

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – T. McIntyre, S. McIntyre, E. Polzel**

Report Number COA2024-055

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**Public Meeting**

**Meeting Date:** June 27<sup>th</sup>, 2024

**Time:** 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 6 – Geographic Township of Ops**

**Subject:** The purpose and effect is to facilitate construction of a detached garage.

**Relief sought:**

1. Section 5.2 of the Zoning By-law which requires a 9 metre front yard setback; the proposed setback from the detached garage is 5.48 metres.

The variance is requested at **70 Four Points Road** (File D20-2024-045).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



**Recommendations**

**That** Report COA2024-055 – T. McIntyre, S. McIntyre, E. Polzel, be received;

**That** minor variance application D20-2024-045 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions**

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-055, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** building construction related to the minor variance shall be completed within a period of twenty-four (24) 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 first Building Inspection.

This approval pertains to the application as described in report COA2024-055. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	New detached garage.
Owners:	Trevor McIntyre, Sharon McIntyre, Elizabeth Polzel
Applicant:	Owners (as detailed above)
Legal Description:	Part Lot 29, Concession 10 (being Part 1 of Reference Plan 57R3567)
Official Plan <sup>1</sup> :	Prime Agricultural (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Agricultural (A) Zone (Township of Ops Zoning By-law 93-30)
Site Size:	2,104 square metres (0.52 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and Agricultural

## Rationale

### **The variance is desirable for the appropriate development or use of the land, building or structure.**

The subject property is situated in the former Township of Ops with frontage and access from Four Points Road, a year-round public road. The property is located in a predominantly agricultural area, with residential lots similar in size scattered along the road. The property currently contains a two-storey dwelling, a detached garage, two sheds, an above-ground swimming pool, and two car canopy shelters.

The proposal is to construct a new detached garage in place of the existing car canopy shelters. As a result, the applicant has indicated that the car canopy shelters will be removed immediately prior to the construction of the detached garage. This will result in two detached garages, the existing and the proposed. The proposed garage will be used for personal parking and storage.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

The property is largely covered by a dense hedge of vegetation, with the only structures visible from public street view being the existing garage and car canopy shelters. The applicant has indicated that there are multiple vehicles being parked on the property and not adequate space to park all of them within the existing garage. Four Points Road is surfaced with gravel and given the location of the parking, the applicant is seeking an enclosed sheltered area to protect the vehicles from the debris propelled by vehicular activity along the gravel road.

Based on the above analysis, the variance is considered desirable and appropriate for the use of land.

**The variance maintains the general intent and purpose of the Official Plan.**

The subject property is designated Prime Agricultural under the City of Kawartha Lakes Official Plan. Low-density residential uses and buildings or structures accessory to residential uses are permitted within the designation. Performance and siting criteria is implemented through the Zoning By-law.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

**The variance maintains the general intent and purpose of the Zoning By-law.**

The subject property is zoned Agricultural (A) Zone under the Township of Ops Zoning By-Law 93-30. As per Section 16.2 of the Zoning By-law, the property must comply with the provisions of the Rural Residential (RR) Zone. The RR Zone permits a single-detached dwelling with accessory uses. The proposal complies with all provisions of the Zoning By-law, with the exception of the front yard setback.

Section 5.2 of the Zoning By-law which requires a 9 metre front yard setback; the proposed setback from the detached garage is 5.48 metres. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as the character of the streetscape. An important distinction to make is that the proposed setback of the detached garage is not any closer to the front lot line or street than the current setback from the existing detached garage. As a result, the front yard setback is not being reduced. Additionally, the number of structures in the front yard will be reduced as the two car shelters will be replaced by the proposed garage. The proposed garage will offer increased privacy and protection for vehicles and storage, as the vehicles will be stored out of sight from the public view. The proposed garage will ensure adequate building separation (2 metres) and will comply with the maximum height of 5 metres, these will ensure any issues with overcrowding or massing are mitigated.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

**The variance is minor in nature.**

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

**Other Alternatives Considered:**

No alternatives considered.

**Consultation Summary**

Notice of this application was circulated in accordance with the requirements of the Planning Act.

**Agency Comments:**

**DS – Building and Septic (Septic):** “A sewage system use permit has been issued for this property. The use permit indicates the sewage systems location on the west side of the residential dwelling. The garage is being proposed on the east north side of the residential dwelling. Based on the proposed garage placement, the structure will not encroach within the minimum required clearance distances to the sewage system. Additionally, the garage will not incorporate any plumbing fixtures or habitable space. As such, the Building and Septic Division has no issue with the proposed minor variance as it relates to private on-site sewage disposal.”

**DS – Building and Septic (Building):** “No comments.”

**ECA – Development Engineering:** “Development Engineering Division understands that the purpose of this minor variance request is to request relief under Section 45(1) of the Planning Act., R. S. O., as amended, from the Township of Ops Zoning By-Law 93-30, as amended. The purpose and effect is to facilitate the construction of a detached garage. Relief is requested from Section 5.2 of the Zoning By-law which requires a 9 metre front yard setback; the proposed setback from the detached garage is +/- 5.48 metres. From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

**Public Comments:**

No comments received as of the writing of the staff report.

**Attachments**

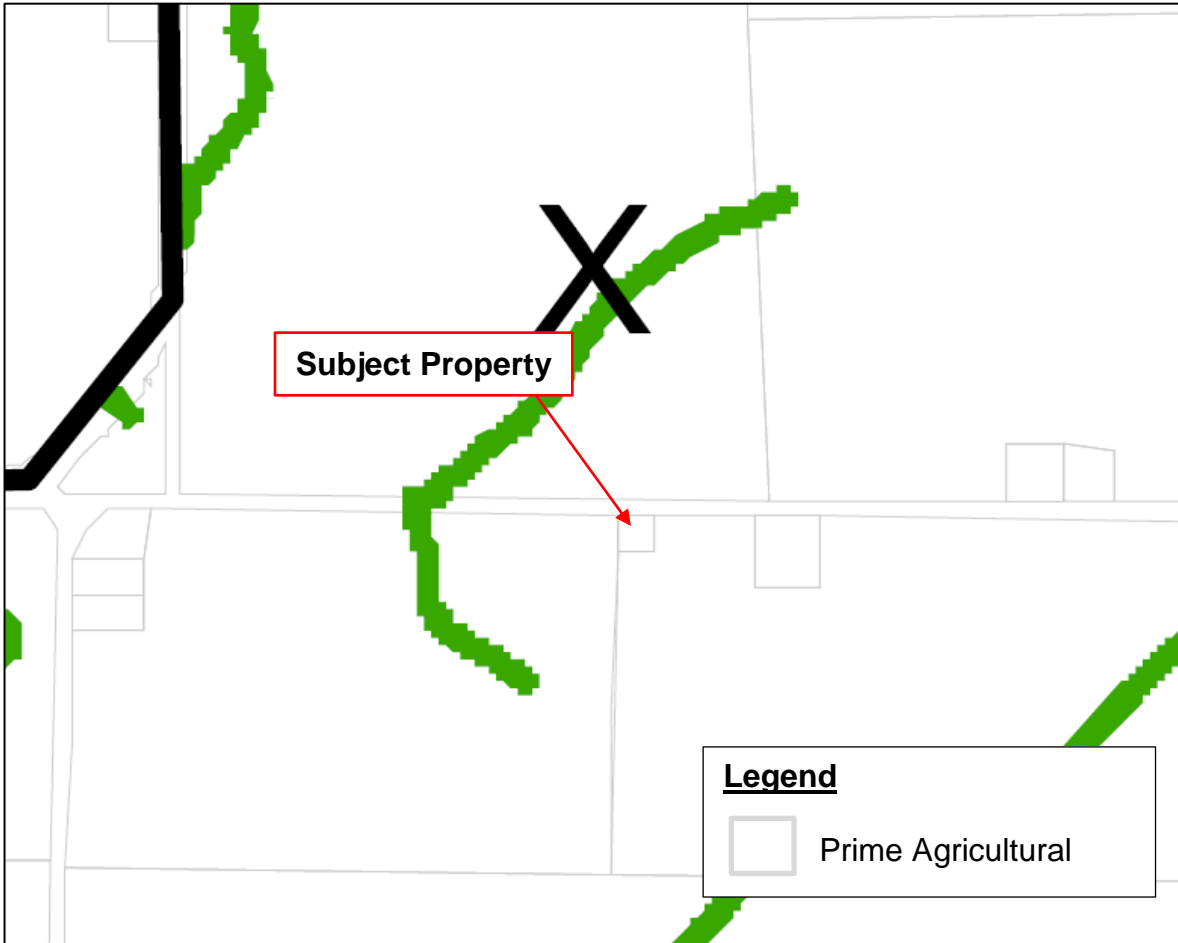
- Appendix A – Location Map
  - Appendix B – Aerial Photo
  - Appendix C – Applicant’s Sketch
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**Phone:** 705-324-9411 extension 1367  
**E-Mail:** ashahid@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-045

## Schedule 1 Relevant Planning Policies and Provisions

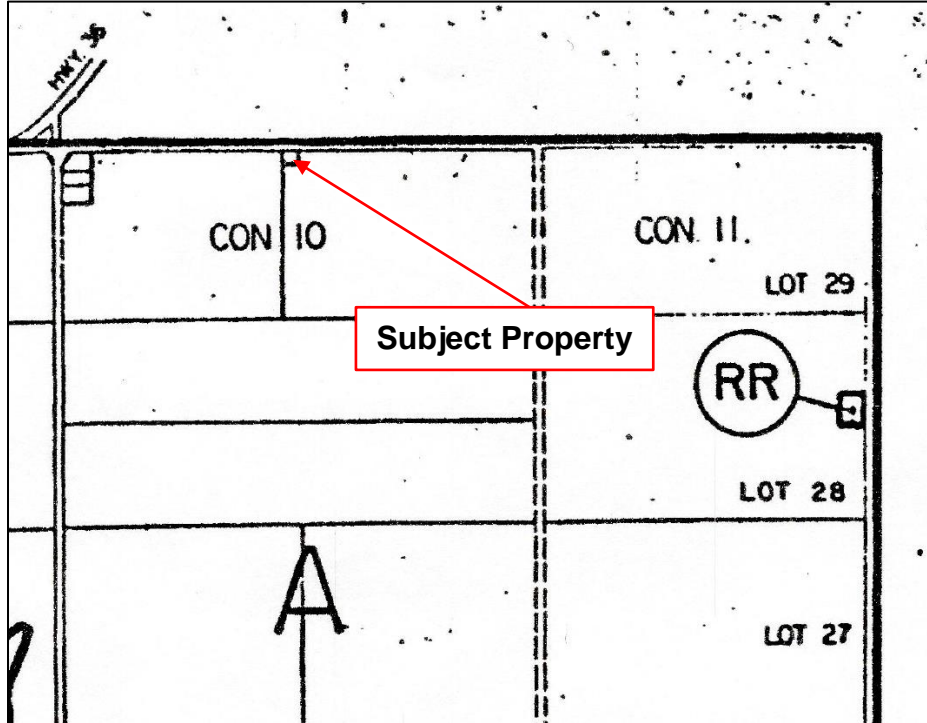
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### City of Kawartha Lakes Official Plan



### Section 15. Prime Agricultural Designation

## Township of Ops Zoning By-Law 93-30



TOWNSHIP OF OPS  
COMPREHENSIVE ZONING BY-LAW 93-30

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OFFICE CONSOLIDATION  
MARCH 2022

### SECTION 5: RURAL RESIDENTIAL (RR) ZONE

#### 5.1 Uses Permitted

In any Rural Residential (RR) Zone, no person shall use any lot or construct, alter or use any building or structure for any purpose except for the following uses:

##### 5.1.1 Residential Uses

- a converted house
- a one-family house

#### 5.2 Zone Provisions

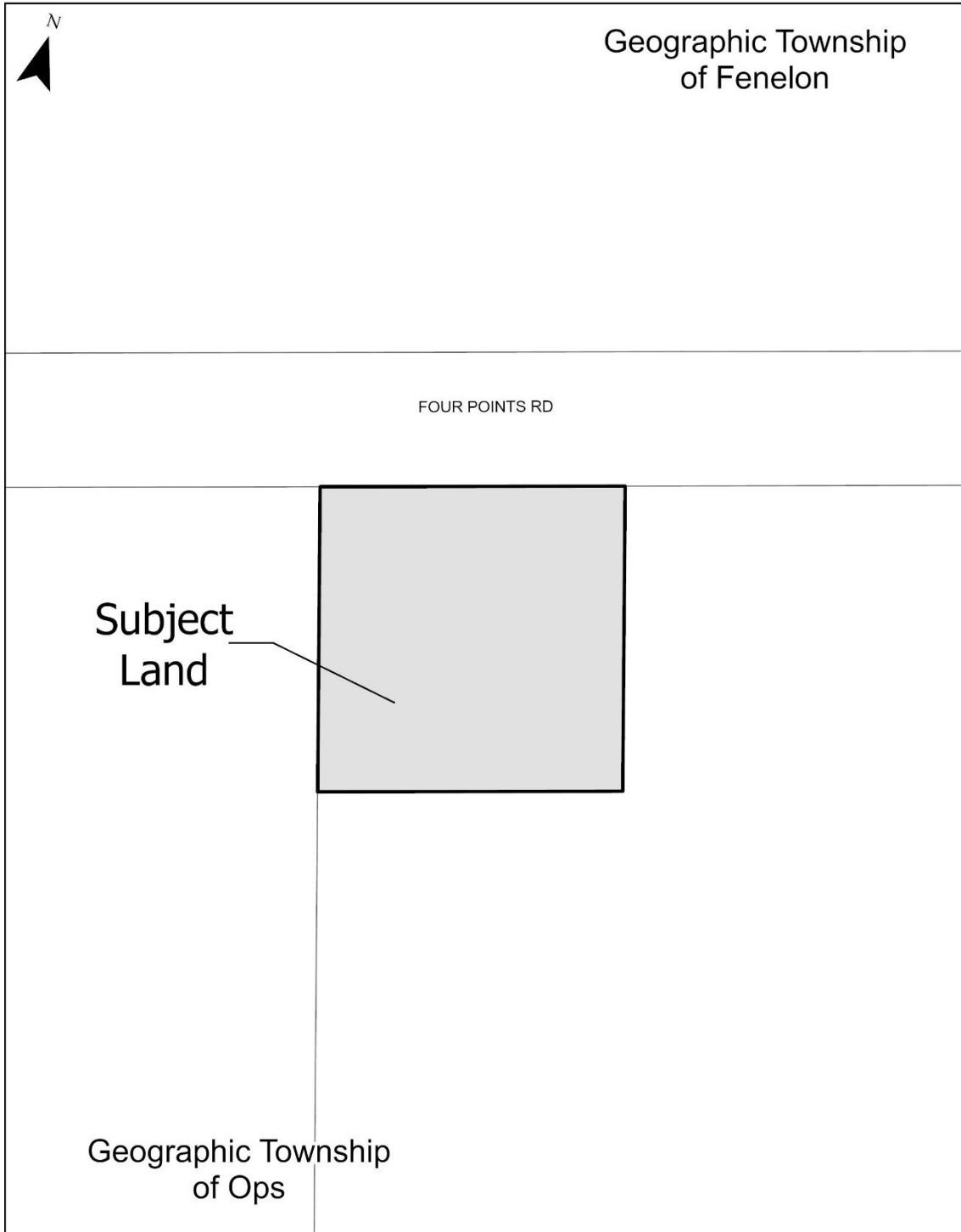
In any RR Zone, no person shall use any lot or construct, alter or use any building or structure except in accordance with the following provisions:

Front Yard  
(minimum):

- 9 metres

LOCATION MAP

# D20-2024-045





APPENDIX " B "

to

REPORT COA2024-055

FILE NO: D20-2024-045

**AERIAL PHOTO (2018)**



to

REPORT COA2024-055

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APPLICANT'S SKETCH

