

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Cooper**  
Report Number COA2025-031

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**Public Meeting**

**Meeting Date:** March 27, 2025

**Time:** 1:00 pm

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

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**Ward 3 – Geographic Township of Fenelon**

**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 permits a maximum height of 5 metres for accessory structures; the proposed height of the detached garage is 5.89 metres.

The variance is requested at **Vacant Lot Rutherford Road** (File D20-2025-018).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



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**Recommendations**

**That** Report COA2025-031 – Cooper, be received;

**That** minor variance application D20-2025-018 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 and Appendix D submitted as part of Report COA2025-031, 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 COA2025-031. 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:	Michael and Vikki Cooper
Applicant:	Owners
Legal Description:	Part Lot 14, Concession 10 (being Part 1 of Reference Plan 57R-7790)
Official Plan <sup>1</sup> :	Rural (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Agricultural (A1) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	4,006.39 square metres (0.99 acres)
Site Access:	Year-round maintained road
Site Servicing:	Individual well and private septic system
Existing Uses:	Vacant
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 located in a residential-agricultural area, with access from Rutherford Road (year-round maintained public road). The subject property is currently vacant, buffered by vegetation on its rear and side lot lines. A single detached dwelling with attached garage is currently proposed on the property as well.

The minor variance application seeks to facilitate the construction of a detached garage. The garage will be used to store yard equipment and for personal vehicle maintenance. The owners have indicated that relief is requested in order to accommodate for a specific type of door for the proposed garage.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

A detached garage is a common structure seen on various properties, and typically compliments a single detached dwelling on low-density residential properties.

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 Rural under the City of Kawartha Lakes Official Plan (2012). The Rural designation permits the use of low-density single detached dwellings and associated accessory structures. 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 Fenelon Zoning By-law 12-95. As per Section 8.2.1.7 of the Zoning By-law, the subject property is less than 1 hectare (2.47 acres) in size and as a result, the permitted uses and provisions of the 'Rural Residential Type One (RR1) Zone' apply. The RR1 Zone permits a single detached dwelling and related accessory uses. Relief is sought for the maximum permitted height of an accessory structure.

Section 3.1.3.2. of the Zoning By-law permits a maximum height of 5 metres for accessory structures; the proposed height of the detached garage is 5.89 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 accessory structures from overshadowing neighbouring properties. The provision is also used to ensure an accessory use remains visually subordinate.

With the area being predominantly residential-agricultural, the proposed building aligns with built form massing one would typically see in an agricultural area. As such, the built form character of the neighbourhood is not anticipated to be negatively impacted. The proposed garage is to be located in the rear yard, in a more discrete location on the property as it is guarded by vegetation on the southern side lot line and western rear lot line, reducing visual impacts on the abutting neighbours. Moreover, the proposed dwelling is 7.24 metres in height and therefore, will be the visually predominant use on the property.

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 permit to install has been issued for the construction of a primary dwelling on the property. The sewage system is proposed to be located in an opposite yard to the detached garage. The placement of the garage on the property will not encroach within the required clearance distances of the proposed sewage system. Additionally, there will be no plumbing or habitable space in the garage. As such, the Building and Septic Division has no issue with the minor variance proposal as it relates to private on-site sewage disposal.”

### 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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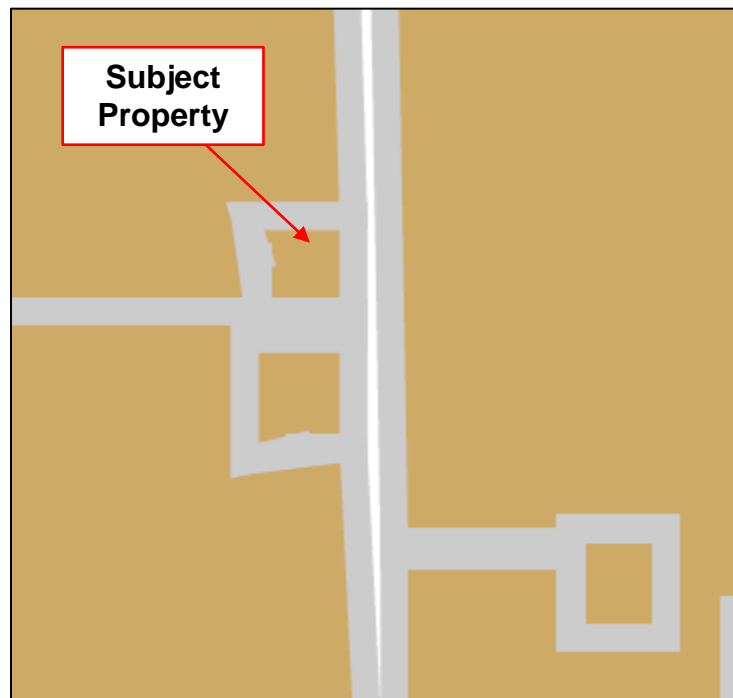
<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	ashahid@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2025-018

## **Schedule 1**

### **Relevant Planning Policies and Provisions**

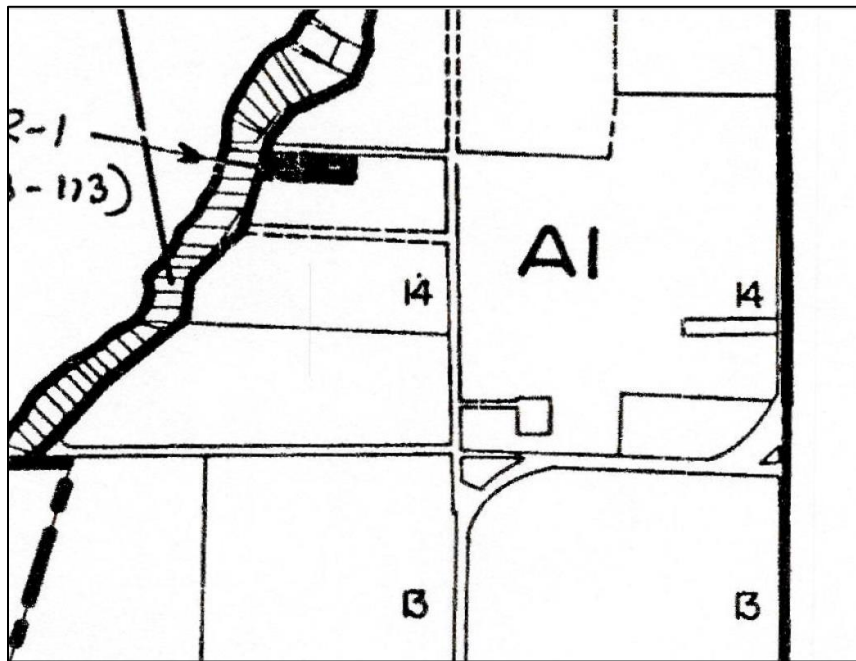
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#### **City of Kawartha Lakes Official Plan**



Section 16. Rural Designation

## Township of Fenelon Zoning By-law 12-95



### Section 3. General Provisions

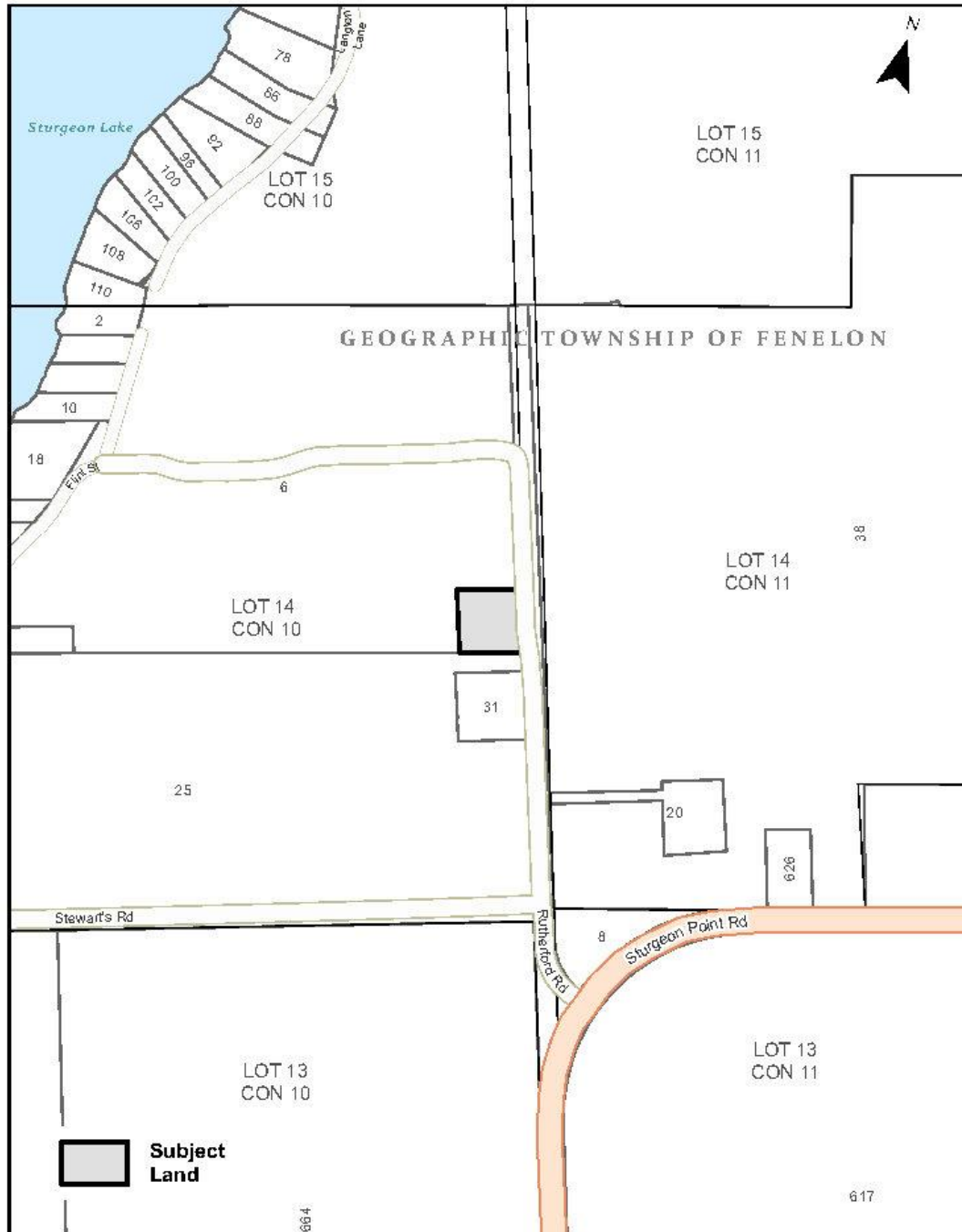
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**LOCATION MAP (2023)**

**D20-2025-018**



to

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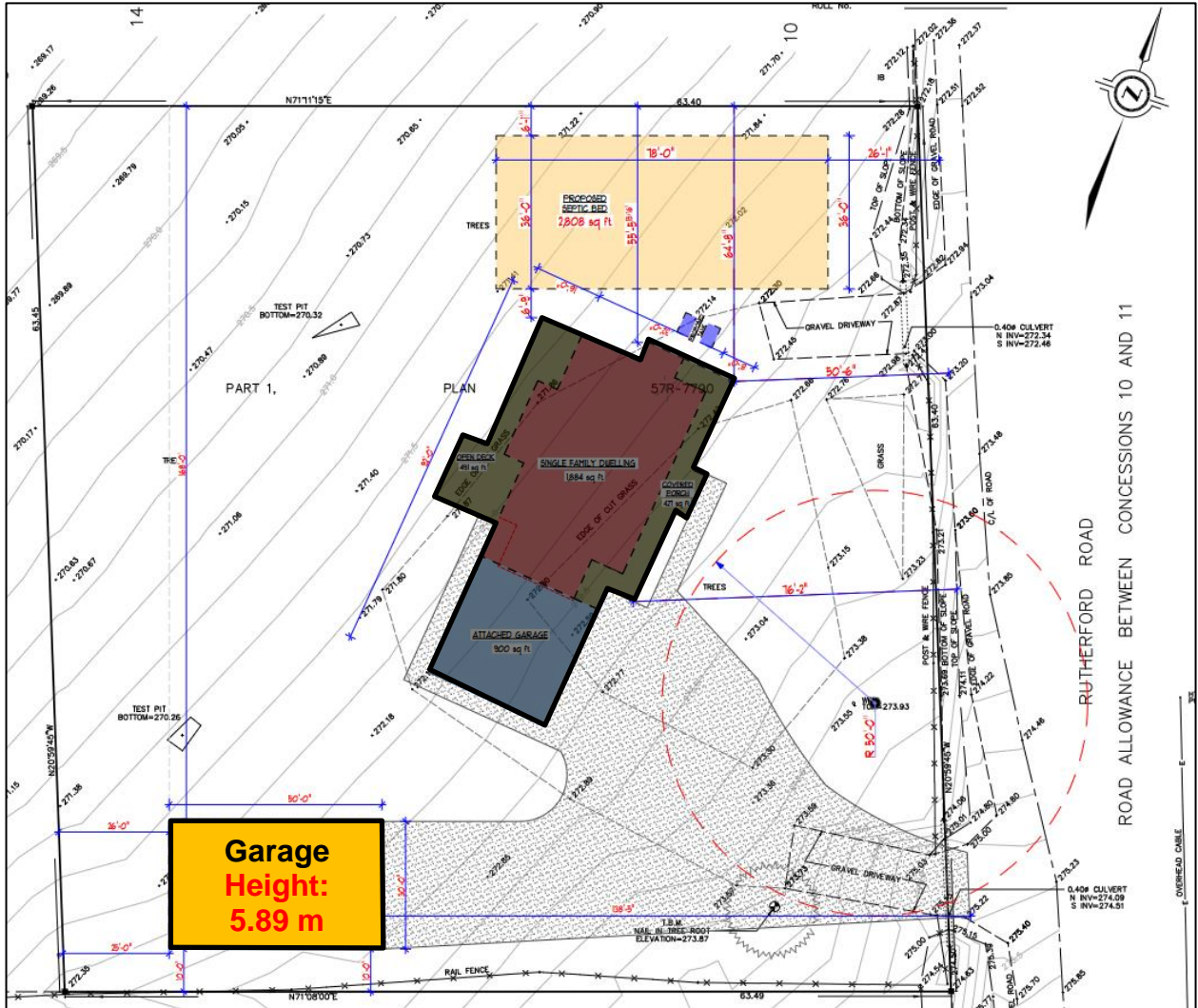
**AERIAL PHOTO (2023)**





to

## APPLICANT'S SKETCH

REPORT COA2025-031FILE NO: D20-2025-018

# ELEVATION DRAWINGS

