

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Golde
Report Number COA2025-022

Public Meeting

Meeting Date: February 27, 2025
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 4 – Geographic Township of Mariposa

Subject: The purpose and effect is to facilitate demolition of a portion of the detached garage and the construction of a new larger addition onto the detached garage. The garage (circa 1975) holds a legal non-conforming status whereby residential uses and uses accessory to residential uses predate the Zoning By-law adopted in 1994, that zones the lot Highway Commercial Exception Four (C2-4) Zone, and Section 17.1 does not otherwise permit a single detached dwelling or buildings and structures accessory to a single detached dwelling.

The permission is requested at **1027 Highway 7, Mariposa** (File D20-2025-009).

Author: Katherine Evans, Acting development Supervisor

Signature: 

Recommendations

That Report COA2025-022 - **Golde**, be received;

That permission application D20-2025-009 be GRANTED, as the application satisfies Section 45(2) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C and the drawings in Appendix D submitted as part of Report COA2025-022, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** building construction related to the permission application 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 COA2025-022. Fulfillment of all conditions is required for the permission to be considered final and binding.

Application Summary

Proposal:	The demolition of a portion of the detached garage and the construction of a new larger addition onto the detached garage. The garage (circa 1975) holds a legal non-conforming status whereby residential uses and uses accessory to residential uses predate the Zoning By-law adopted in 1994, that zones the lot Highway Commercial Exception Four (C2-4) Zone, and Section 17.1 does not otherwise permit a single detached dwelling or buildings and structures accessory to a single detached dwelling.
Owners:	Megan and Daniel Golde
Applicant:	Megan Golde
Legal Description:	South Part Lot 17, Concession 9 (being Part 2 on Reference Plan 57R3878)
Official Plan ¹ :	Prime Agricultural (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Highway Commercial Exception Four (C2-4) Zone (Township of Mariposa Zoning By-law 94-07)
Site Size:	4,807 sq. m. (51,742 sq. ft.)
Site Access:	Provincial highway
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, agricultural, and commercial

¹ See Schedule 1

² See Schedule 1

Rationale

The application satisfies the provisions of the Planning Act³

In accordance with Section 45(2)(a)(i), the Committee may approve the enlargement or extension of a building or structure if it was lawfully used for a purpose prohibited by the by-law continuously, before the day the by-law was passed. The single detached dwelling on the property was constructed in 1986, and the building that is currently used as a garage accessory to the residential use was constructed in 1975 (according to Municipal Property Assessment Corporation). The residential use has existed on the property since before the Zoning By-law was passed on February 28, 1994. Therefore, the applicant is proposing a building enlargement and extension of use to the existing legal non-conforming building, being the detached garage.

The property is zoned Highway Commercial Exception Four (C2-4) Zone under the Township of Mariposa Zoning By-law 94-07. The only residential use that is permitted within this zone is one residential dwelling unit as part of a building containing another permitted use. As such, a residential unit is only permitted within a commercial building and accessory to a commercial use that is permitted in the C2-4 Zone. As the residential use on the property is a single detached dwelling and no commercial use exists, the residential use is not permitted and therefore the use that is accessory to the residential use (the garage) is not permitted.

Evaluation of impact

The residential use has existed since 1986. Residential lots abut the subject property to the east and west, and an agricultural property abuts the property to the north. As such, the continuation of the residential use on this property is in keeping with the existing built form, uses, and character of the surrounding area.

The proposal is for a portion of the detached garage to be demolished and replaced with a two storey addition. The ground level will be workshop space for personal use of the property owners, and the second storey will provide storage space.

The existing garage is approximately 274 square metres in size. Approximately 189 square metres of the existing garage will remain, and the new addition is to be 132 square metres, resulting in a total ground floor area of 321 square metres. This increases the ground floor area of the garage by approximately 47 square metres. Additionally, the new portion of the garage is to have a height of 7 metres. As the property does not have a permitted primary use, the detached garage cannot be considered an accessory structure, as it is not accessory to a permitted use. Therefore, the General Provisions for Accessory Structures to residential uses do

³ See Schedule 1

not apply to the garage. However, the appropriateness of the proposal must still be evaluated.

The garage is located towards the back of the subject property, and does not abut any neighbouring residential buildings. Additionally, a mature cedar hedge lines the rear and side lot lines, creating a visual buffer. The garage is set back 53 metres from the front lot line, and several mature trees obstruct the view of the garage as viewed from the road. It is not anticipated that the replacement of an existing portion of the garage with a two storey addition will negatively impact surrounding properties, environmental features, or the function of the Provincial highway right of way.

The purpose of the 45(2) application is to allow the property owners to continue to enjoy the legal-non conforming use of the property and to evaluate the appropriateness of an extension of that legal non-conforming use. That notwithstanding, the intention is that over the long-term planning horizon of the Official Plan, that the legal non-conforming use ceases and the property is brought back into conformity with the Zoning By-law through the establishment of a permitted use, or the property be brought into conformity through a Zoning By-law Amendment to recognize the residential use as-of-right.

The proposed expansion of the garage will not create more opportunity for residential use as the proposal is for a workshop and storage, therefore it does not exacerbate the non-conformity with the Zoning By-law. If in the future the use of the property changed to a commercial use permitted by the Zoning By-law, the detached garage could be used to facilitate that commercial use, and the proposed expansion of the detached garage would provide more space for a future potential permitted commercial use. As such, the proposal allows the property owners to continue to use the property as they are and expand the garage, while not moving further away from what is permitted by the Zoning By-law and not impacting the ability of the property to be used for permitted commercial purposes in the future.

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:

Building and Septic Division (Septic): "A sewage system review was conducted for the proposed changes. The sewage system serving the detached garage was located in the rear yard. The proposed garage footprint will not encroach on the minimum required clearance distances of the existing sewage system. Nor will the new garage have any additional plumbing fixtures, beyond those already

established, and it will not contain any habitable space. As such, the Building and Septic Division have no concerns with minor variance proposal as it relates to private on-site sewage disposal.”

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no comments for or objection to this Minor Variance application.”

Building and Septic Division (Building): “No comments.”

Public Comments:

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

Attachments

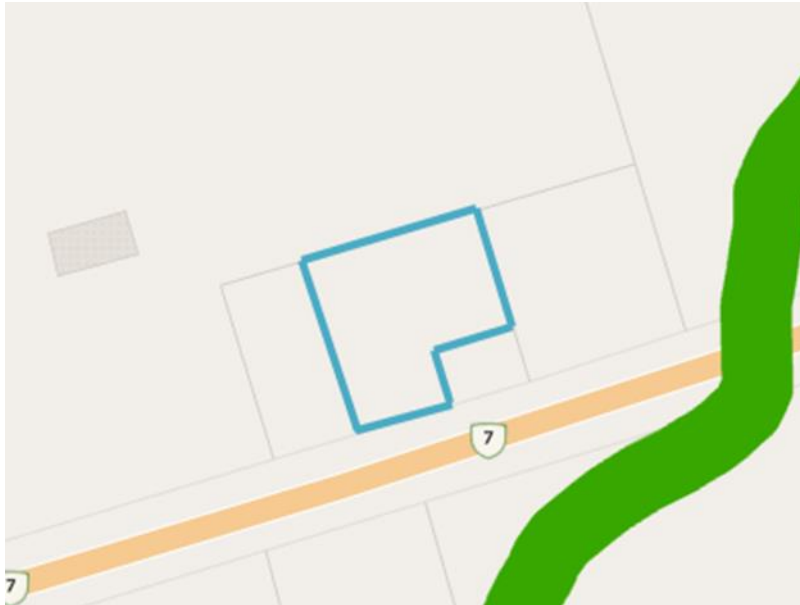
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch
Appendix D – Construction Drawings

Phone:	705-324-9411 extension 1883
E-Mail:	kevans@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-009

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan

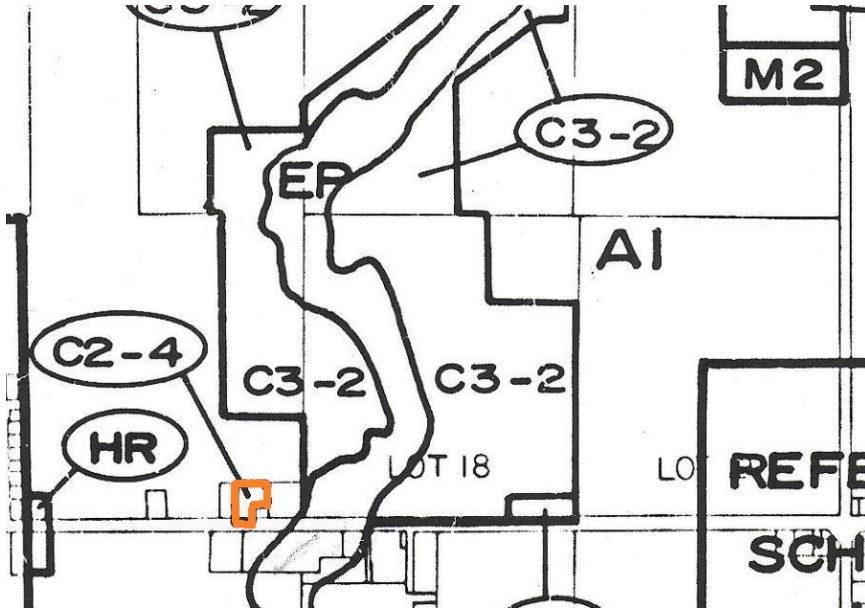


 Prime Agricultural  Environmental Protection

15. Prime Agricultural Designation

17. Environmental Protection Designation

Township of Mariposa Zoning By-law 94-07



Section 17 Highway Commercial (C2) Zone

17.1 Uses Permitted

17.2 Zone Provisions

17.3 Highway Commercial Exception Zones

17.3.4 Highway Commercial Exception Four (C2-4) Zone

17.3.4.1 Notwithstanding article 17.2.1.2, land zoned "C2-4" shall have a minimum lot frontage of 37 metres

The Planning Act, R.S.O. 1990

Powers of committee

45(1)

Other powers

(2) In addition to its powers under subsection (1), the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c.P.13, s.45(2).

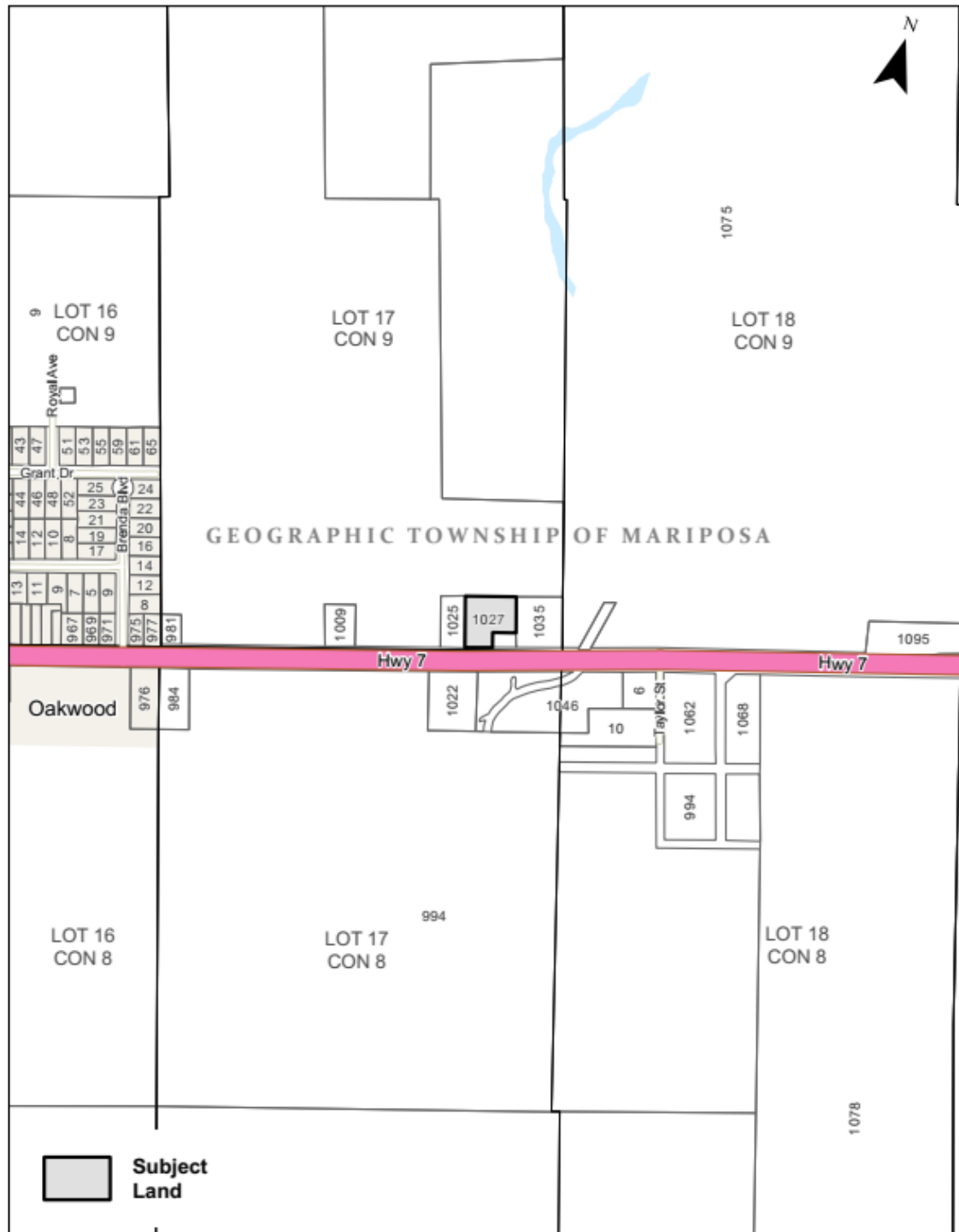
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REPORT COA2025-022

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LOCATION MAP

D20-2025-009



APPENDIX " B "

to

REPORT COA2025-022

FILE NO: D20-2025-009

AERIAL PHOTO

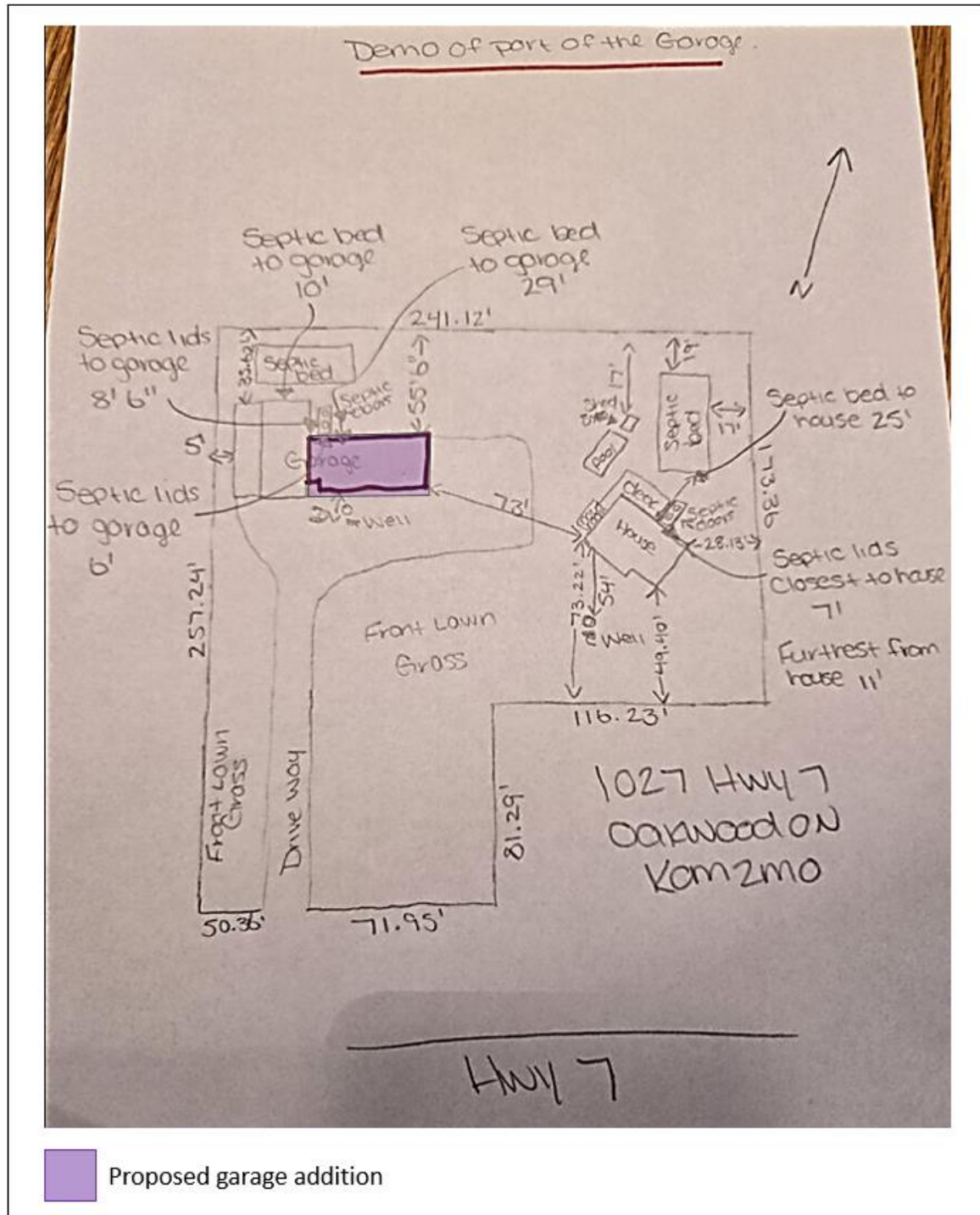


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APPLICANT'S SKETCH



CONSTRUCTION DRAWINGS

APPENDIX " D "

to

REPORT COA2025-022

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