

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Douglas Kennedy/Traces Haldane
Report Number COA2021-006

Public Meeting

Meeting Date: February 18, 2021
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 8 – Geographic Township of Emily

Subject: The purpose and effect is to request relief from Section 7.2.1.3(a) to reduce the minimum front yard setback from 30 metres to 26 metres to permit the construction of an agricultural storage building with an office.

The variance is requested at 121 Grassy Road, geographic Township of Emily (File D20-2020-048).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendations:

Resolved That Report COA2021-006 Kennedy/Haldane, be received;

That minor variance application D20-2020-048 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2021-006, which shall be attached to and form part of the Committee's Decision;
- 2) **That** no vehicle doors or vehicle openings be placed on the south wall of the building; and
- 3) **That** the 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 COA2021-006. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application was deemed complete January 7, 2021.

Proposal: To replace a smaller agricultural storage building with a larger agricultural storage building with an office and bathroom.

Owners: Douglas Kennedy and Traces Haldane

Legal Description: 121 Grassy Road, Part Lot 10, Concession 5, geographic Township of Emily, City of Kawartha Lakes

Official Plan: Rural within the City of Kawartha Lakes Official Plan

Zone: Agricultural (A1) Zone and Environmental Protection (EP) Zone within the Township of Emily Zoning By-law 1996-30

Site Size: 22.26 hectares (55 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Agricultural

Adjacent Uses:

North:	Forest, Wetland, Pigeon River
South:	Agricultural, Rural Residential
West:	Agricultural, Forest, Wetland, Pigeon River, Rural Residential
East:	Agricultural

Rationale:

1) Is the variance minor in nature? Yes

And

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

The subject property contains an agricultural operation situated in a rural area. There are no residential lots across the road from the proposed building site. The building site is part of a group of agricultural buildings within close proximity to the farmhouse. The buildings are arranged in such a way as to create a work yard space, with the proposed building at the southern end. The work yard space contains most of the higher intensity activities on the property.

The two storey building will contain storage and office uses for the agricultural operation. It is proposed to replace a smaller one storey agricultural storage building. The new building will be longer and deeper, bordering the driveway access to the east and moving into the work yard space to the north. The setback to the front lot line will remain about the same.

The current building acts as a buffer, screening the more intensive agricultural functions from the road. The new building will maintain this function.

While the new building will be higher than the existing one, its total height will be around 6 metres. This height is modest for an agricultural building and it is not anticipated to have any adverse massing impacts on the streetscape. The

lack of agricultural use within the yard space in-front of the existing and proposed building assists in tying the building in with the residential use of the dwelling to the east.

The new storage/office building will be situated in the most functional location: closest to the entrance of the property and within short walking distance of the dwelling for convenience purposes. The separate office will assist in separating the business and residential functions on the property. Therefore, the building is anticipated to add to the function of the property.

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

3) Does the variance maintain the intent and purpose of the Zoning By-law?
Yes

The property is zoned 'Agricultural (A1) Zone' and 'Environmental Protection (EP) Zone' within the Township of Emily Zoning By-law 1996-30. The EP Zone is within a small northwestern corner of the property and is not affected by this proposal.

The 'Agricultural (A1) Zone' permits a variety of rural uses, including agricultural uses. The zone category contains enhanced setback requirements in order to protect abutting land uses from any potentially constructed building that may contain medium or high intensity agricultural uses. As an agricultural storage building with an office is proposed, it is anticipated that the use will be of low intensity and therefore will not generate the same level of activity that requires enhanced spatial separation. No activity is proposed within the space between the building wall and the road. That space is proposed to remain lawn.

Condition 2 is included to ensure the lawn space remains. Therefore, it is appropriate to reduce the front yard setback.

The building will comply with all other A1 Zone provisions.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

4) Does the variance maintain the intent and purpose of the Official Plan?
Yes

The property is designated 'Rural' within the City of Kawartha Lakes Official Plan. The 'Rural' designation anticipates the development of uses that cannot occur within settlement areas. Agricultural uses are anticipated within this designation, and the proposed building is for agricultural use.

In consideration of the above the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

The proposed location maintains the established agricultural work yard function and screens the work yard functions from the road. Other alternatives, such as landscaping or fencing, would not be as effective in maintaining and screening the courtyard function.

Servicing Comments:

The property is serviced by a private individual well and septic system. A second septic system is proposed to support the office within the proposed building.

Consultations:

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

Agency Comments:

Building Division (January 21, 2021): No concerns.

Community Services Department (January 21, 2021): No concerns.

Development Engineering (January 21, 2021): No concerns.

Public Comments:

No comments received as of February 8, 2021.

Attachments:

Appendices A-D to
Report COA2021-006

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

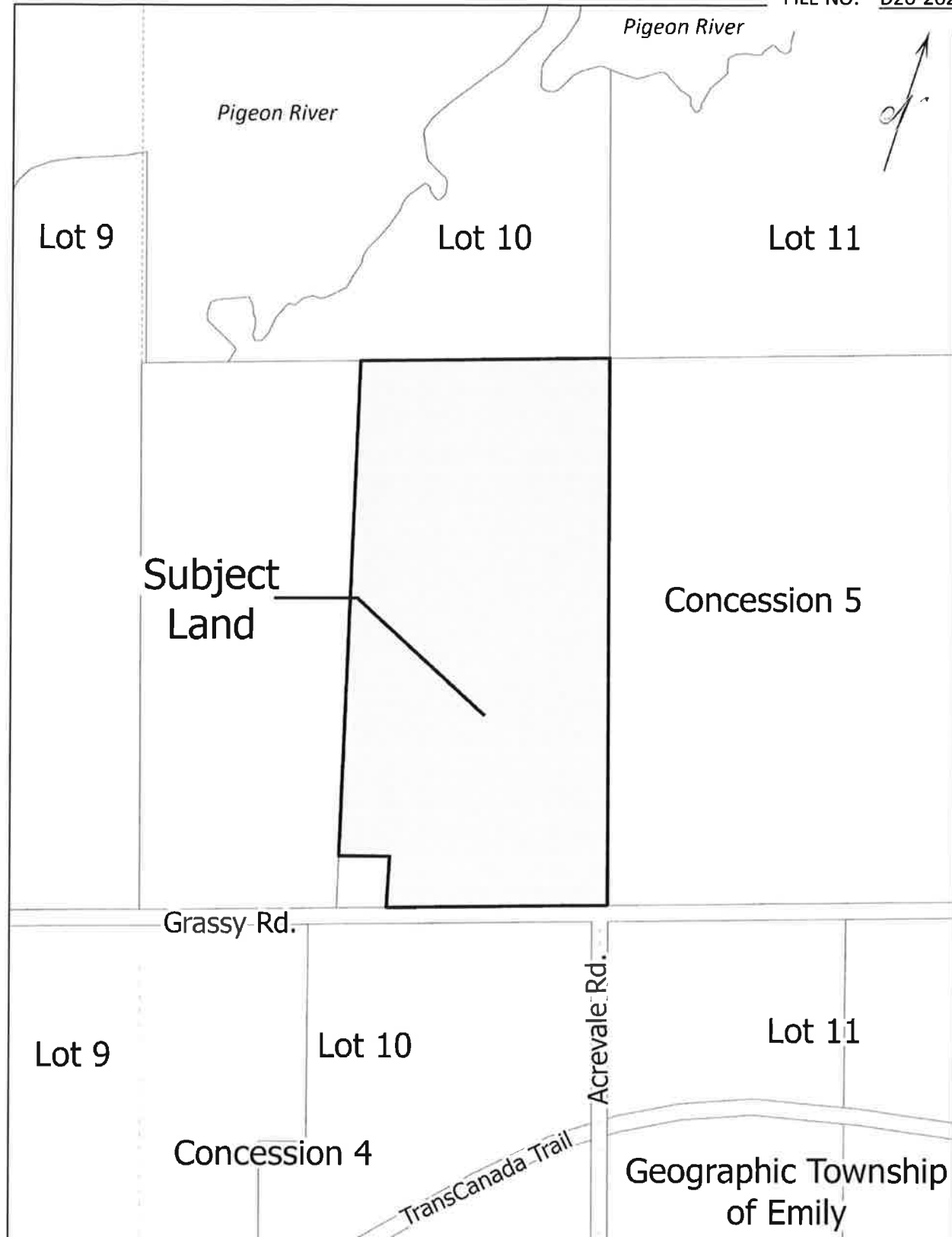
Department File: D20-2020-048

to

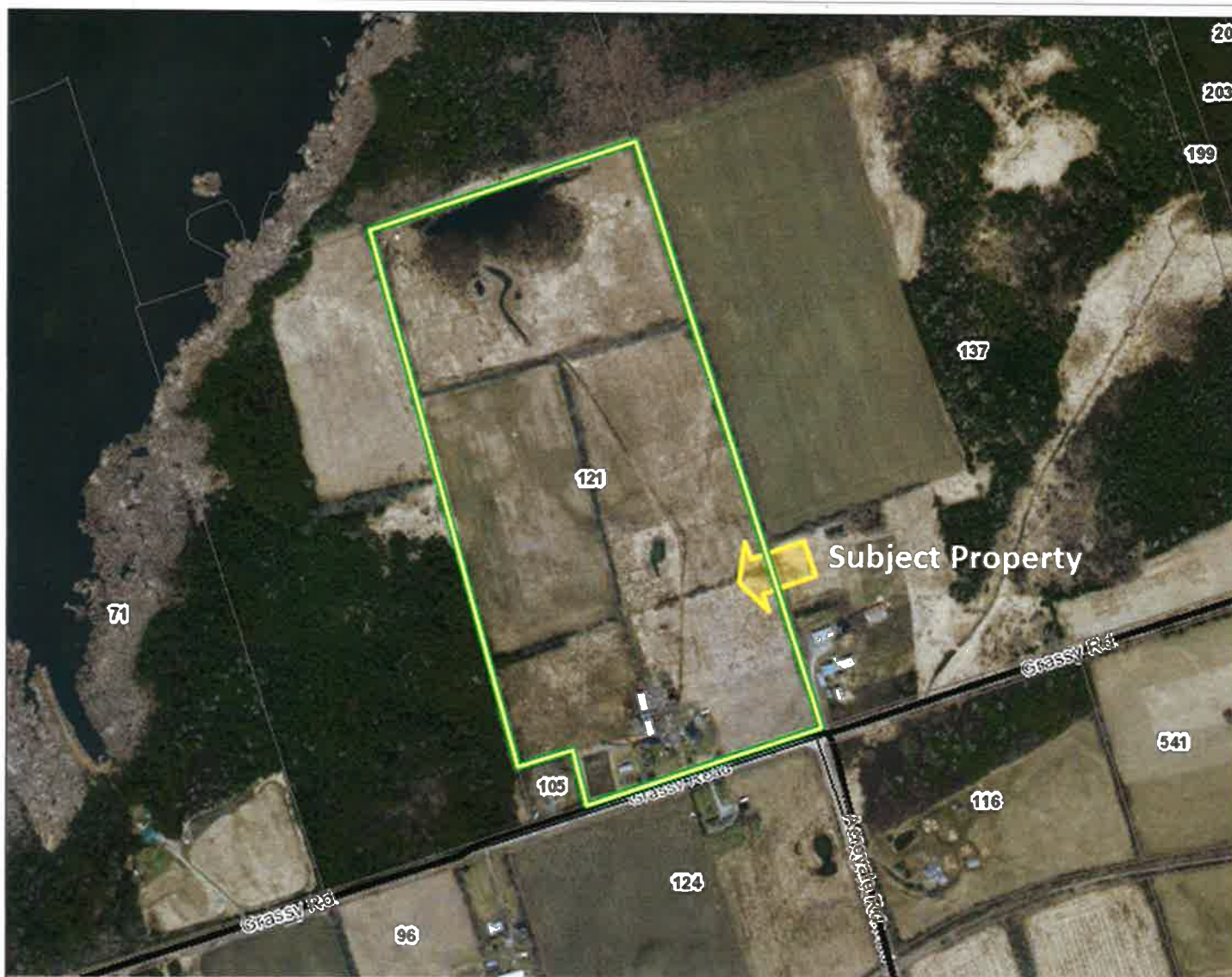
REPORT COA2021-006

FILE NO: D20-2020-048

D20-2020-048



121 Grassy Road, geographic Twp. of Emily



0.46

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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to

REPORT COA2021-006

FILE NO: D20-2020-048



N



Kennedy/Haldane Out Building Site Plan

Roll# 165100100819700

121 Grassy Rd

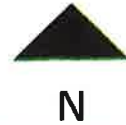
Omemee, Ontario

K0L 2W0

Lot 10 Conc 5

- Location of Proposed Building
- Property Boundary

Existing Building is 20'x24' 2x4 & truss structure (6mx7m)
w/ 22'x13 Lean-to pole structure on west side (6.5mx4m)



Kennedy/Haldane Out Building Site Plan

Roll# 165100100819700

121 Grassy Rd

Omeme, Ontario

K0L 2W0

Lot 10 Conc 5

David Harding

From: Derryk Wolven
Sent: Thursday, January 21, 2021 10:05 AM
To: Charlotte Crockford
Subject: D20-2020-048

APPENDIX "D"
to
REPORT COA 2021-006

FILE NO. D20-2020-048

Although not a concern with respect to the Minor Variance application, Building division would note that Spatial separation under the National Farm Code requires 30m distance to buildings of other than low human occupancy (residence). The spatial calculation can also be done under the Ontario Building Code using tables for F2 Building Occupancies for a more accurate assessment. This may impact on the final siting of the building.

Derryk Wolven
Plans Examiner
City of Kawartha Lakes
705-324-9411 ext 1273
www.kawarthalakes.ca



David Harding

From: Mark LaHay
Sent: Friday, January 22, 2021 5:10 PM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford
Subject: FW: D20 Memo 20200121
Attachments: D20 Memo 20200121.docx

FYI - file

From: LeAnn Donnelly
Sent: Thursday, January 21, 2021 10:56 AM
To: Mark LaHay
Subject: D20 Memo 20200121

Hi Mark,

Please see attached.

Thanks,

LeAnn

David Harding

From: Mark LaHay
Sent: Thursday, January 21, 2021 12:47 PM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford
Subject: FW: 20210121 D20-2020-048 - Engineering review

FYI - file

From: Kim Rhodes
Sent: Thursday, January 21, 2021 11:28 AM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms ; Benjamin Courville
Subject: 20210121 D20-2020-048 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-048
121 Grassy Road
Part Lot 10 , Concession 6
Geographic Township of Emily

It is the understanding by Engineering that the purpose and effect is to request relief from Section 7.2.1.3(a) to reduce the minimum front yard setback from 30 metres to 26 metres to permit the construction of an agricultural storage building with an office.

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.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca

