

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Coates

Report Number COA2024-020

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### Public Meeting

**Meeting Date:** April 25, 2024

**Time:** 1:00 pm

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

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### Ward 6 – Geographic Township of Emily

**Subject:** The purpose and effect is to recognize a storage building under construction and an existing horse shelter.

#### Relief sought:

1. Section 3.1.3.1 of the By-law permits a maximum lot coverage for accessory structures of 8% of the lot area to a maximum of 225 square metres; the proposed lot coverage is 248 square metres or 2% of the lot area; and,
2. Section 3.18.5.2 provides that no livestock building or manure storage facility shall be erected or altered unless it complies with the minimum distance separation calculated using Form 2 being Schedule "G" Minimum Distance Separation (MDS) Calculation for Livestock Facilities to this By-law. The required MDS radius for the existing horse shelter is 37 metres; the existing distance between the shelter and the church on the adjacent lot to the west is 29.4 metres.

The variance is requested at **506 King's Wharf Road** (File D20-2024-010).

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**Author:** Katherine Evans, Planner II    **Signature:** 

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### Recommendations

**That** Report COA2024-020 – Coates, be received;

**That** minor variance application D20-2024-010 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 COA2024-020, 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 eight (8) 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 COA2024-020. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Recognition of a storage building under construction and an existing horse shelter
Owners:	Troy and Emelda Coates
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 9, Concession 13
Official Plan <sup>1</sup> :	Prime Agricultural (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Agricultural (A1) Zone (Township of Emily Zoning By-law 1996-30)
Site Size:	3.01 ac. (1.22 ha.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

## Rationale

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

The subject property is located in a predominantly agricultural area consisting of large farms and smaller rural residential lots. The property contains a one storey

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

single detached dwelling constructed in 1971 (according to Municipal Property Assessment Corporation), two sheds, a horse shelter, and a storage building.

The purpose of the application is to recognize a storage building that is currently under construction as well as an existing horse shelter. The storage building is to be used to store personal items and equipment, including tools, gardening supplies, and the buggy the owners use for transportation. The storage building will store and protect the items and equipment.

There is an existing horse shelter on the property that accommodates two horses. The property owners are part of the Mennonite community, and the horses are used for transportation purposes. The shelter provides the horses with protection from inclement weather.

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 property is designated Prime Agricultural within the City of Kawartha Lakes Official Plan (2012). Low density residential uses and accessory buildings and structures are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-Law.

Policy 15.3.10. provides that all farm and non-farm development will comply with the minimum distance separation formulae established by the Province in order to minimize odour conflicts between livestock facilities and development.

The Provincial Minimum Distance Separation (MDS) formulae and guidelines are land use planning tools used to determine required setbacks between livestock facilities/manure storage and surrounding uses. The purpose is to minimize potential conflicts and complaints regarding odour and increase compatibility between uses. The MDS formulae that applies depends on whether the proposal is for new development (MDS I), or for new or altered livestock facilities (MDS II).

As the proposal is to recognize a livestock facility (the existing horse shelter) it is MDS II that applies. Using the MDS II guidelines, based on the number of livestock units, the size of the structure, and the type of manure storage, the MDS radius is 37 metres. The only building on a neighbouring property that is within that radius is the Mennonite Church located on the property to the west. The church is 29.4 metres from the horse shelter, resulting in an encroachment into the MDS radius of 7.6 metres. Only a small portion of the church is within the MDS radius.

Under the Province of Ontario's Minimum Distance Separation (MDS) Document, Implementation Guideline number 43 provides that MDS II setbacks can be reduced in specific circumstances when deemed appropriate by the municipality through the Minor Variance process.

The MDS Guidelines suggest considering surrounding land uses when determining whether a reduction in MDS II setbacks is appropriate. This includes the type and amount of development on adjacent properties. The subject property is surrounded primarily by agricultural properties, some of which contain agricultural operations and some of which have horses used for transportation purposes. The land uses on the subject property are similar to the surrounding land uses. Additionally, the development within MDS radius for the subject horse shelter is limited to a portion of the church on the abutting property.

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 (A1) Zone under the Township of Emily Zoning By-law 1996-30. A single detached dwelling and accessory buildings and structures are permitted within this zone. The Zoning By-law defines an accessory use as a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot. As an accessory use is devoted to the main use of the land, being residential in this case, the proposed storage building is considered an accessory building that is accessory to the residential use. As such, the General Provisions Section 3.1 Accessory Buildings, Structures and Uses apply.

The proposal complies with all provisions of the Zoning By-law with the exception of the maximum lot coverage for accessory buildings and structures and the MDS II setback required for the horse shelter.

Section 3.1.3.1 of the By-law permits a maximum lot coverage for accessory buildings and structures of 8% of the lot area to a maximum of 225 square metres; the proposed lot coverage is 248 square metres or 2% of the lot area. The purpose of the maximum lot coverage for accessory structures is to maintain the rural residential character of the property and to ensure that accessory uses remain subordinate to the primary (residential) use.

Though the total lot coverage of the accessory structures exceeds 225 square metres by 23 square metres, the portion of the lot covered by these accessory structures is only 2%. For comparative purposes, other rural Zoning By-laws regulate lot coverage using only a percentage, on average ranging from 8% to 10% of the lot area.

The existing and proposed accessory structures are located in the rear yard. Additionally, the subject storage building complies with the maximum height for accessory structures. It is not anticipated that the accessory structure lot coverage resulting from the storage building will adversely impact the rural residential character of the property, and the accessory uses will remain visually subordinate to the primary dwelling.

Section 3.18.5.2 provides that no livestock building or manure storage facility shall be erected or altered unless it complies with the minimum distance separation calculated using Form 2 being Schedule "G" Minimum Distance Separation (MDS) Calculation for Livestock Facilities to this By-law. The required MDS radius for the existing horse shelter is 37 metres; the existing distance between the shelter and the church on the adjacent lot to the west is 29.4 metres.

The Official Plan provides that MDS requirements established by the Province apply. These requirements are more up to date than the formulae used in the Township of Emily Zoning By-law, which was established in 1996. As such, the Provincial guidelines are applicable to the existing horse shelter. The purpose of the MDS II setback is to minimize conflicts between land uses and issues with odour.

The horses on the subject property are used only for transportation purposes, and are the property owners' only source of transportation. The similarly sized neighbouring property to the north also has horses. There are also larger agricultural lots with farms in the immediate vicinity. As such, the character of this area is predominantly agricultural, and the existing horse structure on the subject property is not introducing any new odours that are not already present.

Additionally, the only building the horse shelter's MDS II radius encroaches on is the church to the west. The majority of the church is outside of the radius. This church is operated by the Mennonite community. The typical mode of transportation that would be used to travel to this church would be horse and buggy. As such, horses would be tied up outside of the church on a regular basis, and manure/the odour of manure would already be present on the church property. It is not anticipated that the horse shelter on the existing property will result in any land use conflicts with the church or complaints regarding odour.

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 (Building):** “No comments.”

**Building and Septic Division (Septic):** “A review of the site plan indicates the placement of the accessory structure under construction in the rear yard of the dwelling. The sewage system has been located in the opposite side yard of the dwelling to the accessory structure. The location of the structure under construction will ensure that the minimum required clearance distances will be maintained to the existing sewage system. Additionally, the workshop is not being proposed to contain any plumbing fixtures or habitable space. As such, the Building and Septic Division has no issue with the minor variance proposal as it relates to private on-site sewage disposal.”

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

**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

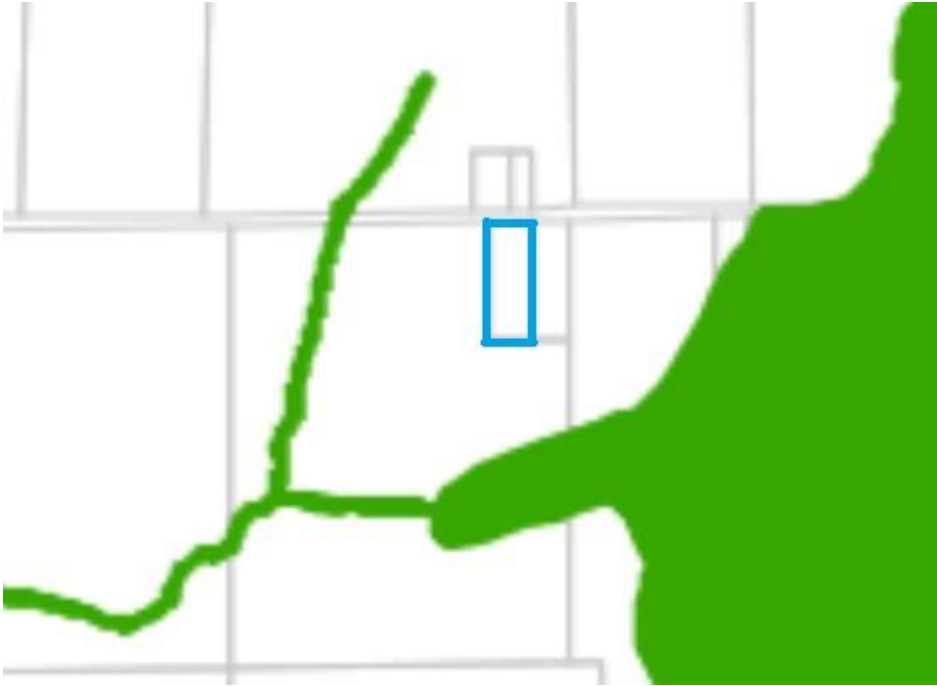
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**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-010

## Schedule 1 Relevant Planning Policies and Provisions

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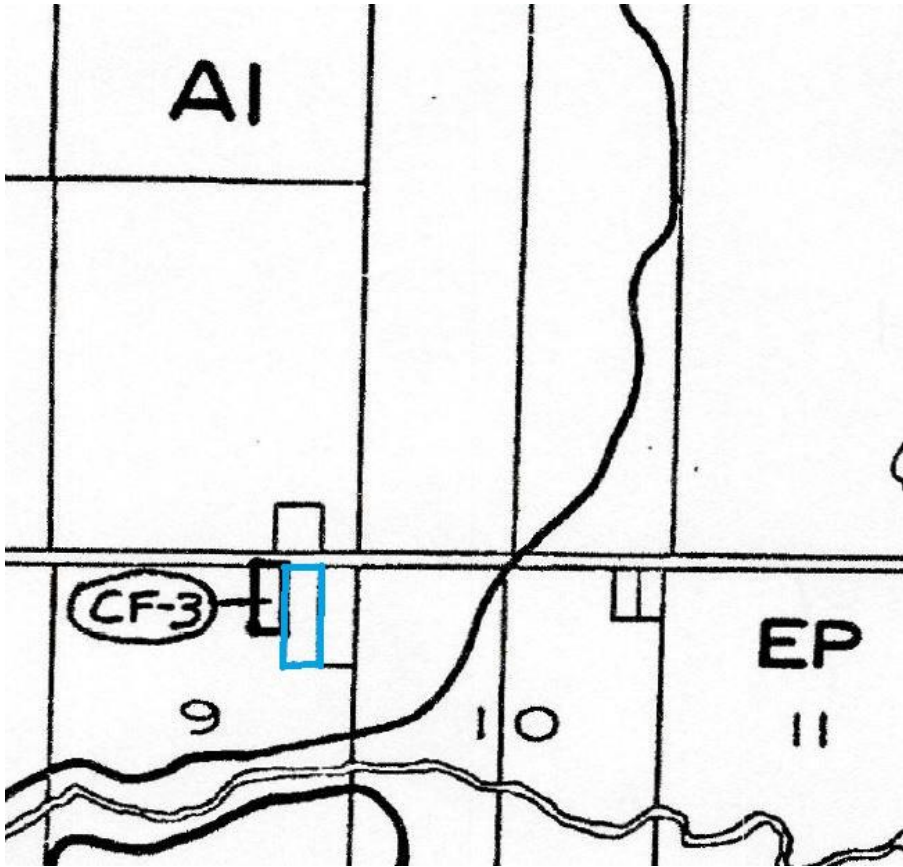
### City of Kawartha Lakes Official Plan



#### 15. Prime Agricultural Designation

15.3.10. All farm and non-farm development will comply with the minimum distance separation formulae established by the Province in order to minimize odour conflicts between livestock facilities and development, as amendment from time to time.

## Township of Emily Zoning By-law 1996-30



### Part 3 General Provisions

#### 3.1 Accessory Buildings, Structures and Uses

##### 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 not exceed 8% of the total lot area or 225 sq.m.

### Part 7 Agricultural (A1) Zone

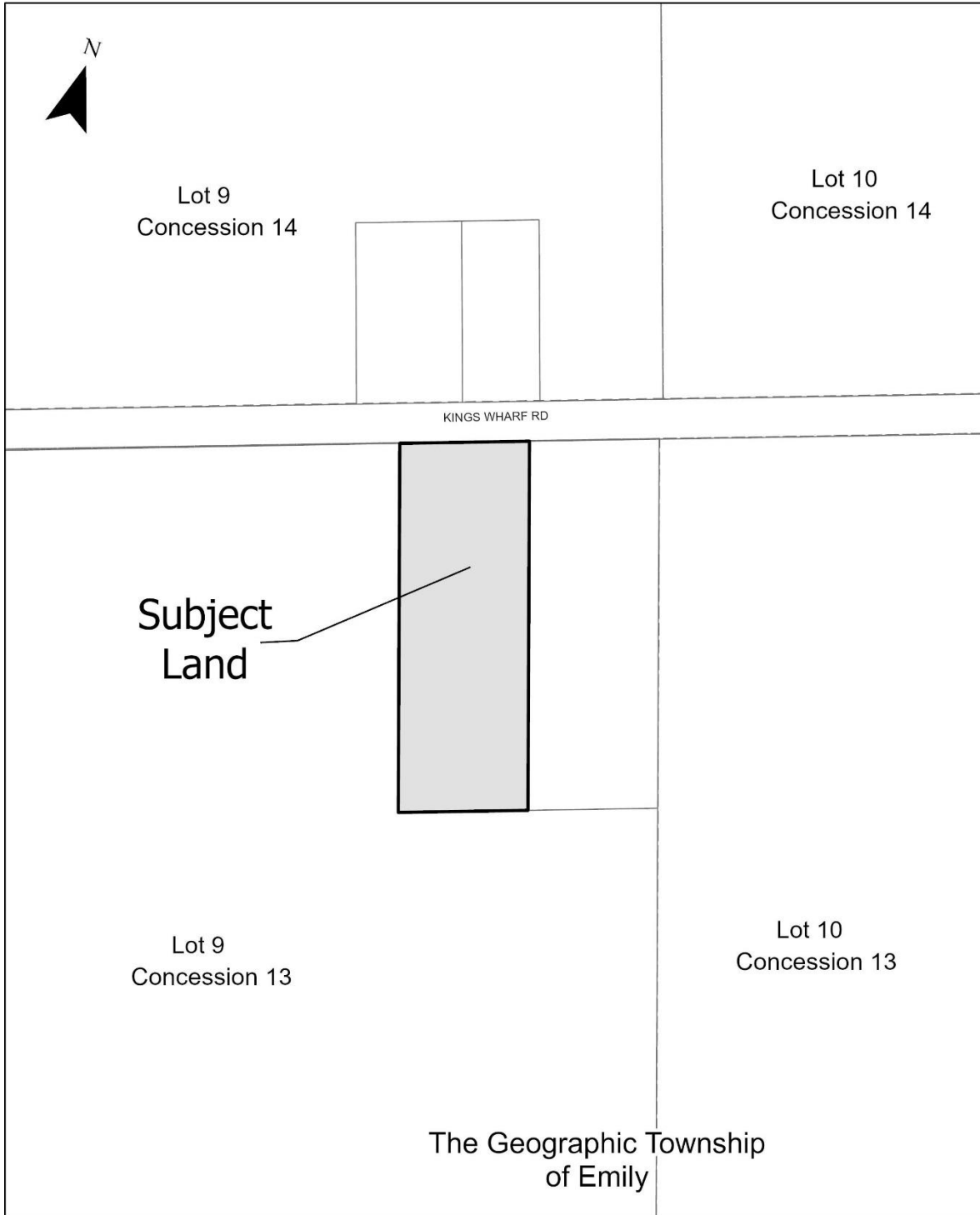
#### 7.1 Uses Permitted

#### 7.2 Zone Provisions



**LOCATION MAP**

# D20-2024-010



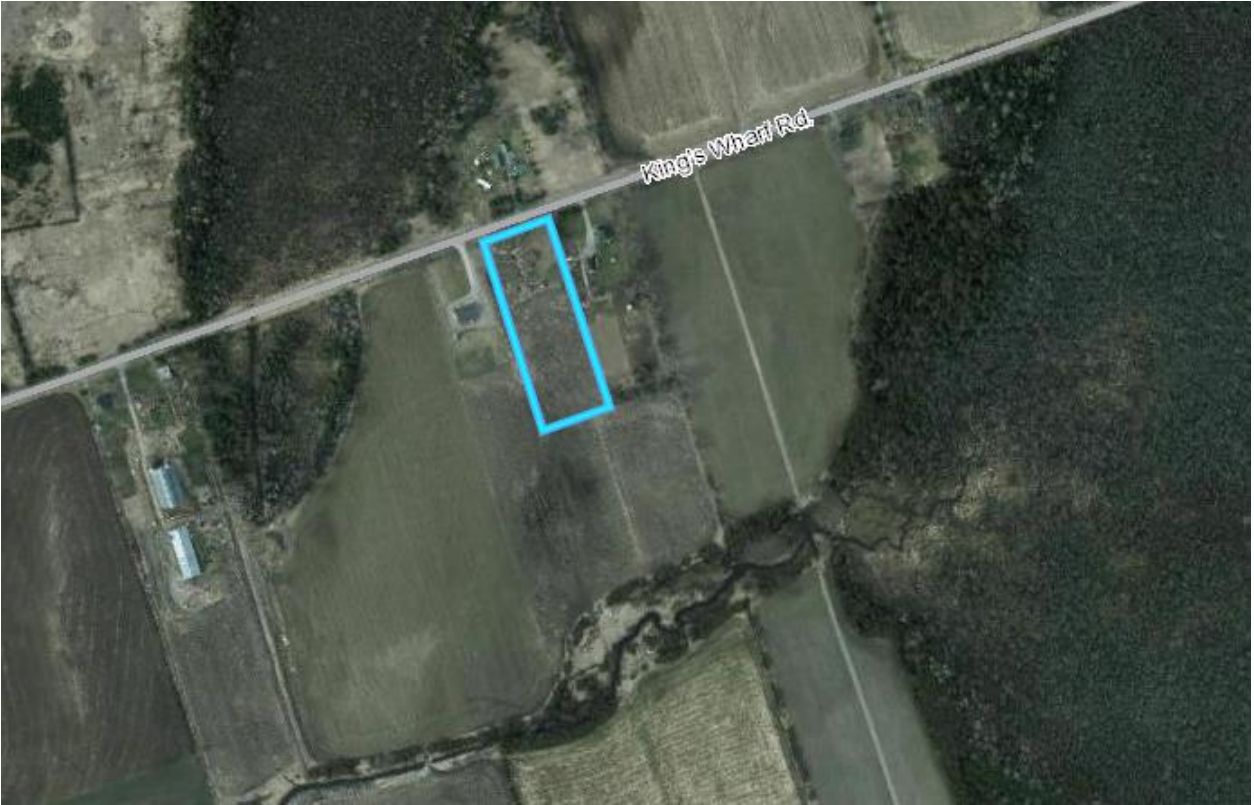
APPENDIX " B "

to

REPORT COA2024-020

FILE NO: D20-2024-010

**AERIAL PHOTO**

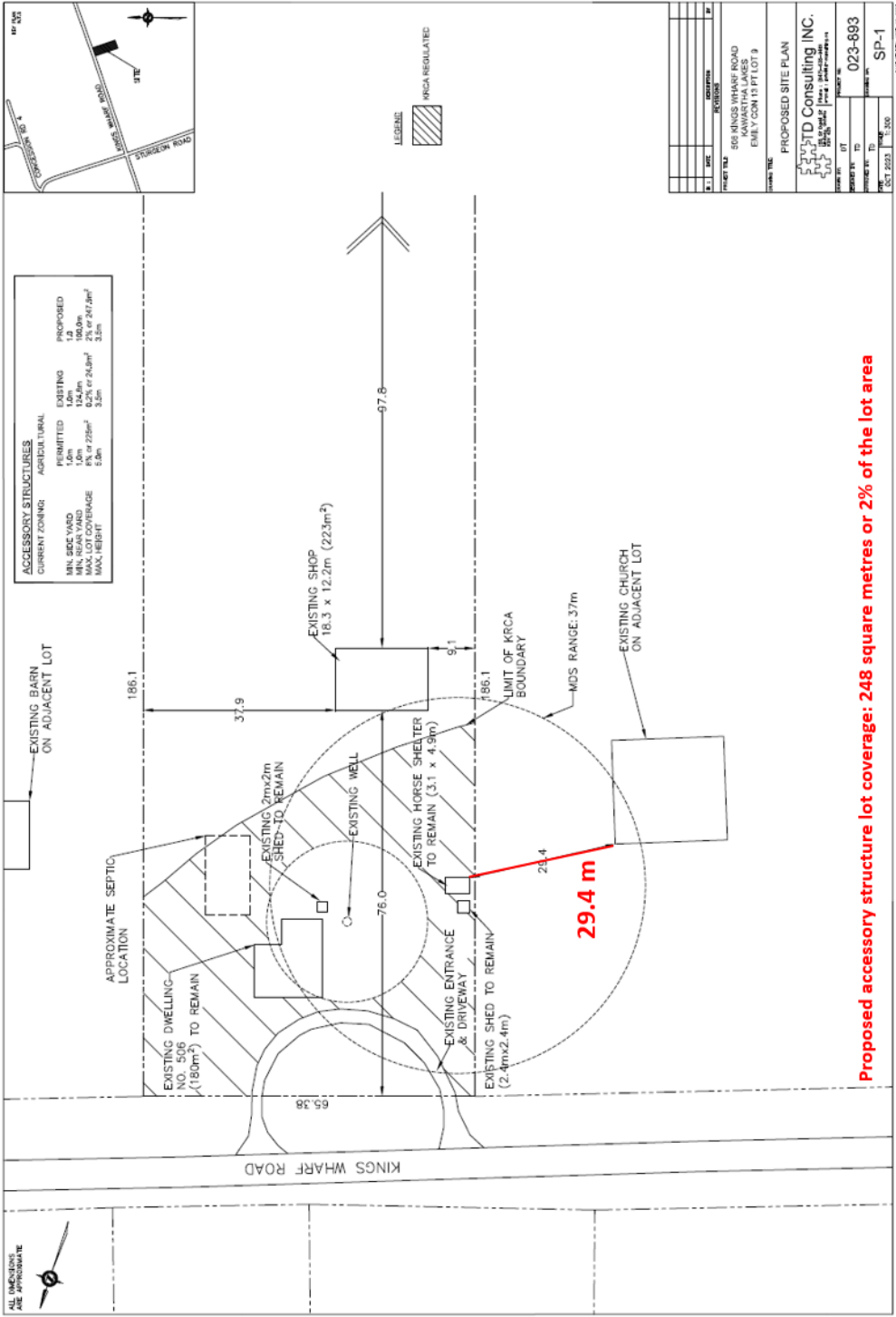


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REPORT COA2024-020

FILE NO: D20-2024-010

APPLICANT'S SKETCH

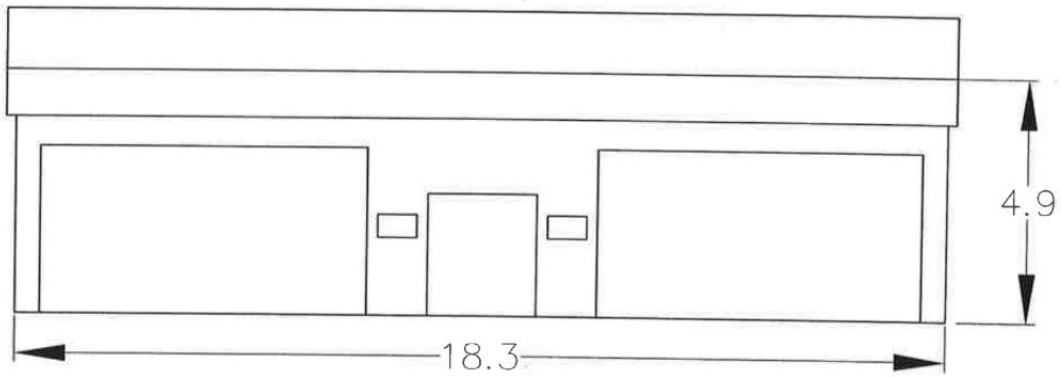


Proposed accessory structure lot coverage: 248 square metres or 2% of the lot area

to

**CONSTRUCTION DRAWINGS**

NORTH  
ELEVATION



EAST  
ELEVATION

