

# **The Corporation of the City of Kawartha Lakes**

## **Committee of Adjustment Report – Keeler**

Report Number COA2021-007

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### **Public Meeting**

**Meeting Date:** February 18, 2021

**Time:** 1:00 pm

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

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### **Ward 4 – Geographic Township of Mariposa**

**Subject:** The purpose and effect is to request relief from the following zone provisions in order to facilitate the construction of an 806.4 square metre agricultural building (coverall):

1. Section 3.18.5.1 a) to reduce the minimum setback for any class of Environmental Zone for all buildings and structures from 15 metres to allow for the construction of an agricultural building within the Environmental Protection Zone, and;
2. Sections 5.1.1.1 & 5.2.1 to permit the construction of an agricultural building within an Environmental Protection (EP) Zone.

The variance is requested at 22371 Simcoe Street, geographic Township of Mariposa (File D20-2021-002).

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**Author:** Kent Stainton, Planner II

**Signature:**



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### **Recommendation:**

**Resolved That** Report COA2021-007 Keeler be received;

**That** minor variance application D20-2021-002 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### **Conditions:**

- 1) **That** the building construction for the agricultural storage structure related to this approval shall proceed substantially in accordance with the sketch in Appendix C and generally in accordance with the elevations in Appendix D submitted as part of Report COA2021-007, which shall be attached to and form part of the Committee's Decision;
- 2) **That** the approval does not change any of the permitted uses in the Environmental Protection (EP) Zone as it applies to the subject property; 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 COA2021-007. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

Background:	<p>The proposal involves the construction of a new 806.4 square metre (8,676 square feet in total) coverall accessory agricultural storage structure for the purposes of storing hay. The structure is not designed for human habitation or livestock.</p> <p>A previous variance was granted in 2016 as Minor Variance COA2016-017 for the construction of an accessory agricultural building with a two-bay garage.</p> <p>The application was deemed complete on January 17, 2021.</p>
Proposal:	<p>To construct a new accessory agricultural structure (coverall storage for hay) on the subject lands.</p>
Owners:	<p>Ronald and Julie Keeler</p>
Legal Description:	<p>22371 Simcoe Street, Part Lot 1, Concession 14, geographic Township of Mariposa, City of Kawartha Lakes</p>
Official Plan:	<p>'Prime Agricultural' with 'Environmental Protection' following Beaver Creek and 'Significant Woodlands' within the City of Kawartha Lakes Official Plan (2012)</p>
Zone:	<p>Environmental Protection (EP) Zone and Agricultural (A1) Zone within the Township of Mariposa Zoning By-law 94-07</p>
Site Size:	<p>27.81 Hectares (68.72 Acres)</p>
Site Servicing:	<p>Private individual well and septic system</p>
Existing Uses:	<p>Agricultural, Rural Residential</p>
Adjacent Uses:	<p>North: Linden Valley Road, Agricultural, Rural Residential East: McIndoos Cemetery Road, Agricultural West: Simcoe Street, Brock Township, Agricultural South: Wetland, Recreational Trail, Agricultural</p>

**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 is located in the western limits of the City, northeast of the community of Cannington in the Township of Brock. The irregularly shaped lot is bordered by McIndoos Cemetery Road and the rail trail to the east, Linden Valley Road to the north and Simcoe Street to the west. Agricultural parcels surround the parcel and sections of Beaver Creek traverse the western side of subject lands

The site currently contains a residential dwelling, several agricultural accessory buildings and structures including a horse paddock. A minor variance (COA2016-017) for an accessory agricultural building was granted in 2016 on the subject lands.

The dwelling and accessory agricultural buildings and structures are located in the southern section of the property. From the developed portions of the site, the property gradually transitions to cedar swamp-land before reaching Beaver Creek and then rises substantially in elevation to the north before reaching a plateau. The agricultural lands under production are located in this northern portion of the site with a field entrance onto Linden Valley Road. The agricultural land use is representative of the predominant land use in this area. The transition from lowland to the upland agricultural fields functionally separates the property into two regions.

The proposed location of the coverall structure for hay storage does not occupy arable agricultural lands, preserving the northern section of the site for production. Currently, there is limited storage for hay in the existing agricultural buildings and the coverall structure will provide shelter that will prevent the hay from being damaged by the elements.

The proposed location of the coverall structure contains the existing built form to the existing cleared area outside of any wetlands or sensitive natural heritage features. Functionally, the location of the coverall structure is within an area that allows for proximal accessibility in terms of bringing hay to livestock without lengthy transportation and provides a greater sense of security for the crop as it is located much closer to the residence.

The presence of mature forest and dominant cedar trees prohibit views of the coverall building from Simcoe Street. The existing accessory agricultural building located off of the entrance also provides screening, which prevents the location of the coverall structure from being determined. No massing impacts are anticipated with the proposal.

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 subject property is zoned Environmental Protection (EP) Zone and Agricultural (A1) Zone within the Township of Mariposa Zoning By-law 94-07. The coverall structure accessory to the agricultural use on the property is proposed within the EP Zone.

The EP Zone is indicative of lands that are subject to flooding or contain wetlands often identified as 'Provincially Significant' by the Ontario Ministry of Natural Resources and Forestry (OMNRF). Beaver Creek and its floodplain provides the rationale behind the EP Zoning on the subject lands. The purpose of the EP zone is to restrict the types of uses within its boundaries and Section 5.2.1 of the Zoning By-law specifies that only buildings or structures related to flooding or erosion control are permitted. In addition to Zoning, the Lake Simcoe Region Conservation Authority (LSRCA) oversees the protection of both floodplains and wetlands on the subject property by regulating development within these features. An additional setback (ie. 15 metres) is incorporated into the zone boundary to reflect the Regulatory extent of the respective Conservation Authority presiding over the feature.

While buildings and structures associated with agriculture are not permitted within the EP Zone, agricultural uses are permitted within the EP Zone. On occasion, the land use and development associated with the use are inextricably linked. Without eliminating agricultural land, the proposed location of the coverall building represents the least possible impact to the floodplain at approximately 78 metres from the bank of Beaver Creek.

The open design, limited footprint and minimal excavation presented by the coverall structure would allow for the conveyance and storage of floodwaters during a Regulatory Flood Event. Since the structure is intended only for hay storage, no impacts to the surrounding environment are created should the property experience a flooding event. In fact, the LSRCA has issued permit KLP 2021.001 for the coverall structure in accordance with Ontario Regulation 179/06, through determination that the proposal presents no impact to flooding and the structure can withstand the depths and flows of the flood event. As the intent of the EP Zone is ultimately to protect human and environmental health, the nature of the proposal maintains such intent. The structure is not designed for human habitation nor to house livestock.

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 'Prime Agricultural' and 'Environmental Protection' within the City of Kawartha Lakes Official Plan. The area where the accessory agricultural structure is to be located is designated 'Environmental Protection'.

The goal of the Environmental Protection Designation is to restrict development within lands that are subject to flooding, identified as 'Provincially Significant Wetlands' by the OMNRF or is unsuitable for development due to physical hazards. The proposed accessory agricultural structure is located approximately 78 metres from the banks of Beaver Creek.

The Provincial Policy Statement (PPS, 2020) allows for buildings and structures to be located in the 'flood fringe' where the effects and risks of flooding to public safety are minor. Under these circumstances, development must incorporate accepted flood-proofing measures, new and existing flood risk not be aggravated, and no adverse environmental impacts will result. City policies are similar and include that the LSRCA be satisfied that the development comply with these policies. The LSRCA, in accordance with the aforementioned LSRCA Permit, give support to the proposal with conditions.

On this basis, the variance maintains the general intent and purpose of the Official Plan.

**Other Alternatives Considered:** No alternatives have been considered at this time.

**Servicing Comments:**

The property is serviced by a private individual well and 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:**

Development Engineering Division (February 8, 2021): No objections.

**Public Comments:**

No comments received as of February 8, 2021.

**Attachments:**



Appendices A-E for  
COA2021-007.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Applicant Justification for Location

Appendix E – Department and Agency Comments

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**Phone:**

705-324-9411 extension 1367

**E-Mail:** kstainton@kawarthalakes.ca  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2021-002

APPENDIX " A "

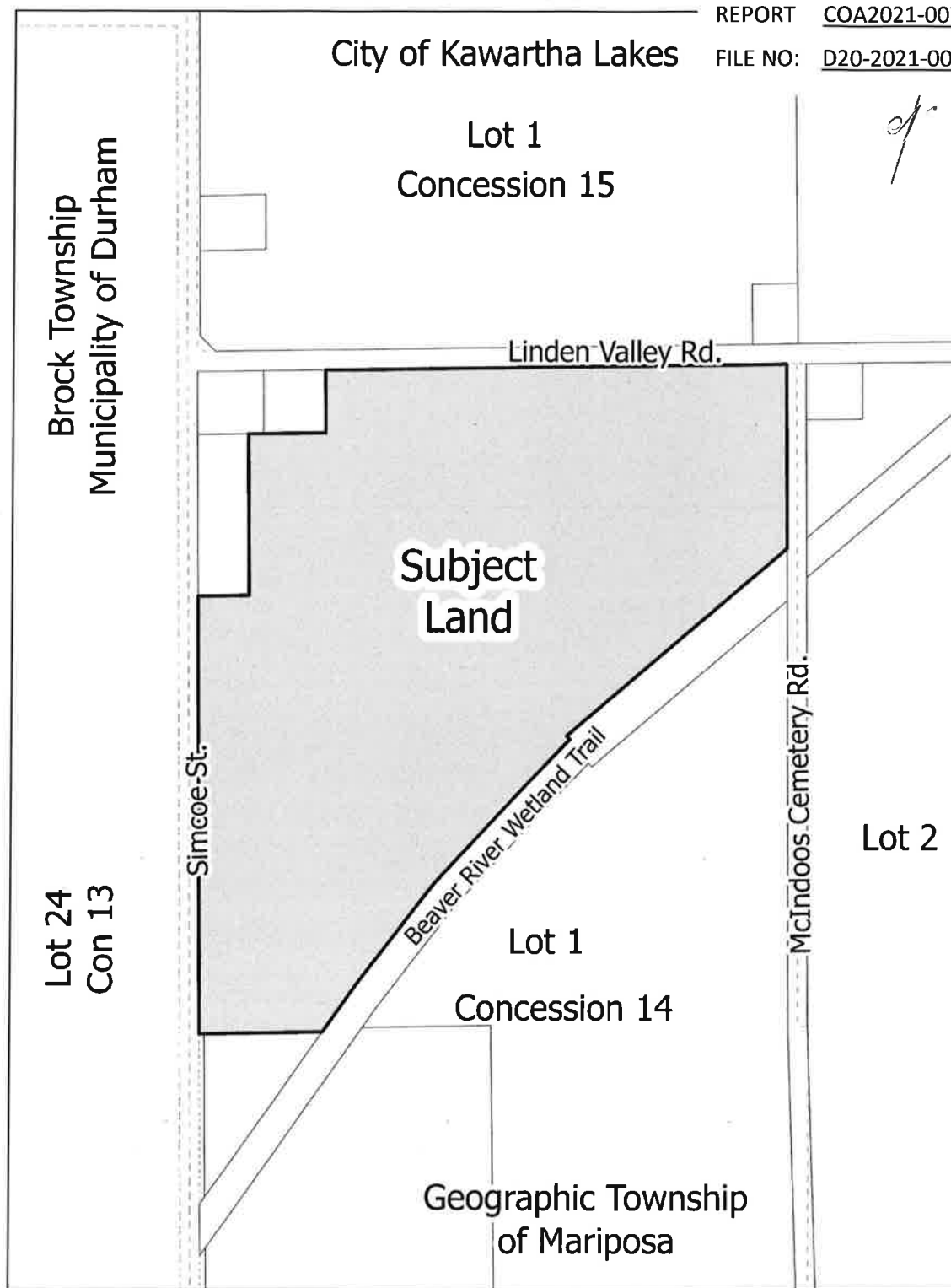
D20-2021-002

to

REPORT COA2021-007

FILE NO: D20-2021-002

City of Kawartha Lakes





GEOMATICS  
MAPPING

22371 Simcoe Street, Geographic Township of Mariposa



0.90

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
- ☐ Water Labels

#### Notes

Notes

APPENDIX " B "

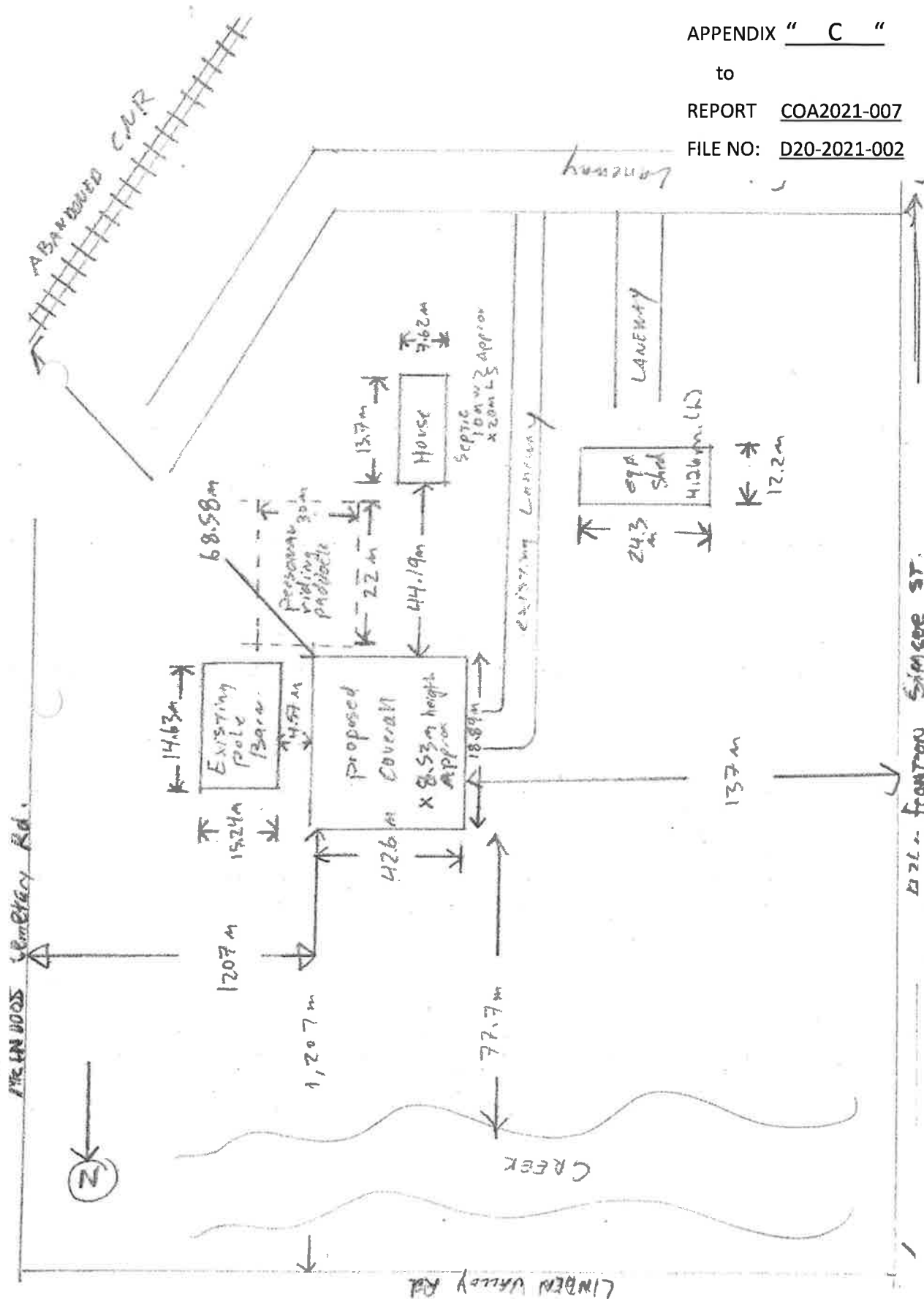
to

REPORT COA2021-007

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to  
REPORT COA2021-007  
FILE NO: D20-2021-002



to

REPORT COA2021-007FILE NO: D20-2021-002

### 3.2. Reasons

- we require storage for our hay and straw
- storage in a coverall protects our hay from weather related damage
- location provides access to hay during all seasons by our tractor + hay wagon
- location provides access to hay for feeding of our horses since it will be beside our run-in shelter (pole barn).
- to place the shelter on agricultural land would take pastures out of production, and/or take hay growing land out of production
- location on agricultural land would present a security issue as land is on far side of farm next to a concession road
- our present proposal would locate the coverall near our other agricultural buildings
- if coverall were located on agricultural land, it would mean driving tractor on main road (Simcoe) approximately 1 km
- a coverall will provide storage for our hay while not causing any issues wrt flooding as it does not have a floor or sides that go near to the ground.

**Kent Stainton**

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**From:** Mark LaHay  
**Sent:** Monday, February 8, 2021 9:55 AM  
**To:** David Harding; Kent Stainton  
**Cc:** Charlotte Crockford  
**Subject:** FW: 20210208 D20-2021-002 - Engineering review

FYI - file

APPENDIX " E "  
to

REPORT COA2021-007

FILE NO. D20-2021-002

**From:** Kim Rhodes  
**Sent:** Monday, February 8, 2021 8:52 AM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms ; Benjamin Courville  
**Subject:** 20210208 D20-2021-002 - Engineering review

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

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Hello Mark – further to our engineering review of the following:

Minor Variance – D20-2021-002  
22371 Simcoe Street  
Part Lot 1, Concession 14  
Geographic Township of Mariposa

It is the understanding by Engineering that the purpose and effect is to request relief from the following zone provisions in order to facilitate the construction of an 806.4 square metre agricultural building (coverall):

1. Section 3.18.5.1 a) to reduce the minimum setback for any class of Environmental Zone for all buildings and structures from 15 metres to allow for the construction of an agricultural building within the Environmental Protection Zone, and;
2. Sections 5.1.1.1 & 5.2.1 to permit the construction of an agricultural building within an Environmental Protection (EP) Zone.

*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  
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)