

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Gringrich**  
Report Number COA2024-039

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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 request permission to enlarge a legal non-conforming use (abattoir) to allow for greater warehousing area for poultry processing. The use of an abattoir from 1992 predates the Zoning By-law adopted in 1996.

The permission is requested at **3711 Highway 7** (File D20-2024-029).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



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**Recommendations**

**That** Report COA2024-039 – Gringrich, be received;

**That** permission application D20-2024-029 be GRANTED, as the application meets the tests set out in Section 45(2) 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 COA2024-039, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** building construction related to the application 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 COA2024-039. Fulfillment of all conditions is required for the application to be considered final and binding.

## Application Summary

Proposal:	Enlarge a legal non-conforming use (abattoir)
Owners:	Cleon, Elias, Amsey, and Oscar Gringrich
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 2, Concession 4
Official Plan <sup>1</sup> :	Rural (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Agricultural (A1) Zone and Rural General (A2) Zone (Township of Emily Zoning By-Law 1996-30)
Site Size:	15.38 hectares (38 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential, Agricultural, Abattoir
Adjacent Uses:	Residential, Agricultural, and Industrial/Commercial

## Rationale

### ***Legal non-conforming rights***

Section 34 of the Planning Acts authorizes municipalities to pass zoning by-laws to regulate buildings, structures and land use. Section 34(9) of the Act prevents the retroactive use of a zoning by-law. This section sets out the principle prohibiting zoning by-laws from interfering with the ability to prevent the continued use of lands. These land uses are referred to as legal non-conforming.

This section states:

*34(9) No by-law passed under this section applies,*  
*(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose.*

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

The extension and/or enlargement of a legal non-conforming use requires an application under Section 45(2) of the Act. Section 45(2)(a)(i) grants power to Committee to grant permission for the extension or enlargement of legal non-conforming uses. This section states:

*45(2) In addition to its powers under subsection (1), the committee, upon any such application,*

*(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,*

*(i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.*

The Township of Emily Zoning By-Law 1996-30 was passed October 15<sup>th</sup>, 1996. The Agricultural (A1) Zone and Rural General (A2) Zone do not permit the use of an abattoir. The applicant has provided documentation from Ontario Ministry of Agriculture, Food and Rural Affairs stating the abattoir was originally licensed on July 2<sup>nd</sup>, 1992. This documentation is used to support the position that the existing abattoir predates the current Zoning By-law, and as such is a legal non-conforming use.

### ***Evaluation of Impact***

The subject property is situated north of Highway 7 in the geographic Township of Emily. The area in which the property is located is primarily agricultural, some with residential dwellings and/or commercial or industrial uses. The property itself currently contains a two-storey dwelling, barn, 3 trailers, a pergola, and an abattoir. The subject property is designated 'Rural' under the City of Kawartha Lakes Official Plan. Additionally, the property is zoned Agricultural (A1) Zone and Rural General (A2) Zone under the Township of Emily Zoning By-Law 1996-30.

The proposal seeks to enlarge a legal non-conforming use (abattoir) to allow for greater warehousing area for poultry processing. The existing abattoir is used for poultry processing; the proposed addition is to accommodate additional poultry processing and will primarily serve as warehousing. The applicant has indicated there is no current intention to provide services for the processing of any other species of animal. The existing abattoir is 358.60 square metres, the proposed addition is 273.0 square metres, proposing a total of 631.60 square metres.

With regards to this application, the existing poultry processing abattoir has continuously existed for an extended period of time serving the needs of the local community. Concern for the enlargement of the building is mitigated as the use is not being intensified in terms of the introduction of processing new species. Furthermore, as indicated by the applicant, the addition is primarily going to be used for warehousing space to allow for greater processing capacity. The abattoir

is distantly located away from Highway 7 and views are guarded by the existing dwelling and an existing tall line of trees along the road. The abattoir is not located directly adjacent to any neighbouring structure or building. The enlargement has no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, streetscaping and maintenance.

The Official Plan considers abattoirs an “agri-business use” referring to agriculture related uses that require proximity to an agricultural operation. Moreover, an abattoir is a permitted use under the ‘Rural’ designation of the Official Plan. Therefore, the use of an abattoir supports the Official Plan’s land use designation.

Furthermore, the abattoir is located entirely within the A2 Zone. The proposed addition complies with all provisions of the A2 Zone including but not limited to setbacks, lot coverage, and building heights. Although an abattoir is not a permitted use under the A1 or A2 Zones, relatively similar uses include: agricultural produce processing; butcher shop; taxidermy establishment; and agricultural uses including poultry and animal husbandry.

Lastly, the City of Kawartha Lakes has undertaken a project to consolidate the City’s 14 Rural Zoning By-laws, including the geographic Township of Emily. Under the current Proposed Draft Rural Zoning By-Law (RZBL), the property is zoned Agriculture (AG) Zone and Agriculture Related (AR) Zone. The abattoir is situated within the AR Zone. Under the proposed draft RZBL, the AR Zone permits the use of an abattoir. Therefore, the abattoir use would be permitted under the current proposed draft RZBL. However, it is important to mention that the proposed draft RZBL is not in effect and may be subject to change.

#### **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:**

**ECA – Development Engineering:** “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

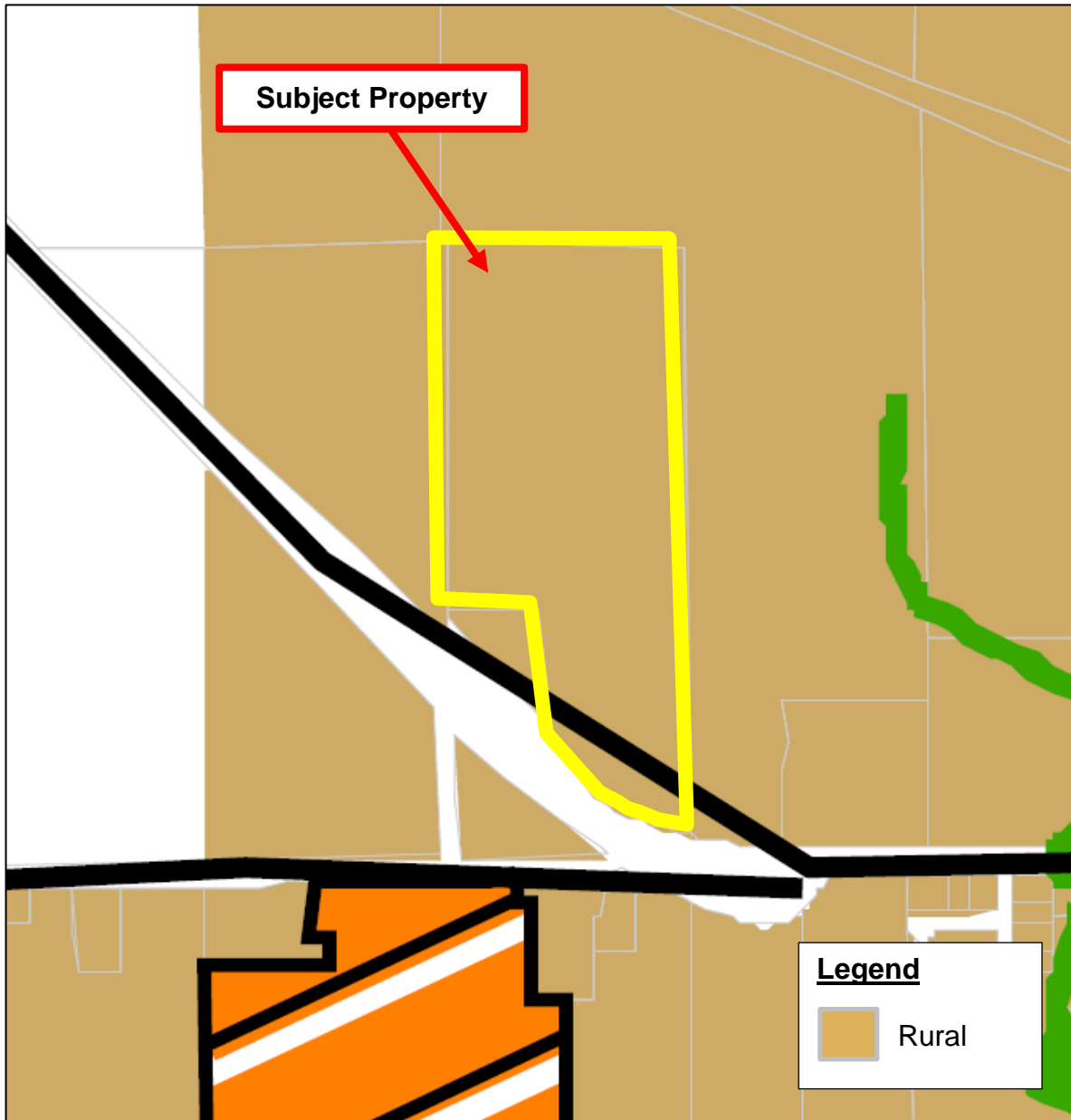
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<b>E-Mail:</b>	ashahid@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-029

## Schedule 1 Relevant Planning Policies and Provisions

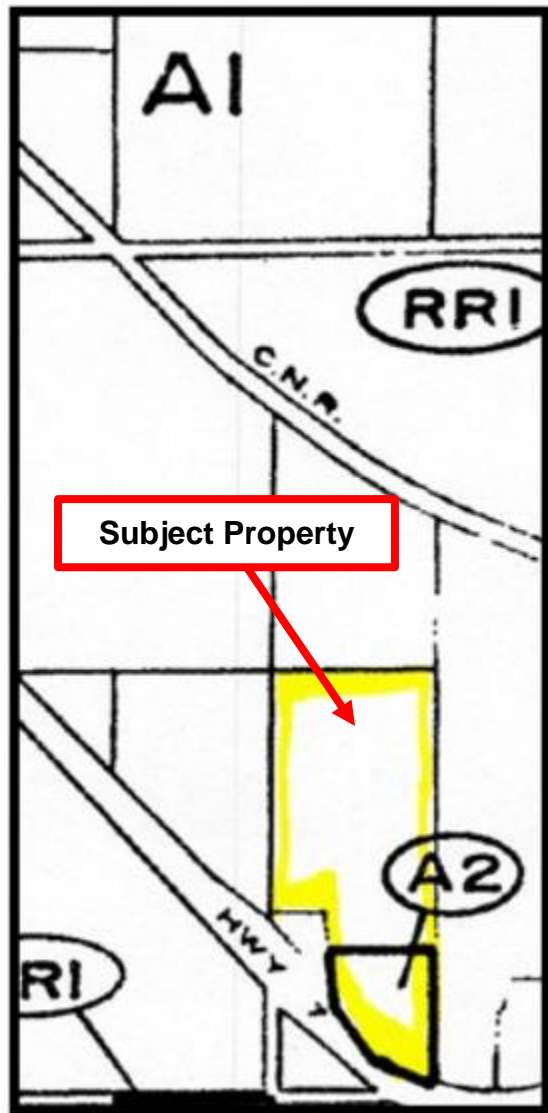
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### City of Kawartha Lakes Official Plan



### Section 16. Rural Designation

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



**PART 7 - AGRICULTURAL (A1) ZONE**

**7.1 USES PERMITTED**

7.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in an Agricultural (A1) Zone, except for the following uses:

7.1.1.1 Agricultural Use.

7.1.1.2 Agricultural produce storage facility or seasonal fruit, flower or farm produce outlet for goods grown or produced on the farm.

7.1.1.3 Bed and Breakfast Establishment

7.1.1.4 Existing cemeteries and expansions which increase their size to a maximum lot area equal to twice the existing area.

7.1.1.5 Farm Implement Dealer

7.1.1.6 Home Occupation

7.1.1.7 Kennels

7.1.1.8 Single Detached Dwelling

7.1.1.9 Riding or Boarding Stables

7.1.1.10 Wayside Pit

7.1.1.11 Seasonal Farm Residential Use is subject to Section 3.21 of the General Provisions. B/L 2007-289

7.1.1.12 Cannabis Production and Processing Facilities subject to Section 3.24 of the General Provisions. B/L 2021-057

7.1.2 A sanitary landfill site is not a permitted use in the Agricultural (A1) Zone.



**PART 8 - RURAL GENERAL (A2) ZONE**

**8.1           USES PERMITTED**

8.1.1           No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural General (A2) Zone except for a maximum of three of the following uses:

8.1.1.1       Agricultural Produce Processing and Packaging

8.1.1.2       Animal Hospital or Veterinary Clinic

8.1.1.3       Any use permitted in the A1 Zone subject to the provisions of subsection 7.2.1

8.1.1.4       Butcher Shop

8.1.1.5       Farm and Heavy Equipment Sales and Service

8.1.1.6       Feedmill

8.1.1.7       Grain Cleaning Plant

8.1.1.8       Grain Drying and Storage Facility

8.1.1.9       Landscaping or Excavating Business

8.1.1.10      Garden and Nursery Supply Outlet

8.1.1.11      Tack Shop

8.1.1.12      Taxidermy Establishment

8.1.1.13      Cannabis Production and Processing Facilities subject to Section 3.24 of the General Provisions. B/L 2021-057

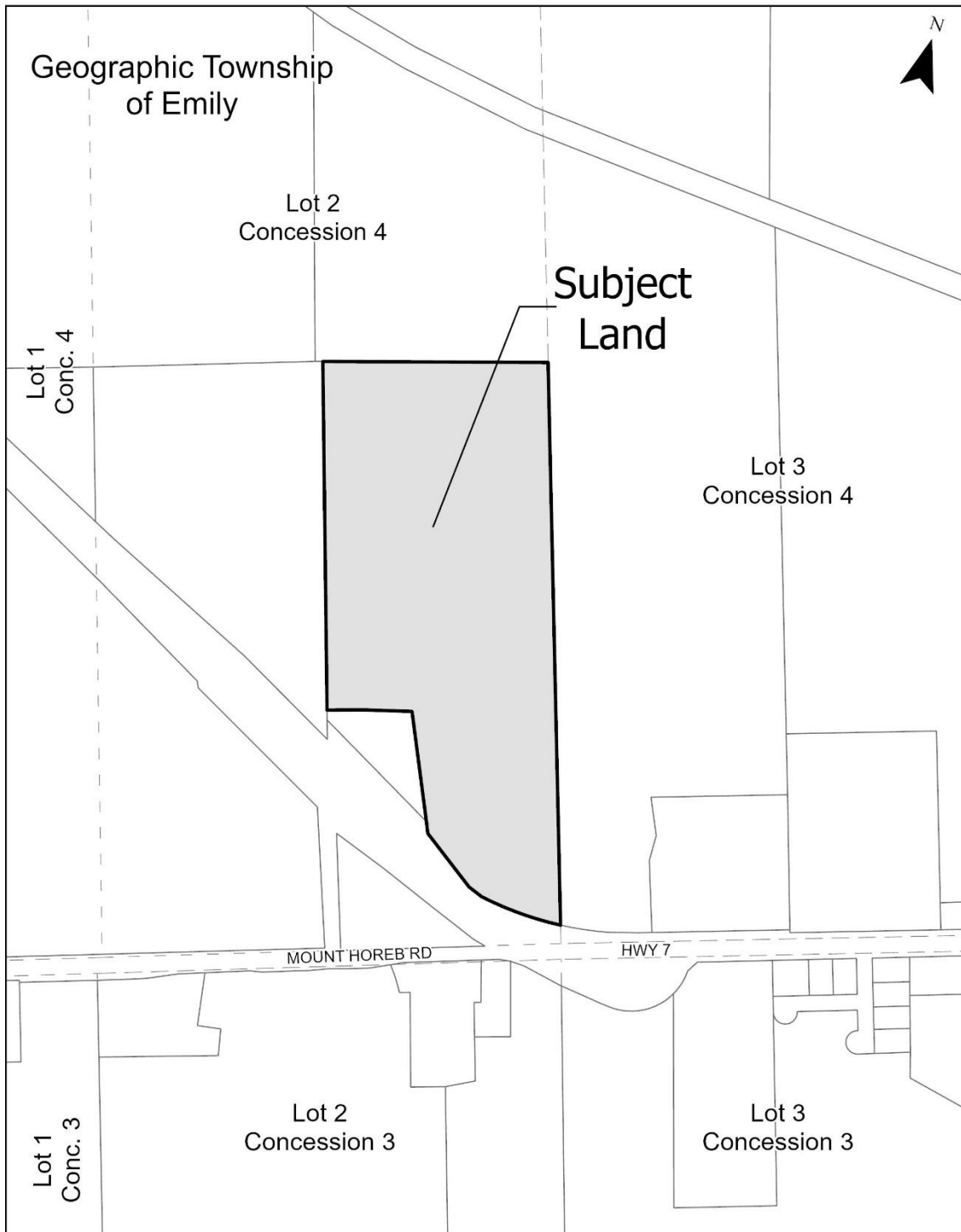
to

REPORT COA2024-039

FILE NO: D20-2024-029

**LOCATION MAP**

# D20-2024-029



APPENDIX “   B   ”

to

**AERIAL IMAGERY (2018)**

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to

REPORT COA2024-039FILE NO: D20-2024-029

## APPLICANT'S SKETCH

