

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – James Callaghan**  
Report Number COA2021-069

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**Public Meeting**

**Meeting Date:** October 21, 2021  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 7 – Geographic Township of Ops**

**Subject:** The purpose and effect is to request relief from Section 5.2 to reduce the minimum lot frontage requirement from 38 metres to 13 metres in order to fulfill a condition of provisional Consent associated with a surplus farm dwelling severance and farm consolidation as part of Consent File D03-2020-012.

The variance is requested at 855 Post Road, geographic Township of Ops (File D20-2021-049).

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**Author:** Kent Stainton, Planner II

**Signature:**



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**Recommendations:**

**Resolved That** Report COA2021-069 Callaghan, be received;

**That** minor variance application D20-2021-049 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Condition:**

- 1) **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2020-012, lapses.

**This approval pertains to the application as described in report COA2021-069. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** On July 9<sup>th</sup>, 2021, The Acting Director of Development Services, as delegated by Council, granted provisional consent for file D03-2020-012 to sever an approximately 0.557 hectare parcel of land containing a residential dwelling addressed as 855 Post Road and retain approximately 32.26 hectares of agricultural lands. The retained agricultural lands will be consolidated with an abutting farm operation to the north identified as Part of Lot 15, Concession 8, Geographic

Township of Ops. The applicant has agreed to the conditions of the staff recommendation. The resultant retained lands are approximately 2,320 square metres (0.56 acres) in size.

Through review of the consent application, it was determined that the severed parcel does not meet the minimum lot frontage requirement of the Zoning By-law. Condition 2 of the provisional consent approval requires a variance for subject lands such that relief from the minimum lot frontage provision is recognized. There is no construction proposed through the application.

The application was deemed complete August 3, 2021.

Proposal:	To acknowledge the deficient lot frontage of a parcel created through consent file D03-2020-012	
Owner:	James Callaghan	
Applicant:	Doug Carroll (DC Planning Services)	
Legal Description:	855 Post Road, East Half of Lots 13 and 14, Concession 8, geographic Township of Ops, City of Kawartha Lakes	
Official Plan:	Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan (2012). The Environmental Protection Designation follows two watercourses on the property.	
Zone:	Agricultural (A) Zone within the Township of Ops Zoning By-law 93-09. Section 8.2 of the Agricultural Zone provides that a lot created by consent must comply with the Rural Residential (RR) Zone requirements.	
Site Size:	0.557 hectares (1.38 acres) with approximately 32.26 hectares (79.7 acres) being retained for consolidation.	
Site Servicing:	Private individual well and private septic system	
Existing Uses:	Rural Residential, Agricultural	
Adjacent Uses:	North, East, West:	Agricultural, Rural Residential
	South:	Agricultural, Victoria Rail Trail

**Rationale:**

**1) Are the variances minor in nature? Yes**

**And**

**2) Is the proposal desirable and appropriate for the use of the land? Yes**

The subject property is located in a rural area southeast of the town of Lindsay. The community is comprised predominantly of agricultural lots with some rural residential lots to the northeast and southeast. The existing property is also bordered by the Victoria County Rail trail running on an angle to the southwest.

This specific parcel contains farmland under production with the flag-like configuration of the lot proposed through the associated consent application demarcated primarily by a wooden fence. The lot configuration was adopted in order to keep as much of the agricultural lands on the retained as possible. A single detached dwelling with a two-car garage (constructed in 1905 according to MPAC) is located on the proposed severed parcel with a walk-out deck to the south. A livestock barn to the north of the dwelling formerly on the retained lands was removed as a condition of provisional consent.

From evaluating several of the parcels in the neighbourhood, it appears rural severances and farm consolidations have been commonplace over time. The reduction in lot frontage will be imperceptible given the dwelling is located approximately 150 metres from Post Road. The land will continue to function in the manner it has historically been functioning. In fact, given the presence of the wooden fence, the perception that the land already functions as an individual rural residential lot may exist. The effect of the consent application will allow for separate ownership of the lands. The retained agricultural land will be consolidated with the abutting farm operation to the southwest, while the dwelling on the land to be severed is considered surplus to the farm operation.

Due to the above analysis, the variances are minor in nature and desirable and appropriate for the use of the land.

**3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes**

The property is zoned Agricultural (A) Zone in the Township of Ops Zoning By-law 93-09. In accordance with Section 16.2 of the Zoning By-law, where a consent is granted by the Director of Development Services to create a Residential lot, such lot may be used for a one-family house, provided that the new lot complies with the provisions of the Rural Residential (RR) Zone. The proposed surplus farm dwelling lot complies with such provisions.

The purposes of the minimum lot frontage requirement are to ensure the parcel is wide enough to support a dwelling, well and septic system through creating adequate spatial separation while maintaining appropriate setbacks from the lot boundaries. Moreover, the lot frontage requirement ensures buildings and structures do not dominate the parcel in terms of massing and lot coverage. Through spreading out development, adequate accessibility and lot drainage can also be maintained. The Supervisor of Part 8 Sewage Systems confirms

that there is adequate room for a replacement septic system based on the proposed lot boundaries. Engineering and Corporate Assets Division also confirms that there will be no impacts with respect to lot drainage as a result of the reduced lot frontage.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

**4) Do the variances maintain the intent and purpose of the Official Plan?**  
**Yes**

The property is designated Prime Agricultural within the City of Kawartha Lakes Official Plan (OP). The OP permits the consolidation of farms wherever possible. Section 15.3.5 of the OP states that dwellings becoming surplus as a result of a consolidation of farm parcels may be severed provided specific criteria are met.

As there are no lands within the Environmental Protection designation on the proposed severed parcel, there are no potential impacts posed to the watercourses as a result of the application.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

No alternatives are considered at this time.

**Servicing Comments:**

The property is serviced by a private individual well and private septic system.

**Consultations:**

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

**Agency Comments:**

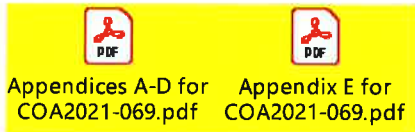
Engineering and Corporate Assets Division (October 8, 2021): No Objections.

Building and Septic Division – Supervisor, Part 8 Sewage Systems (October 8, 2021): The property was reviewed during the Consent commenting period to ensure the requirements related to private on-site sewage disposal were satisfied.

As such, the Building and Septic Division has no concerns with the proposed minor variance request.

**Public Comments:** No public comments were received as of October 13, 2021.

**Attachments:**



Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant's Sketches (Draft R-Plan, Sketch for Severance)  
Appendix D – Staff Recommendation for Consent File #D03-2020-012  
Appendix E – Department and Agency Comments

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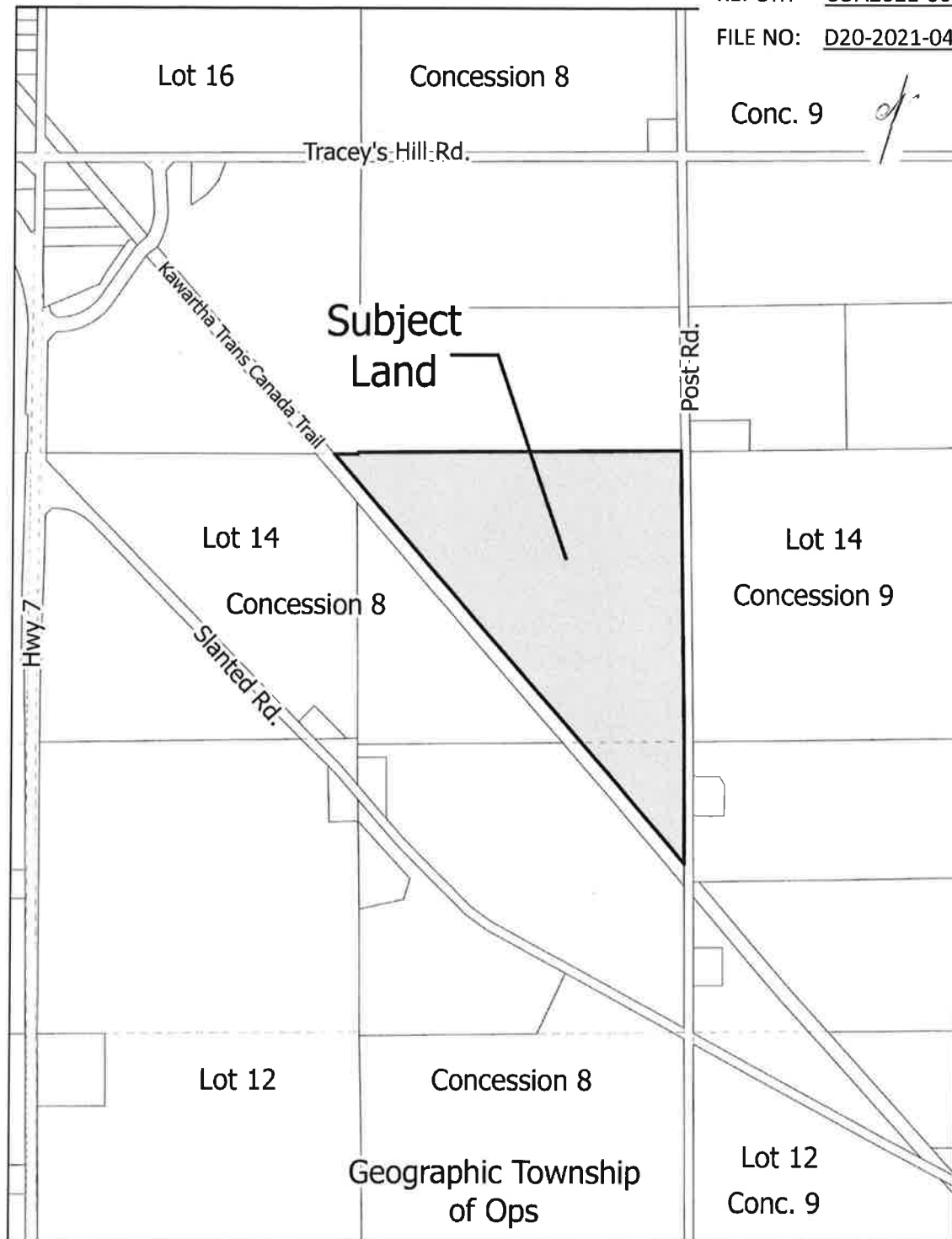
<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	kstainton@kawarthalakes.ca
<b>Department Head:</b>	Richard Holy, Acting Director of Development Services
<b>Department File:</b>	D20-2021-049

D20-2021-049

APPENDIX " A "

to  
REPORT COA2021-069

FILE NO: D20-2021-049



# 855 Post Road, Geographic Township of Ops



0.45 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

## Legend

- ☐ Property Roll Number
- ☒ Lots and Concessions

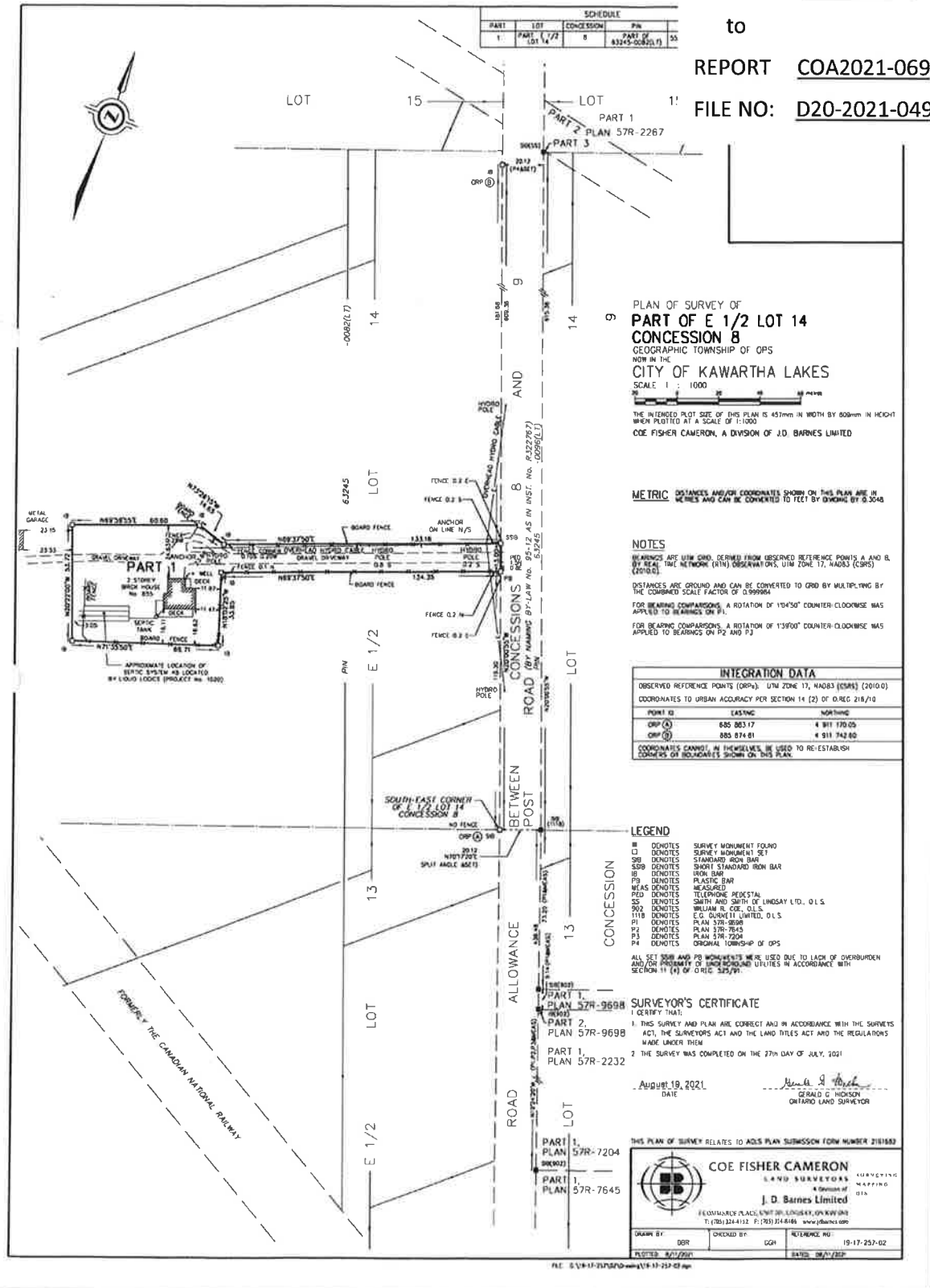
## Notes

Notes

APPENDIX " B "  
to  
REPORT COA2021-069  
FILE NO: D20-2021-049

# APPENDIX " C "

to  
REPORT COA2021-069  
FILE NO: D20-2021-049







to



Development Serv F REPORT COA2021-069  
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 Lind  
 Tel: 705-324-9411 Fax: 705-324-4027  
 e-mail: [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)  
 website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

June 24, 2021

Doug Carroll, MCIP, RPP  
 DC Planning Services  
 3 Crestwood Ave  
 Lindsay, ON K9V 6A7

Dear Mr. Carroll:

**Re: Revised Notice of Staff Recommendation, D03-2020-012**  
**855 Post Road**  
**East Half of Lots 13 and 14, Concession 8**  
**Geographic Township of Ops, Ward 6 and 7**

The circulation and staff review of the application has been completed and we offer this revised staff recommendation. The application proposes to sever an approximately 0.618 hectare parcel of land containing a residential dwelling and consolidate approximately 32.26 hectares of agricultural land (the retained land) with an abutting agricultural lot. The dwelling on the land to be severed is considered surplus to consolidation of an abutting farming operation to the north identified as Part of Lot 15, Concession 8, Geographic Township of Ops.

#### **Policy Conformity:**

The application conforms to the applicable policies of the 2019 Growth Plan (GP) and is consistent with the applicable policies of the 2020 Provincial Policy Statement (PPS). The PPS provides that in rural areas permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses and development that is compatible with the rural landscape and can be sustained by rural service levels. Minimum Distance Separation (MDS) 1 is not applied, as the dwelling already exists and the odour impact from surrounding uses has been established. Moreover, the lot to be retained does not contain any livestock facilities that would trigger any MDS requirement.

The agricultural land to be retained is designated 'Prime Agricultural' and 'Environmental Protection' with a 'Watercourse' identified in the City of Kawartha Lakes Official Plan. The Environmental Protection designation follows two watercourses including a headwater drainage feature that begins on the property to the west. The proposed surplus residential lot is wholly designated as Prime Agricultural.

The City of Kawartha Lakes Official Plan (OP) permits the consolidation of farms wherever possible. Dwellings that become surplus as a result of a consolidation of abutting farm parcels may be severed provided that the residential lot does not exceed one hectare and the retained agricultural land is zoned to prohibit any residential use. Given that the property owner has demonstrated their qualification as a registered farmer running an agricultural operation, the proposal complies with the required criteria of the OP and provincial policies.

### **Zoning By-law Conformity and Planning Staff Analysis:**

The proposed severed and retained lots are zoned 'Agricultural (A) Zone', within the Township of Ops Comprehensive Zoning By-law 93-09. The A zone category permits a single detached dwelling and agricultural uses among other permitted uses.

Section 8.2 of the A Zone provides that a lot created by consent must have a minimum lot frontage of 38 metres and a lot area of 2,000 square metres to a maximum of one (1) hectare, and the lot shall comply with the Rural Residential (RR) Zone requirements.

The proposed severed lot does not meet the minimum lot frontage required of the zone category; however, the proposed configuration exceeds the minimum required lot area. In order to recognize the deficient lot frontage, a minor variance has been recommended through condition 2 in order to recognize the decreased lot frontage proposed.

The lot to be retained appears to exceed the minimum lot area and frontage requirements for the A Zone. It is important to note that the old metal clad barn immediately north of the proposed severed lot will be removed. A condition is also recommended in order to ensure confirmation that the barn is decommissioned.

The effect of the application will allow for separate ownership of the lands. The retained agricultural land will be consolidated with the abutting farm operation, while the dwelling on the land to be severed is considered surplus to the farm operation.

### **Agency and Other City Department/Division Comments**

The Community Services Department has no objection to the consent but requests appropriate cash-in-lieu of the dedication of parkland, which shall be based on the value of the residential lot to be created. Planning staff are of the opinion that payment of cash-in-lieu or the dedication of parkland in this situation is unnecessary as the residential use of the lot being created has existed since at least 1905 (MPAC) and there is no new demand for park services.

Engineering Division advised that the application is located within the Ops 4 Payne Branch Municipal Drain Catchment Area. See condition 8 below.

The Building Division has no concerns with the proposal.

The Supervisor, Part 8 – Sewage Systems has reviewed the application and conducted a site visit; whereby, the application has demonstrated that the existing system will be wholly contained within the new proposed property boundaries. As well, a review of the proposed property has demonstrated that there will be adequate space to replace the sewage system to current Ontario Building Code standards when the existing system fails. As such, there are no objections to the proposed application.

The Agricultural Officer of the Economic Development Division has no concerns with the proposed consent application.

Kawartha Region Conservation Authority (KRCA) has no objections to the proposal based on their consideration for natural heritage, watershed management and natural hazards.

### **Conclusion:**

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This application is consistent with the applicable policies of the 2020 PPS, and conforms to the 2019 GP. It conforms to the applicable policies of the Official Plan and will comply with the Zoning By-law.

No person or agency has raised any issues with compatibility. Consequently, planning staff can support the application. The application, together with the following recommendation and proposed conditions represent good planning.

**Recommendation:**

THAT Application D03-2020-012, which proposes to sever an approximately 0.618 hectares parcel of land containing a non-farm residential dwelling and consolidate approximately 32.26 hectares of agricultural land with an abutting agricultural lot, be GRANTED.

**Proposed conditions of provisional consent are:**

1. This approval applies to the transaction applied for subject to the following revisions:  
The proposed 'severed' and 'retained' parcels are to be identified in accordance with the revisions shown on the surveyors' sketch revised and dated March 23, 2021 attached to and forming part of this decision.
2. The applicant shall apply for, pay the prescribed fee and obtain a minor variance such that the frontage of the lot to be severed is reduced from 38 metres to 13 metres.
3. The owner's solicitor shall certify that the landowner registered on-title of the land to be retained subject of this application and comprised of PINs 63245-0082 (LT) and 63245-0110 (R), being James Angus Callaghan, is identical to the landowners registered on the title of the abutting agricultural parcel with which the retained agricultural parcel is to be consolidated, being PIN 63245-0059 (LT) – being Part of Lot 15, Concession 8, former Geographic Township of Ops, Now in the City of Kawartha Lakes and that such farm parcels are operated as one farm operation
4. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
5. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
6. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$458.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
7. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
8. Submit to the Secretary-Treasurer written confirmation from the City's Director of Engineering and Corporate Assets, that a report in accordance with Section 65 of the *Drainage Act*, respecting the lot to be severed, has been completed to the Director's satisfaction and that the drainage assessment has been re-apportioned, at the owner's expense.

9. Submit to the Secretary-Treasurer photographic evidence confirming that the building identified as "Metal Clad Barn (To Be Removed)" on the sketch for severance prepared by Coe Fisher Cameron Land Surveyors dated March 23, 2021, has been demolished, and any remnant foundation at its original location completely removed
10. The owner shall pay all costs associated with the registration of the required documents.
11. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
12. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
13. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

Once you have had an opportunity to review the above noted recommendation and proposed conditions, please contact Kent Stainton, Planner II via email at [kstainton@kawarthalakes.ca](mailto:kstainton@kawarthalakes.ca) if you have any questions or concerns by **July 8, 2021**.

If you agree with the above-noted recommendation and proposed conditions in respect of Application D03-2020-012, please sign below and return a copy of this signed page to our office.

If no concerns are identified with the recommendation by the above date, then the Director of Development Services will make a decision. No public meeting will be held if the Director makes the decision.

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Doug Carroll - Applicant

If concerns are received by the above date and cannot be resolved, the application will be placed on the Agenda for the next available meeting of the Committee of Adjustment. The meeting is held at 26 Francis Street, Lindsay, Ontario in the Council Chambers at 1 p.m. The Committee will at that time hear deputations and after considering the matter will make a decision. To learn if concerns have been received and whether the matter will be dealt with by the Committee of Adjustment or the Director, you may contact Charlotte Crockford at 705-324-9411 extension 1231 after **July 8, 2021**.

All those who requested notification will receive a copy of the decision by either the Director or the Committee of Adjustment.

Yours truly,



Richard Holy, MCIP, RPP  
Acting Director of Development Services

RH/Ks

cc. James Callaghan, owner – via email – minniecallaghan@hotmail.com  
Christina Sisson, Engineering and Corporate Assets Division – via email  
Susanne Murchison, Building Division – via email  
Kelly Maloney, Agricultural Officer of the Economic Development Division – via email  
Anne Elmhirst, Supervisor – Part 8 Sewage Systems – via email  
LeAnn Donnelly, Community Services – via email  
Erin McGregor, Kawartha Conservation – via email

## Kent Stainton

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**From:** Anne Elmhirst  
**Sent:** Friday, October 8, 2021 12:55 AM  
**To:** Charlotte Crockford  
**Subject:** RE: D20-2021-049 Notice of Public Hearing, 855 Post Road, Ops

APPENDIX " E "  
to

REPORT COA2021-069

FILE NO. D20-2021-049

Hello Charlotte,

I have received and reviewed the proposed minor variance request to reduce the lot frontage for the property known as 855 Post Road.

The property was reviewed during the consent request to ensure the requirements related to private on-site sewage disposal were satisfied.

As such, the Building and Septic Division has no concerns with the proposed minor variance request.

Best Regards,

**Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.**

Supervisor – Part 8 Sewage Systems

Development Services - Building and Septic Division, City of Kawartha Lakes

705-324-9411 ext. 1882 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

Kawartha Lakes



Please note: The Building Division offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

**From:** Charlotte Crockford <ccrockford@kawarthalakes.ca>

**Sent:** Thursday, October 7, 2021 3:43 PM

**To:** Christina Sisson <csisson@kawarthalakes.ca>; Patrick O'Reilly <poreilly@kawarthalakes.ca>; Susanne Murchison <smurchison@kawarthalakes.ca>; Anne Elmhirst <aelmhirst@kawarthalakes.ca>

**Cc:** Kim Rhodes <krhodes@kawarthalakes.ca>

**Subject:** D20-2021-049 Notice of Public Hearing, 855 Post Road, Ops

Good afternoon

Please find attached the Notice of Public Hearing for Minor Variance D20-2021-049.

Many thanks

**Charlotte Crockford**  
Administrative Assistant

Planning Department, City of Kawartha Lakes  
705-324-9411 ext. 1231 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



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For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19)



## Kent Stainton

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**From:** Charlotte Crockford  
**Sent:** Friday, October 8, 2021 1:41 PM  
**To:** Kent Stainton  
**Subject:** FW: 20211013 D20-2021-049 - Engineering review

**Importance:** High

fyi

**Charlotte Crockford**  
Administrative Assistant  
Planning Department, City of Kawartha Lakes  
705-324-9411 ext. 1231 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



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**From:** Kim Rhodes <krhodes@kawarthalakes.ca>  
**Sent:** Friday, October 8, 2021 10:48 AM  
**To:** Mark LaHay <MLaHay@kawarthalakes.ca>  
**Cc:** Charlotte Crockford <ccrockford@kawarthalakes.ca>; Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>  
**Subject:** 20211013 D20-2021-049 - Engineering review  
**Importance:** High

**Please see the message below from Christina Sisson:**

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Good morning Mark – further to our engineering review of the following:

Minor Variance – D20-2021-049  
855 Post Road  
Part of Easterly Half of Lot 14, Concession 8  
Geographic Township of Ops

It is the understanding by Engineering that the purpose and effect is to request relief from Section 5.2 to reduce the minimum lot frontage from 38 metres to 13 metres in order to fulfil a condition of

provisional consent (File No. D03-2020-012) for a dwelling that is considered surplus as a result of an abutting farm parcel consolidation.

*From an engineering perspective, we have no objection to the proposed Minor Variance.*

Please do not hesitate to contact our office if you have any questions.

Thanks,

**Christina**

**Christina Sisson, P.Eng.**

Manager, Development Engineering

Lean Six Sigma Black Belt

Engineering & Corporate Assets, City of Kawartha Lakes

705-324-9411 ext. 1152 (office) 705-878-3186 (mobile) [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**Our office is closed to the public. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8.**