

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Graham
Report Number COA2025-066

Public Meeting

Meeting Date: June 26, 2025

Time: 1:00 pm

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

Ward 5 – Geographic Township of Ops

Subject: The purpose and effect is to facilitate the addition of a second storey to an existing detached garage.

Relief sought:

1. Section 5.2 of the Zoning By-law permits a maximum height for accessory structures of 5 metres. The proposed height of the detached garage is 6.5 metres.

The variance is requested at **81 Cheese Factory Road** (File D20-2025-053).

Author: Shayan Okhowat, Planner II

Signature:



Recommendations

That Report COA2025-066 – Graham, be received;

That minor variance application D20-2025-053 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 COA2025-066, 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 COA2025-066. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a second-storey addition onto existing detached garage.
Owners:	Justin Graham
Applicant:	Owner
Legal Description:	Part Lot 26, Concession 8
Official Plan ¹ :	Prime Agricultural (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Agricultural (A) Zone (Township of Ops Zoning By-law 93-30)
Site Size:	4,006.4 square metres (0.4 hectares)
Site Access:	Year-round maintained road
Site Servicing:	Private holding tank and private individual well
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 geographic Township of Ops in a rural area with access from Cheese Factory Road. Tall vegetation is present on the southwestern portion of the subject property. The abutting property to the west is a low-density residential use, in the form of a single detached dwelling. There are no directly abutting structures to the north, south, or east.

The property currently contains a single detached dwelling, detached garage, and shed. The proposal seeks to facilitate the construction of a second-storey addition onto the existing detached garage that was constructed in 2007. The existing garage is located in the rear yard, near the eastern side lot line. The owner has indicated that the proposed second-storey is desired to allow for the storage of

¹ See Schedule 1

² See Schedule 1

personal items and belongings. The owner has indicated that their family's housing accommodations have changed, and the garage is currently being used solely for storage with their personal vehicle parked outside. The proposed second-storey will expand the storage space while allowing for a personal vehicle to be parked on the first floor.

The proposed second-storey addition to the detached garage is compatible with the existing rural residential land use of the property, and is not anticipated to impact 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 (A) Zone under the Township of Ops Zoning By-law 93-30. The A Zone permits a single detached dwelling and accessory uses. Relief is required from the maximum permitted height of an accessory structure.

Section 5.2 of the Zoning By-law permits a maximum height of 5 metres for accessory structures in a residential zone or to a residential zone. The proposed height of the detached garage is 6.5 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 existing detached garage is situated in the rear yard, approximately 48.6 metres from the road. As such, the existing garage is located in a more discrete location on the property. Moreover, the proposed gross floor area of the garage will remain subordinate to the gross floor area of the primary use, being the dwelling. The eastern neighbouring property is a large agricultural property with no directly adjacent structures to the existing 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. 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 Division (Septic): “A sewage system use permit was located for the property. The report indicates that the sewage system is located in the same yard as the proposed construction. However, the foundation of the garage is established and the construction will not extend beyond the current footprint. Clearance distances to the sewage system have been established and will be maintained as part of the proposal. Additionally, the garage will not contain any plumbing fixtures or habitable space. As such, the Building and Septic Division have no concerns with the minor variance proposal as it relates to private on-site sewage disposal.”

DS – Building and Septic Division (Building): “Outstanding permit BPH2007-1304 (can be dealt with through the inspection process). No other concerns.”

Public Comments:

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

Attachments

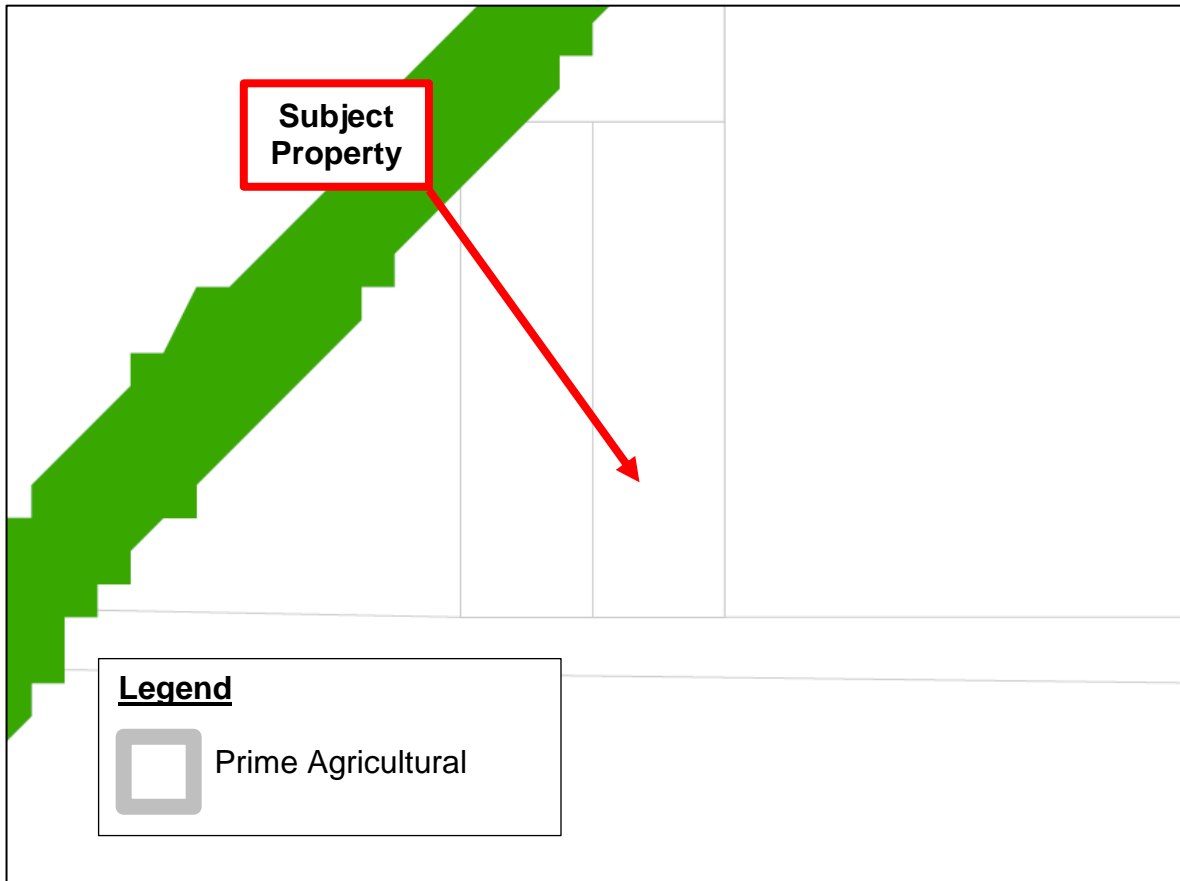
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch

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E-Mail:	sokhowat@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-053

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



15. Prime Agricultural Designation

Township of Ops Zoning By-law 93-30



Section 2.1 Accessory Uses

Section 5 Rural Residential (RR) Zone

5.1 Uses Permitted

5.2 Zone Provisions

Building heights (maximum)

b) accessory building 5 metres

Section 16. Agricultural (A) Zone

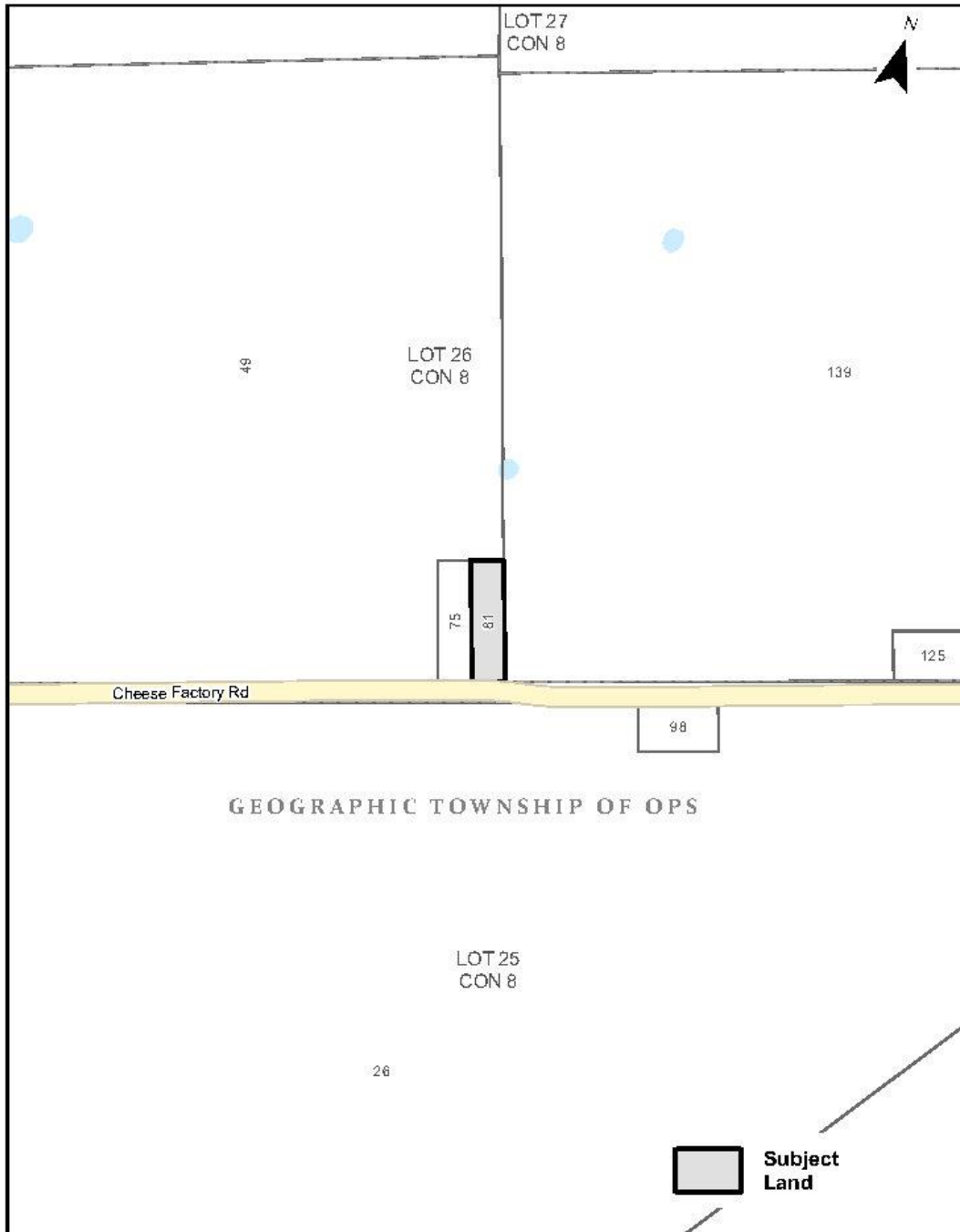
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LOCATION MAP

D20-2025-053



APPENDIX " B "

to

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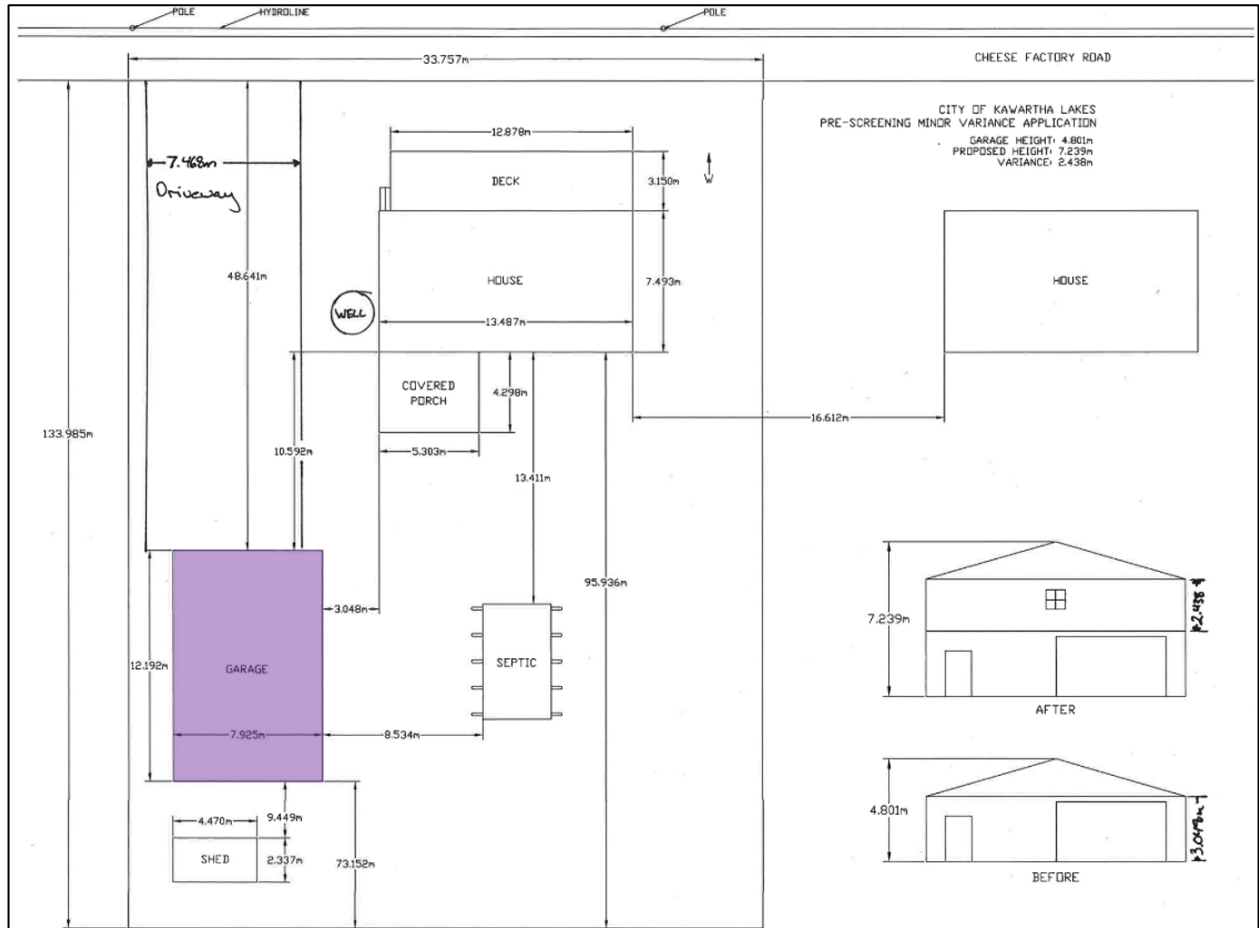
AERIAL PHOTO (2023)



to

REPORT COA2025-066FILE NO: D20-2025-053

APPLICANT'S SKETCH



Proposed Height of Detached Garage: 6.5 Metres