

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Dayment**  
Report Number COA2024-107

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**Public Meeting**

**Meeting Date:**      **November 28, 2024**  
**Time:**                1:00 pm  
**Location:**           Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 4 – Geographic Township of Mariposa**

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

**Relief sought:**

1. Section 3.1.3.2 of the Zoning By-law, which permits a maximum height of 5 metres for any accessory structure (as accessory to a residential zone or use); the proposed height of the detached garage is 6.59 metres.

The variance is requested at **752 County Road 46** (File D20-2024-099).

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**Author:**   **Ahmad Shahid, Planner II**      **Signature:**



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**Recommendations**

**That** Report COA2024-107 – Dayment, be received;

**That** minor variance application D20-2024-099 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 Appendix C and Appendix D submitted as part of Report COA2024-107, 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 COA2024-107. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

|                              |  |
|------------------------------|--|
| Proposal:                    | Construction of a detached garage.                                   |
| Owners:                      | Wesley and Kelly Dayment   |
| Applicant:                   | Owners   |
| Legal Description:           | Part Lot 6, Concession 14 (being Part 1 of Reference Plan 57R-6032)  |
| Official Plan <sup>1</sup> : | Prime Agricultural<br>(City of Kawartha Lakes Official Plan, 2012)   |
| Zone <sup>2</sup> :          | Agricultural (A1) Zone<br>(Township of Mariposa Zoning By-law 94-07) |
| Site Size:                   | 3,318.42 square metres (0.82 acres)                                  |
| Site Access:                 | Year-round maintained road   |
| Site Servicing:              | Private individual well and septic system                            |
| Existing Uses:               | Residential  |
| Adjacent Uses:               | Residential, 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 Mariposa in a rural area with access from County Road 46. Tall vegetation is present along portions of the subject property's frontage and between the side lot line of its neighbouring property to the north. There are no directly adjacent dwellings or structures within the immediate vicinity of the subject property. The property currently contains a single-detached dwelling, attached single-car garage and an in-ground swimming pool.

The proposal seeks to facilitate the construction of a detached garage. The proposed garage is to be located in the side yard directly in front of the in-ground pool. The owners have indicated that the proposed garage with its increased height

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

is desired to allow for the storage of personal items and belongings as well as the parking of various vehicles, a boat, trailer, and an ATV.

The proposed garage is compatible with the existing residential land use of the property, and does not disturb neighbouring properties or the character of the surrounding area.

Given 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 (A1) Zone under the Township of Mariposa Zoning By-law 94-07. As per Section 8.2.1.7 of the Zoning By-law, the subject property is less than 1 hectare and as a result, the permitted uses and provisions of the Rural Residential Type One (RR1) Zone apply. The RR1 Zone permits residential uses and accessory structures thereto. Relief is requested from the maximum permitted height of residential accessory structures.

Section 3.1.3.2 of the Zoning By-law permits a maximum height of 5 metres for any accessory structure (as accessory to a residential zone or use); the proposed height of the detached garage is 6.59 metres. The intent of this provision is to regulate the vertical dimension of accessory structures while preserving the visual character of an area and preventing structures from overshadowing neighbouring properties.

The proposed detached garage is situated in-line with the existing dwelling, approximately 23 metres from the road in the southern side yard. The southern neighbouring property is a large agricultural property with no directly adjacent structures to the proposed location of the garage. As such, the proposed garage is not anticipated to negatively impact any of the neighbouring properties. Given the predominantly agricultural nature of the area, it is customary for agricultural properties to include taller structures that support agricultural activities. This is exemplified by the neighboring property to the south, which features two substantial barns that can be seen from the subject property and appear to exceed 5 meters in height. Taller structures in accessory to a farm use are permitted in the Zoning By-law under the applicable agricultural zone. Accordingly, the proposed garage is consistent with the established visual character of the area.

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 (Building): “No comments.”

DS – Building and Septic (Septic): “A sewage system installation report has been located for the property. The report indicates that the sewage system is located in the roadside yard of the dwelling. The detached garage is being proposed in the south side yard of the dwelling. The placement of the garage in this location will ensure the minimum required clearance distances to the sewage system are maintained. Additionally, the garage proposal does not include any plumbing fixtures or habitable space and so will not alter the capacity requirements for the sewage system. As such, the Building and Septic Division has no issue with the minor variance as it relates to private on-site sewage disposal.”

ECA – Development Engineering: “From a Development engineering perspective, we have no concerns or comments 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  
Appendix D – Elevation Drawings

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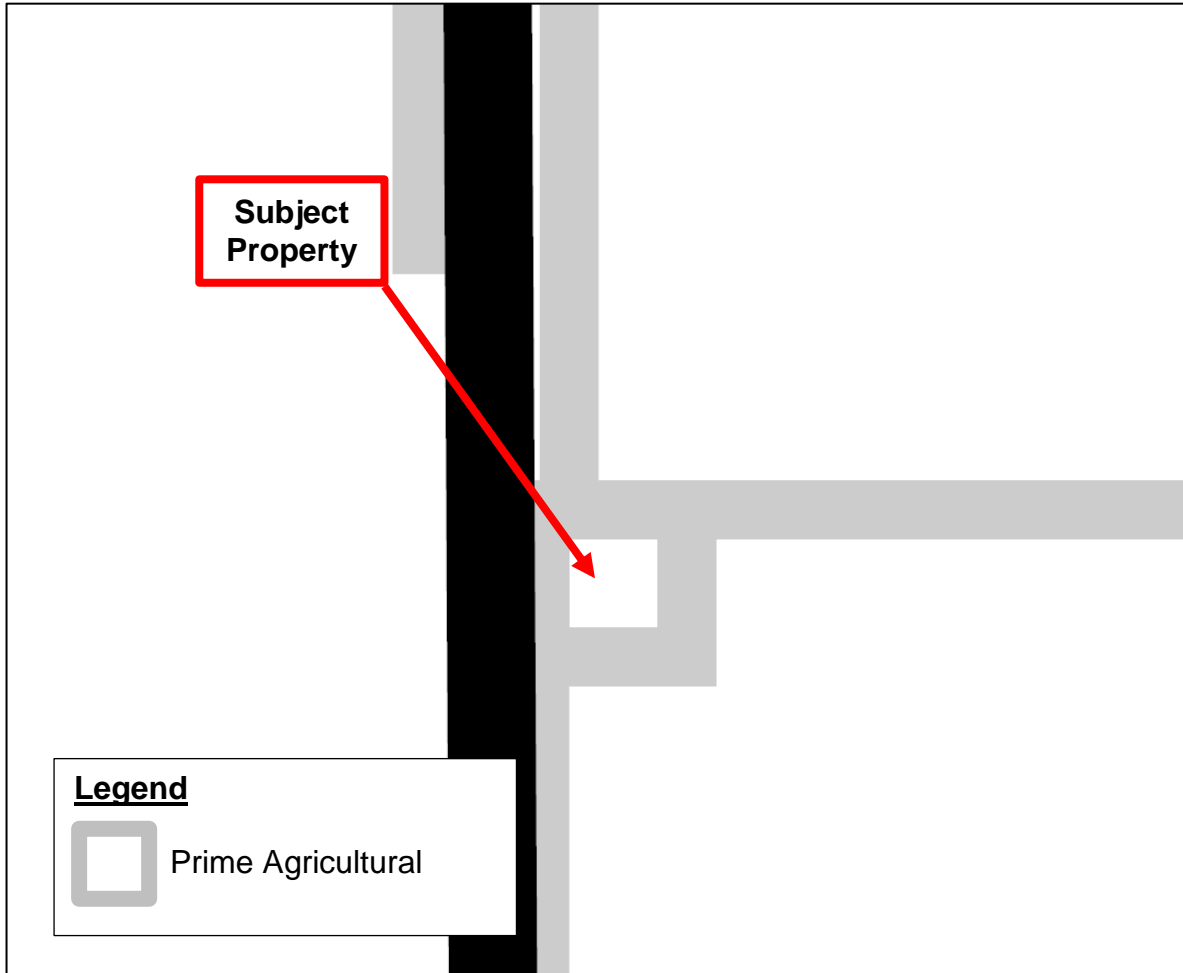
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|-------------------------|---|
| <b>Phone:</b>           | 705-324-9411 extension 1367                   |
| <b>E-Mail:</b>          | ashahid@kawarthalakes.ca                      |
| <b>Department Head:</b> | Leah Barrie, Director of Development Services |
| <b>Division File:</b>   | D20-2024-099                                  |

## Schedule 1

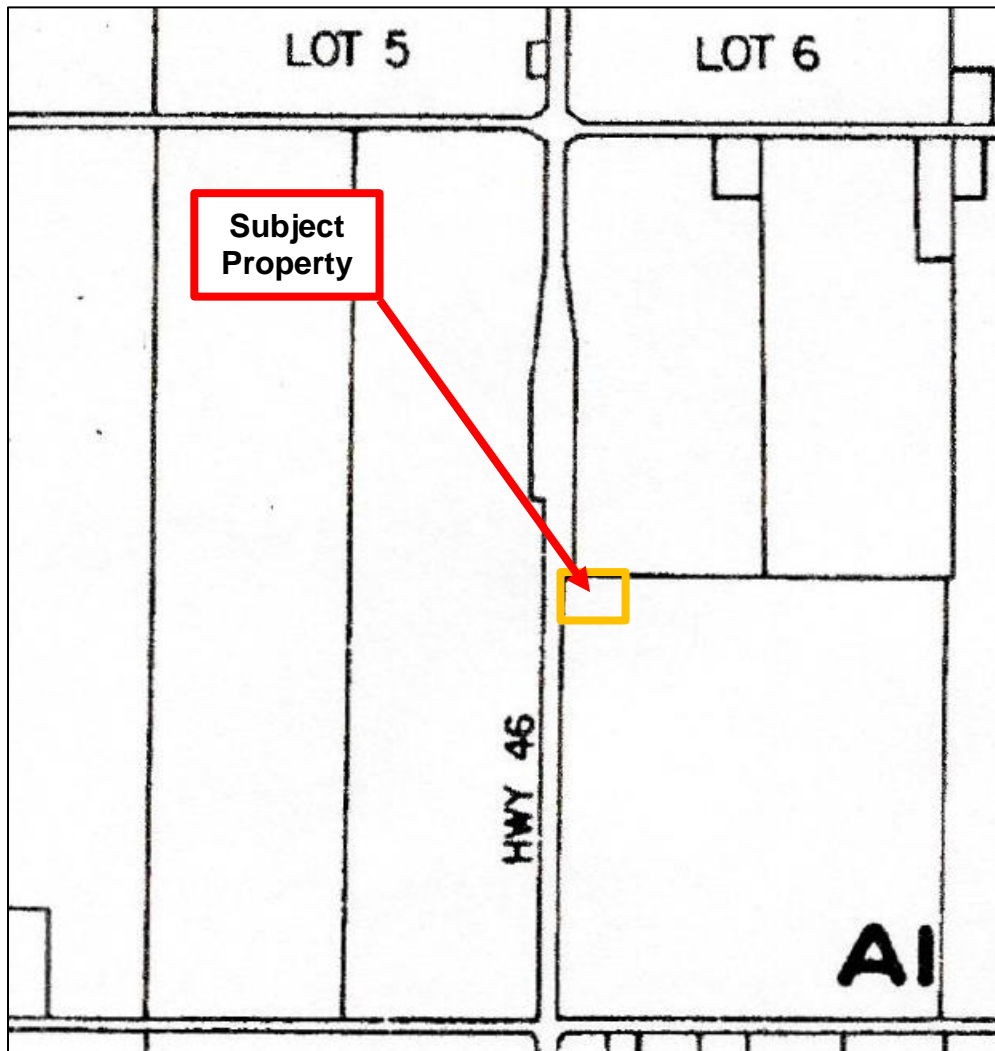
### Relevant Planning Policies and Provisions

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#### City of Kawartha Lakes Official Plan



**Township of Mariposa Zoning By-law 94-07**



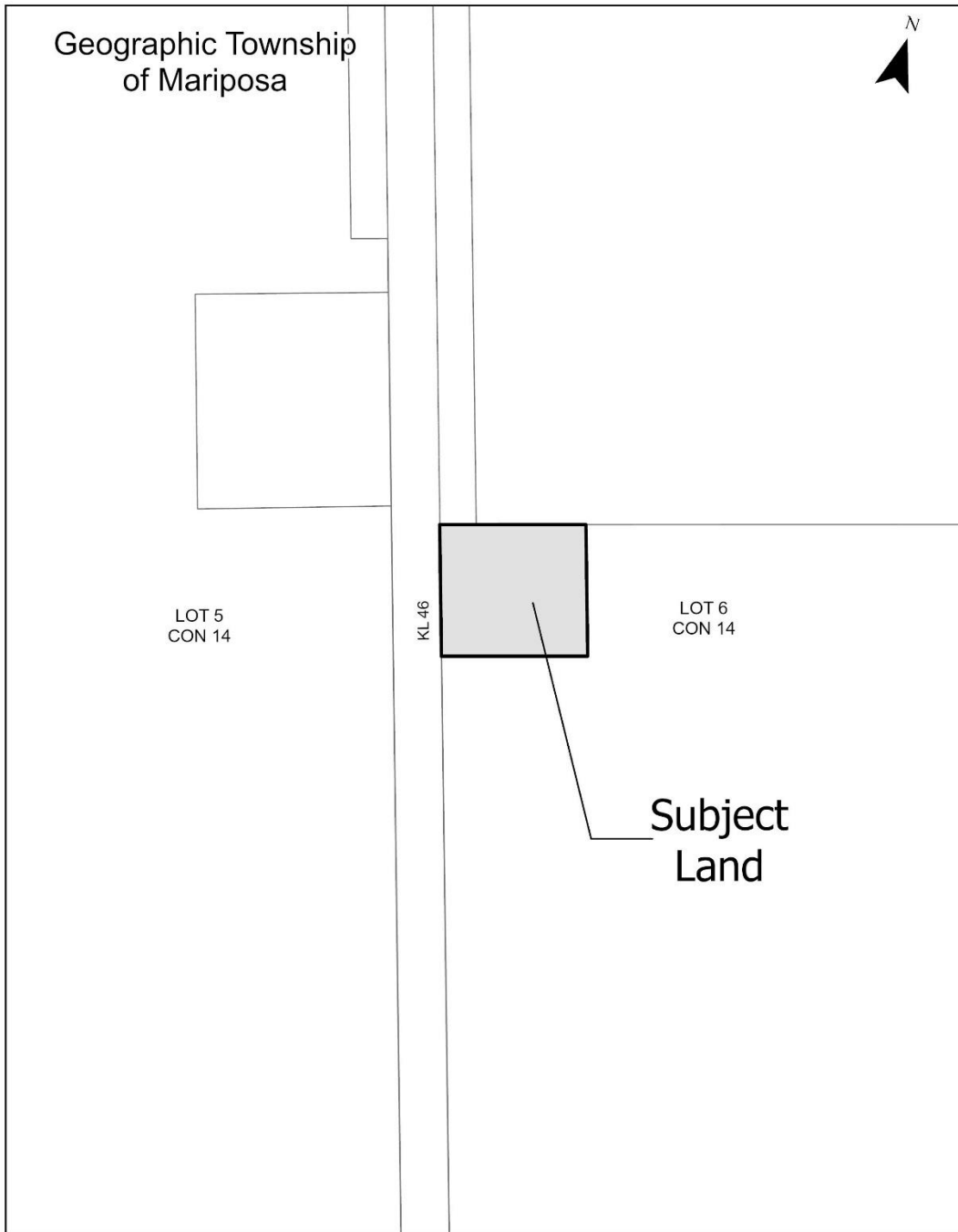
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**LOCATION MAP**

**D20-2024-099**



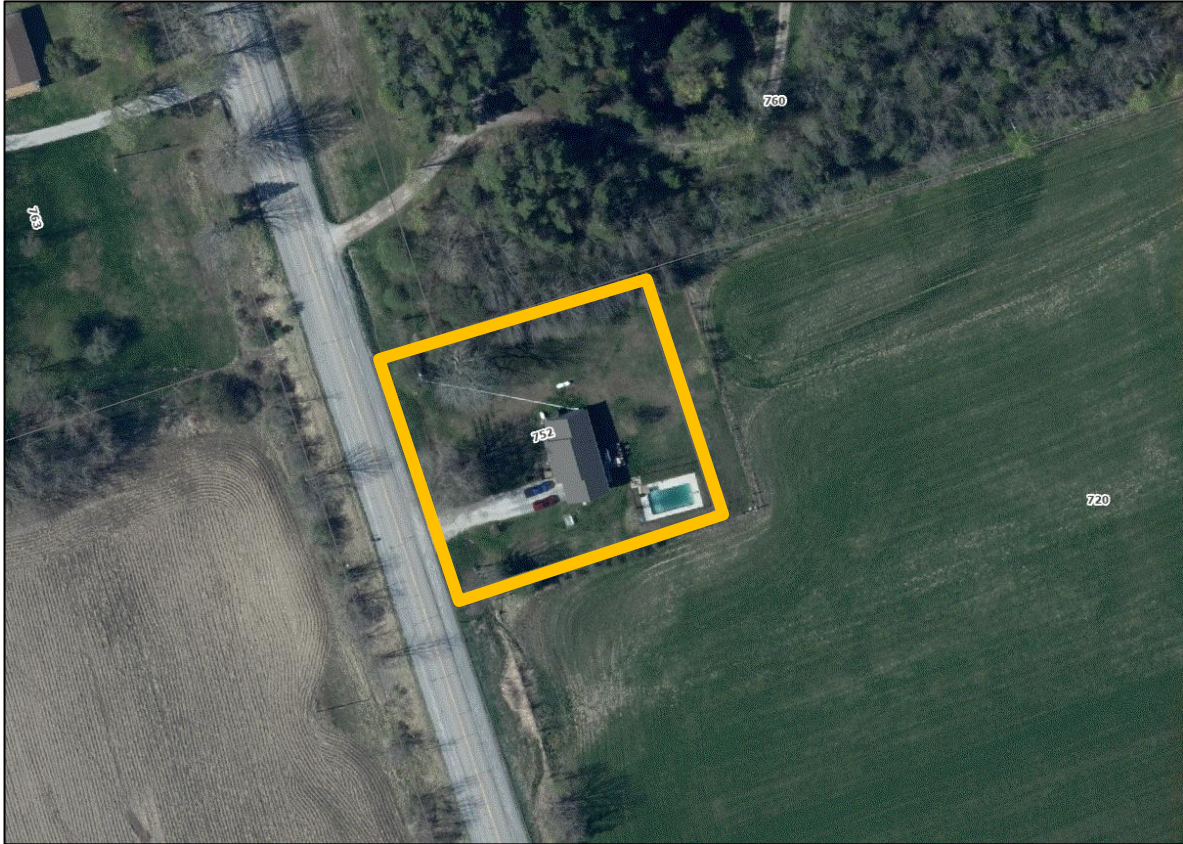
APPENDIX " B "

to

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## AERIAL PHOTO

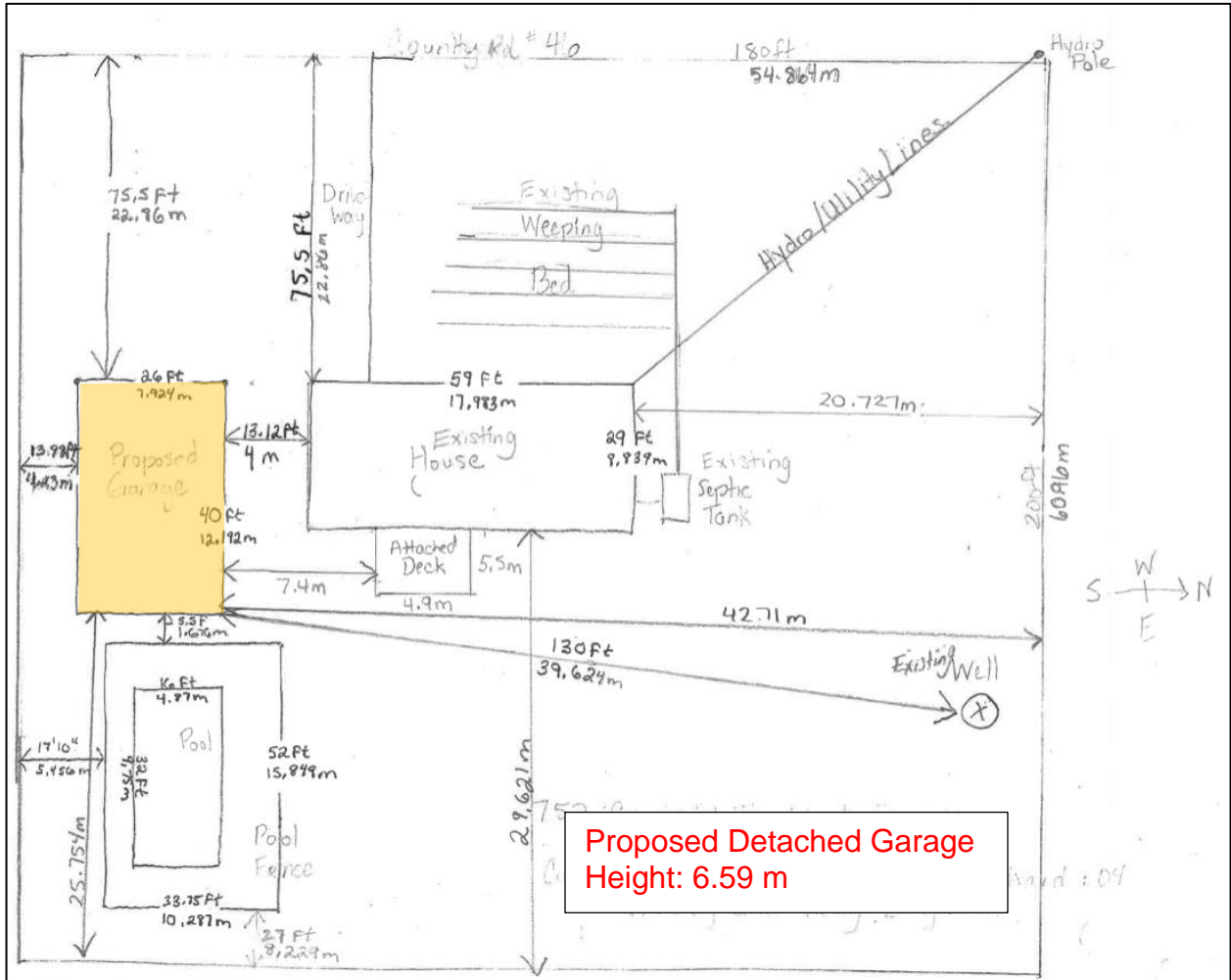


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## APPLICANT'S SKETCH



to

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ELEVATION DRAWINGS

