesting relief from the zoning bylaw provision limiting the maximum ground floor area for accessory buildings to 100 square metres to allow for a new 170 square metre accessory building. The owner is proposing to remove the existing 60 square metre accessory building to construct the proposed accessory building. The total allowable coverage for accessory buildings on the subject property is 200 square metres, which this property will still comply with.

For the reasons above and as detailed in this report, Staff is of the opinion that this variance is minor in nature.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application.

**INTER-DEPARTMENTAL COMMENTS:**

Notification was mailed to all applicable agencies and departments on July 13<sup>th</sup>, 2020. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township Public Works Department, Septic Inspector and Building Department have no objections for this application

No other comments were received from agencies for this application at the time of this report.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands August 24<sup>th</sup>, 2020. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No public comments have been received as of September 18<sup>th</sup> 2020, during the preparation of this report.

**CONCLUSION:**

A Minor Variance application has been submitted by Mitchell & Lucy Mietus for the property municipally known as 1775 Abingdon Road. The Minor Variance application is proposing to grant relief from Section 3.1 of the Township Zoning Bylaw 2017-70, as amended, which limits the gross floor area for accessory buildings to 100 square metres. The applicant is proposing an accessory building that is approximately 170 square metres in size to replace an existing 60 square metre accessory building.

Planning staff are of the opinion that this application meets all four tests of a minor variance and as such, can recommend the approval of this application subject to the conditions as outlined in the recommendation.

**ATTACHMENTS:**

1. Location Map
2. Site Sketch
3. Accessory Building Zoning Provisions
4. Agency Comments

**Prepared by:**



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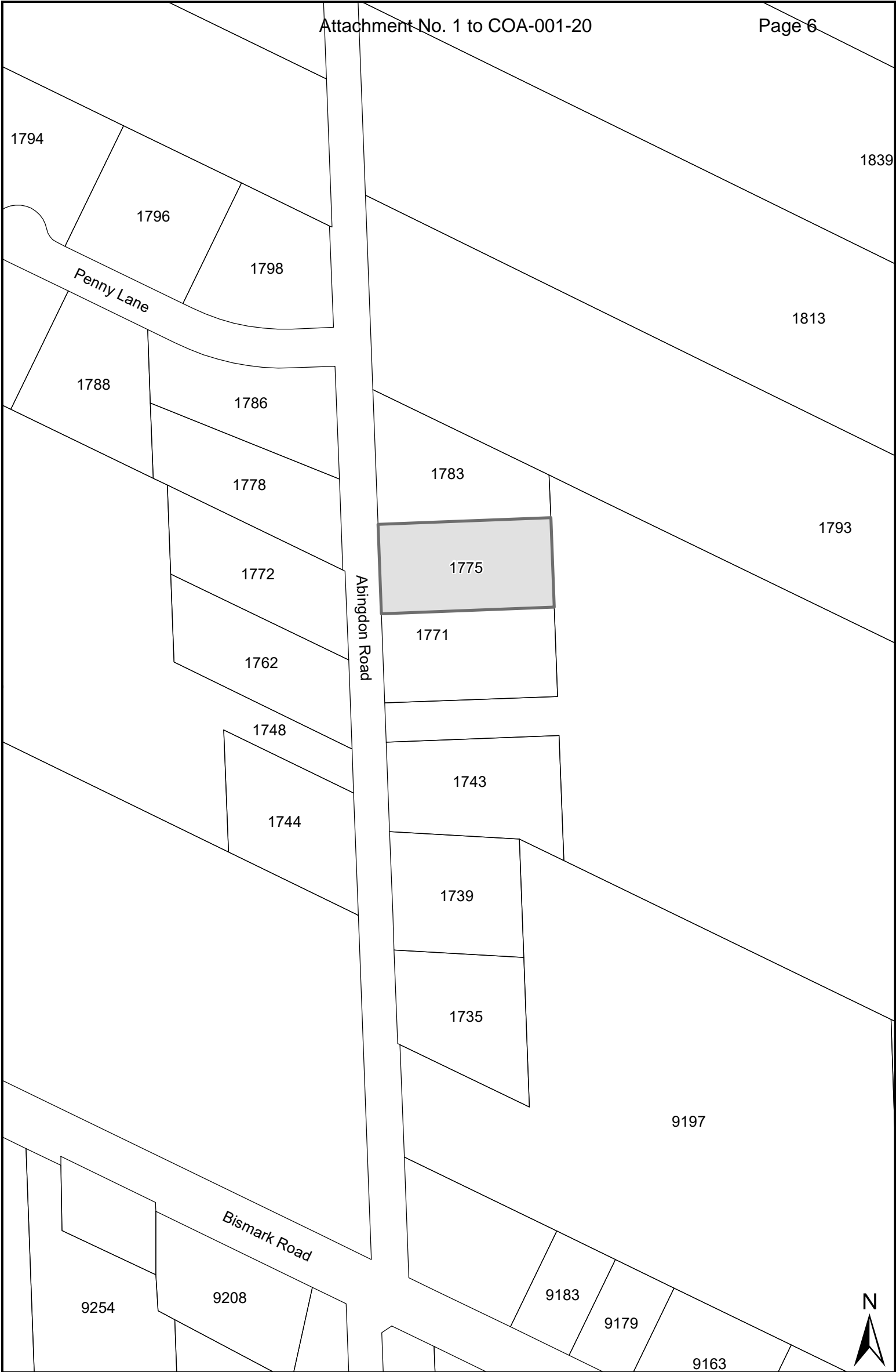
**Madyson Etzl  
Planner II**



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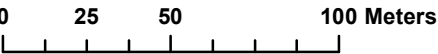
**Brian Treble, RPP, MCIP  
Director of Planning and Building**

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


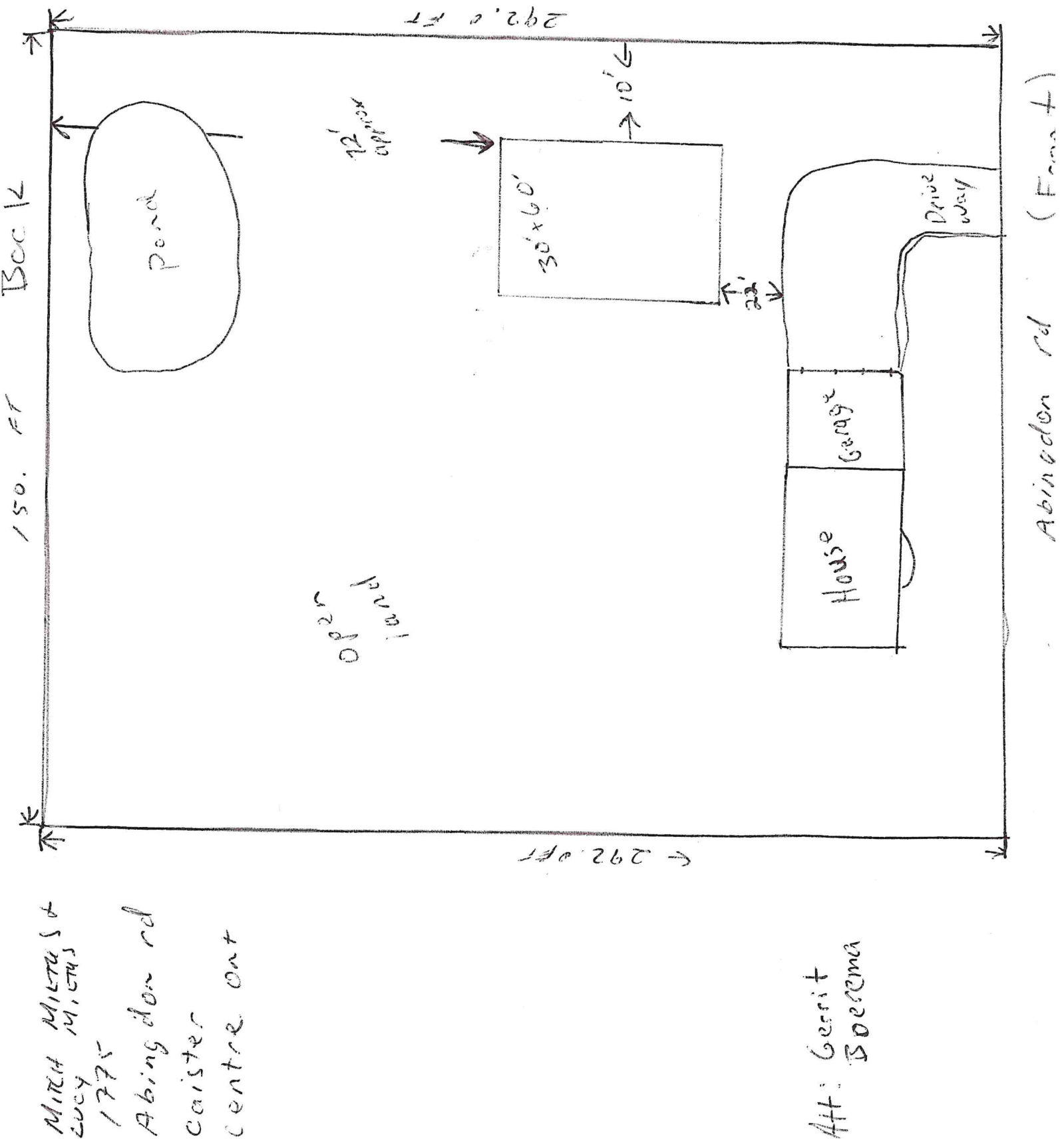
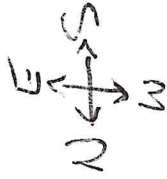
**Location Map**  
**ADDRESS**

August 2020



**Legend**

 Subject Lands



Mitch Miltus &  
Lucy Miltus  
1775  
Abingdon rd  
caister  
centre out

Att: Gerrit  
Boerema

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# Memo

**To:** Alexa Cooper, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** September 9, 2020  
**Re:** File A12/2020WL – Mitchell & Lucy Mietus

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A review has been completed on this minor variance application to permit the maximum ground floor area for an accessory building to 170 sq.m. whereas the permitted maximum is 100 sq.m. for the subject property.

Public Works has no comments to provide on this application.



**From:** [John Schonewille](#)  
**To:** [Alexa Cooper](#)  
**Cc:** [Jessica Kroes](#)  
**Date:** August 25, 2020 3:35:04 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Alexa:

No objections from a Building perspective subject to applicant obtaining a Building Permit for the proposal.

*John*

**From:** [Lyle Killins](#)  
**To:** [Alexa Cooper](#)  
**Date:** September 6, 2020 9:08:08 AM  
**Attachments:** [imagee4b7f2.PNG](#)  
[image73c655.PNG](#)  
[imagea59411.PNG](#)

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Hi Alexa,  
Please be advised no objection.  
Regards  
Lyle Killins

Table 1-2: Regulations for Accessory Buildings and Structures in Non-Agricultural Zones

Regulation		Accessory Buildings or Structures in a Residential Zone	Accessory Buildings or Structures in a Commercial, Institutional or Open Space Zone	Accessory Buildings or Structures in an Employment Zone
Maximum ground floor area per building or structure	RuR and R1A Zones	100m <sup>2</sup>	Based on maximum lot coverage (see below)	
	All other Residential Zones	50m <sup>2</sup>		
Maximum number of accessory buildings or structures per lot	Accessory buildings	2		
	Accessory Structures	Based on maximum lot coverage (see below)		
Permitted yards		Interior Side Yard Rear Yard	All Yards	
Minimum setback from front lot line		No closer to the front lot line than the main building	4.5 metres	15 metres
Minimum setback to exterior side lot line		No closer to the exterior side lot line than the main building, except that a detached private garage in the rear yard shall not be located any closer than 6 metres to the exterior side lot line		
Minimum setback to interior side lot line		1.2 metres, except that this shall not apply to prevent a permitted detached private garage which services two dwellings that are each on a separate lot	1.2 metres, or as required in the applicable zone where a lesser interior side yard is required for the main building	5 metres
Minimum setback to rear lot line			1.2 metres	7.5 metres
Maximum height		5 metres	6 metres	10 metres
Maximum lot coverage	RuR and R1A Zones	200m <sup>2</sup> or 8% of the lot area, whichever is less, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone	8% of the lot area, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone	
	All other Residential Zones	100m <sup>2</sup> or 8% of the lot area, whichever is less, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone		
Minimum setback from main building <sup>(1)</sup>		1.5 metres	3 metres	

<sup>(1)</sup> No projection shall be permitted into this required setback. This setback does not apply to a balcony, deck, fence, patio, porch, roof-mounted solar panels, satellite dish/antenna, steps, sunroom, walkway or other accessory structure normally appurtenant to a main building.