

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Zinsmeister
Report Number COA2025-015

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 recognize an existing detached garage for the purposes of obtaining a building permit.

Relief sought:

1. Section 3.1.2.2 of the By-law requires a minimum **rear yard setback** for accessory structures of 2 metres; the existing setbacks are 1.7 metres from the northwest corner and 1.6 metres from the northeast corner;
2. Section 3.1.2.2 of the Zoning By-law requires a minimum **side yard setback** for accessory structures of 2 metres; the existing setback is 1.8 metres from the southeast corner;
3. Section 3.1.3.1 a) of the Zoning By-law permits a maximum **lot coverage** for accessory structures of 10% of the lot area to a maximum of 100 square metres; the coverage is 12% and 158 square metres;
4. Section 3.1.3.2 of the Zoning By-law permits a maximum **height** of 5 metres; the height is 5.2 metres; and,
5. Section 3.1.3.3 of the Zoning By-law governs the **number of accessory structures**, and permits a maximum of 2 accessory structures; 3 accessory structures exist on the property.

The variance is requested at **1023 Little Britain Road** (File D20-2022-057).

Author: Katherine Evans, Acting Development Supervisor

Signature: 

Recommendations

That Report COA2025-015 – **Zinsmeister**, be received;

That minor variance application D20-2022-057 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 the drawings in Appendix D submitted as part of Report COA2025-015, 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 COA2025-015. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

| | |
|------------------------------|---|
| Proposal: | Recognition of an existing detached garage |
| Owners: | Raymond and Ruby Zinsmeister |
| Applicant: | Raymond Zinsmeister |
| Legal Description: | Part Lot 6, Plan 79 |
| Official Plan ¹ : | Hamlet Settlement Area (City of Kawartha Lakes Official Plan, 2012) |
| Zone ² : | Hamlet Residential (HR) Zone (Township of Mariposa Zoning By-law 94-07) |
| Site Size: | 1,379 sq. m. (14,843 sq. ft.) |
| Site Access: | Year round municipal road |
| Site Servicing: | Private individual well and septic system |
| Existing Uses: | Residential |
| Adjacent Uses: | Residential, commercial and community facility |

¹ See Schedule 1

² See Schedule 1

Rationale

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

The subject property is located in the Hamlet of Little Britain in an area that contains residential, commercial, and community facility uses. The property is on the northeastern corner of Little Britain Road and Margaret Street. The property contains a single detached dwelling constructed in 1968 (according to Municipal Property Assessment Corporation), a detached garage, and two sheds.

The purpose of the application is to recognize the existing detached garage for the purposes of obtaining a building permit. The Minor Variance process began in 2022, and the application was deferred in order to facilitate ongoing efforts between the property owner and Kawartha Region Conservation Authority. The property owner has completed the work required by Kawartha Region Conservation Authority, which included the completion of a Flood Study to determine the extent the grade had been modified within the Regulatory flood hazard and to demonstrate that the garage would have no impacts on Mariposa Creek. A permit has been obtained from Kawartha Region Conservation Authority so the application can now be brought back to the Committee of Adjustment. The garage provides storage space for the property owners' belongings.

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 Hamlet Settlement Area under the City of Kawartha Lakes Official Plan. A single detached dwelling as well as accessory buildings and structures are permitted within this 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 Hamlet Residential (HR) Zone under the Township of Mariposa Zoning By-law 94-07. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum rear and interior side yard setbacks for accessory structures, maximum lot coverage for accessory structures, maximum accessory structure height, and maximum number of accessory structures.

Section 3.1.2.2 of the By-law requires a minimum rear yard setback for accessory structures of 2 metres. The existing setbacks are 1.7 metres from the northwest corner and 1.6 metres from the northeast corner. The intent of the minimum rear

yard setback for an accessory structure is to reduce land use and privacy conflicts between abutting properties, and address massing impacts.

There is a stand of mature vegetation along the rear lot line of the subject property, providing visual screening and reducing massing impacts. As the garage is not used for residential purposes and abuts the rear yard of the property to the north, privacy issues and land use conflicts have not arisen.

Section 3.1.2.2 of the Zoning By-law requires a minimum side yard setback for accessory structures of 2 metres. The existing setback is 1.8 metres from the southeast corner. The purpose of an interior side yard is to manage massing and privacy issues, and to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

The garage is adjacent to a detached accessory structure located in the rear yard of the neighbouring property, so privacy issues are not anticipated. The 1.8 metre setback is sufficient for lot drainage and massing impacts have not arisen. There is adequate space between the interior lot line and the garage for access and building maintenance.

Section 3.1.3.1 a) of the Zoning By-law permits a maximum lot coverage for accessory structures of 10% of the lot area to a maximum of 100 square metres. The coverage is 12% and 158 square metres. Additionally, Section 3.1.3.3 of the Zoning By-law permits a maximum of 2 accessory structures, and 3 accessory structures exist on the property. The intent of establishing a maximum lot coverage and maximum number for accessory structures is to maintain the residential character of the property and to ensure that accessory uses remain subordinate to the primary (residential) use.

The accessory structures, being the detached garage and two sheds, are dispersed throughout the property so it does not appear cluttered or overbuilt. The accessory structures are minimally visible from the road, so the dwelling remains visually predominant.

Section 3.1.3.2 of the Zoning By-law permits a maximum height of 5 metres. The height is 5.2 metres. The purpose of establishing a maximum height for accessory structures in a residential zone is to ensure the accessory use is visually subordinate to the primary (residential) use and to maintain the residential character of an area.

The garage is located at the rear of the subject property and is partially obstructed by the dwelling, as such the dwelling remains visually predominant when viewing the property from Little Britain Road. The 0.2 metre increase in height does not change the residential character of the property. For information purposes, the maximum height for accessory structures as per the Rural Zoning By-law is 5.7 metres.

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:

Building and Septic Division (Septic): “A sewage system review was conducted to evaluate the location of the system and the constructed detached garage. During the evaluation, it was determined that the placement of the garage will not encroach on the minimum clearance distances for the sewage system components. Additionally, the garage will not contain any plumbing fixtures or habitable space. As such, the Building and Septic Division has no concerns with the proposed minor variance 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.”

Kawartha Region Conservation Authority: “Kawartha Conservation has no concern with the approval of Minor Variance Application D20-2022-057 to recognize an existing detached garage. The applicant has already obtained a Permit from Kawartha Conservation for the proposed work.”

Public Comments:

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

Attachments

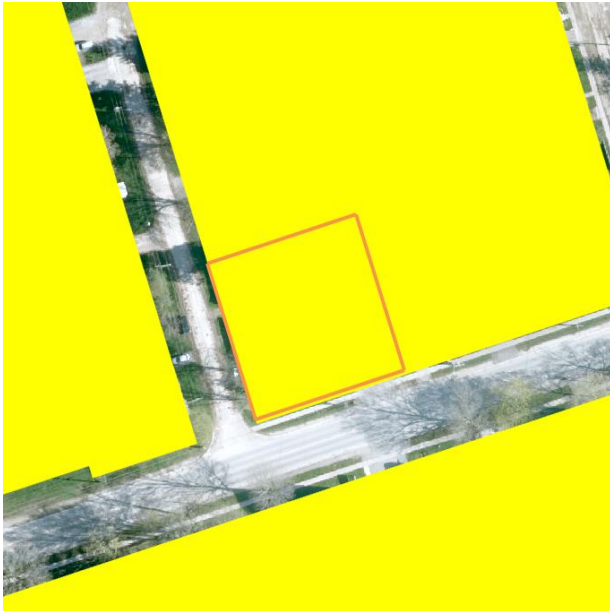
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch
Appendix D – Construction Drawings

E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2022-057

Schedule 1

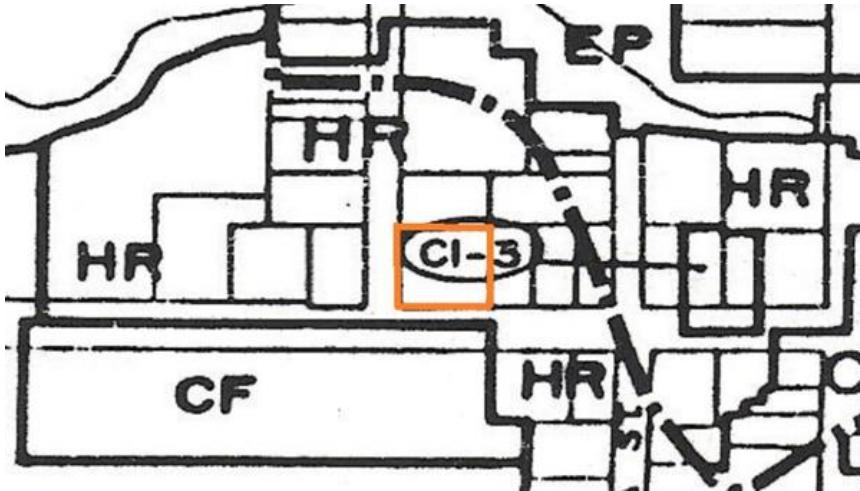
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



19. Hamlet Settlement Area Designation

Township of Mariposa Zoning By-law 94-07



Part 3 General Provisions

3.1 Accessory Buildings, Structures and Uses

3.1.2 Location

3.1.2.2 An accessory building may be erected not closer than 2 metres from a rear lot line and 2 metres from the side lot line nor closer to a flanking street than the required front yard setback for the zone in which it is located and shall not be closer than 4 metres to a residential building located on the same lot.

3.1.3 Lot Coverage and Height

3.1.3.1 The total lot coverage of all accessory buildings and structures, excluding outdoor swimming pools, shall be:

a) 10% of the lot area to a maximum of 100 square metres in the HR, RR2, RR3, LSR and corresponding exception zones;

3.1.3.2 The height of an accessory building or structure, in a residential zone or to a residential use, shall not exceed 5 metres (16.4 ft.). Further, the height of such accessory building or structure shall be measured as the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof.

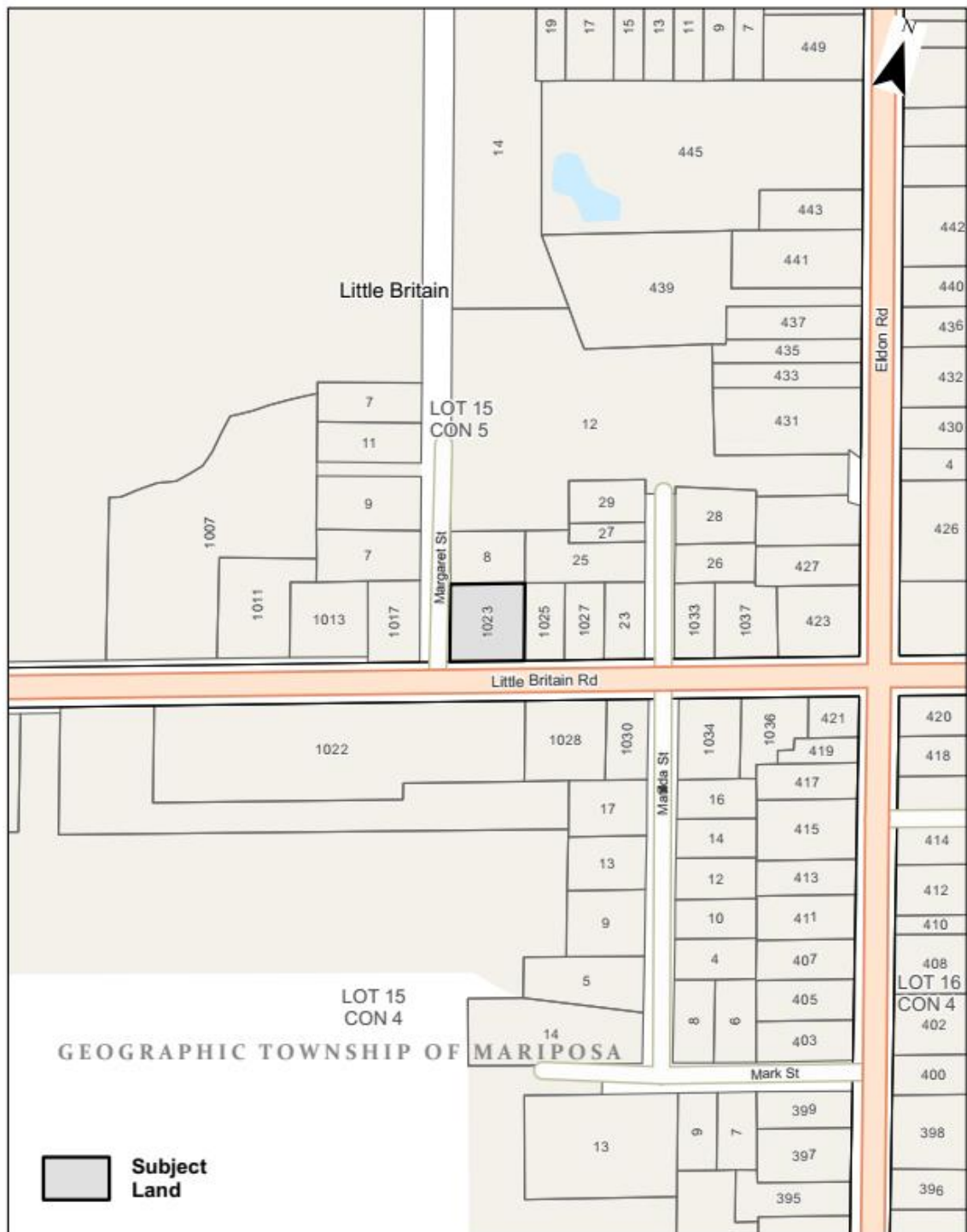
3.1.3.3 A maximum of two accessory buildings or structures, excluding outdoor swimming pools, shall be permitted on a lot in any class of residential zone.

Part 10 Hamlet Residential (HR) Zone

10.1 Uses Permitted

10.2 Zone Provisions

D20-2022-057

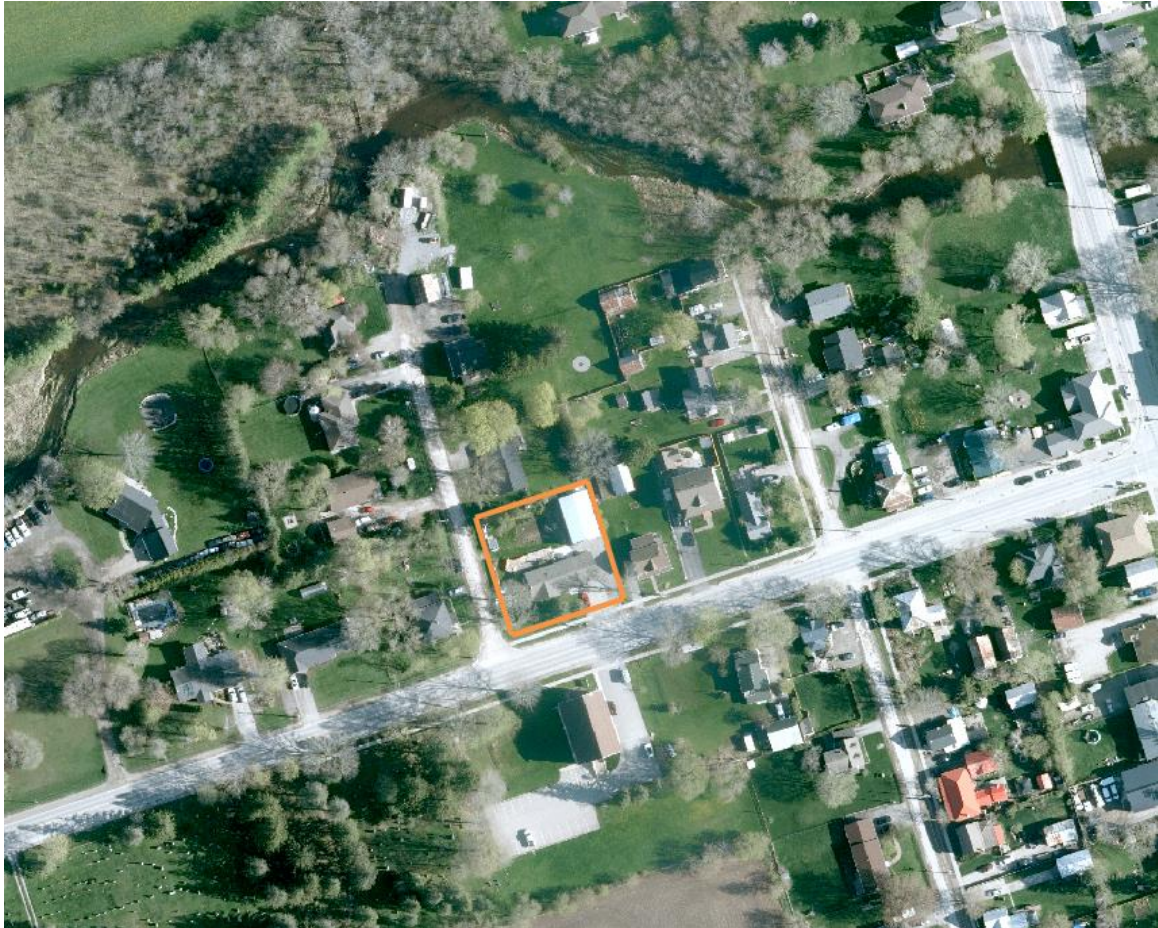


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REPORT COA2025-015

FILE NO: D20-2022-057

AERIAL PHOTO

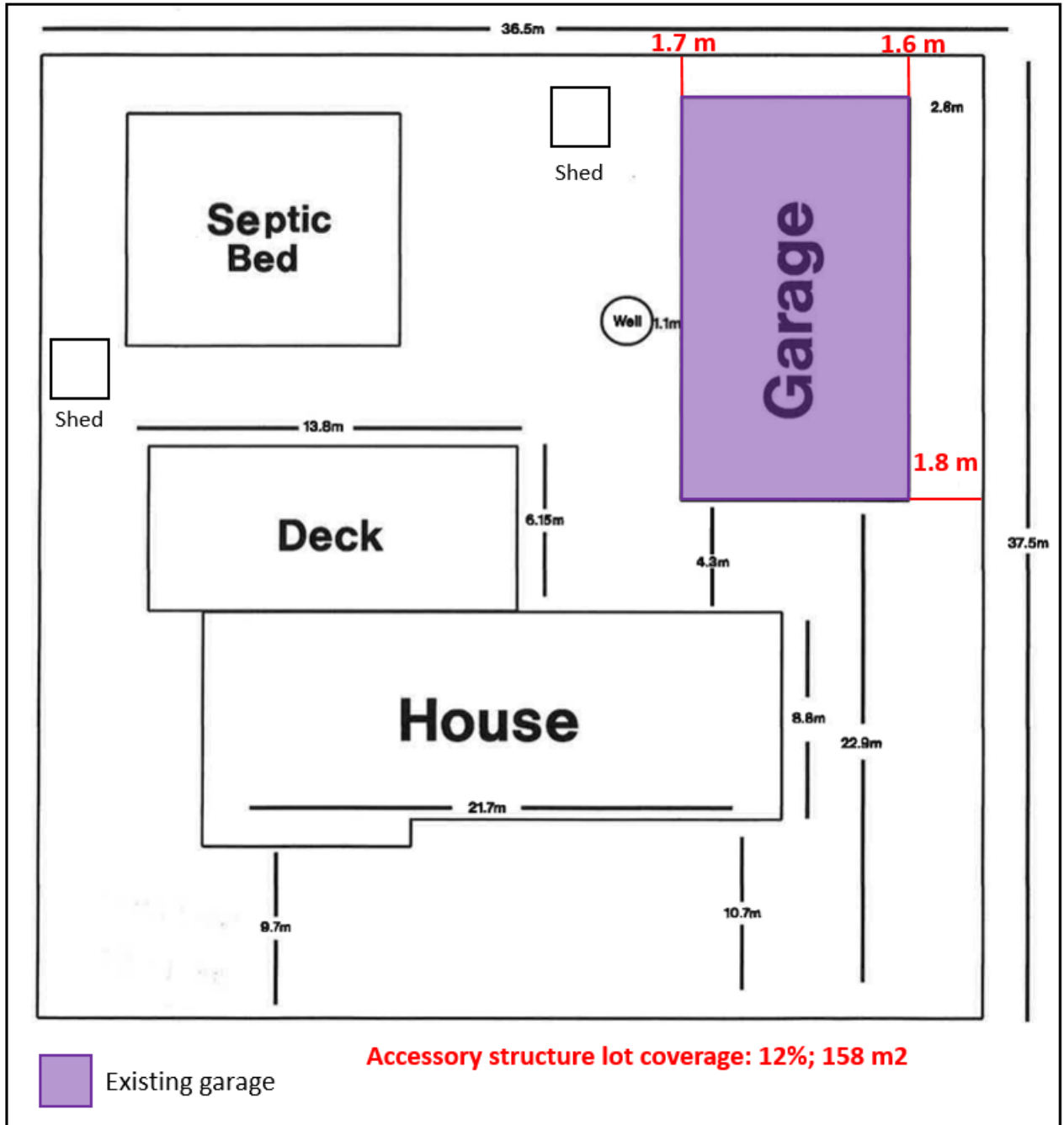


to

REPORT COA2025-015

FILE NO: D20-2022-057

APPLICANT'S SKETCH



FILE NO: D20-2022-057

