

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

## **Amended Agenda**

### **Planning Advisory Committee Meeting**

**PC2018-010**

**Wednesday, November 7, 2018**

**1:00 P.M.**

**Victoria Room**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

#### **Members:**

**Mayor Andy Letham**

**Councillor Brian Junkin**

**Councillor Rob Macklem**

**Councillor Patrick O'Reilly**

**Councillor Heather Stauble**

**Councillor Andrew Veale**

**Mike Barkwell**

**Debbie Girard**

Accessible formats and communication supports are available upon request.

1.	<b>Call to Order and Adoption of Agenda</b>	
2.	<b>Declarations of Pecuniary Interest</b>	
3.	<b>Public Meeting</b>	
3.1	PLAN2018-076	3 - 15
	<p>Quadri Adebayo, Planner II</p> <p>An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the agricultural portion of the retained part of the property from a Rural General (A1) Zone to prohibit residential use, and to amend General Provision requirements for two zones on one (1) lot on the proposed retained portion on land described as Part of Lot 6, Concession 8, geographic Township of Manvers, City of Kawartha Lakes, identified as 40 Janetville Road - Kerr</p>	
4.	<b>Business Arising from Public Meeting</b>	
5.	<b>Deputations</b>	
5.1	PC2018-010.5.1	
	<p>Harry Groeger</p> <p>Relating to Report PLAN2018-081 (Item 7.1 on the Agenda)</p>	
6.	<b>Correspondence</b>	
7.	<b>City of Kawartha Lakes Reports</b>	
7.1	PLAN2018-081	16 - 20
	<p>David Harding, Planner II</p> <p>A Request to Refund Minor Variance Application Fees for applications D20-2017-002 and D20-2018-041 respecting 76 Chadwin Drive - Groeger</p>	
8.	<b>Adjournment</b>	

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

## **Planning Advisory Committee Report**

**Report Number PLAN2018-076**

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**Date:** November 7, 2018

**Time:** 1:00 p.m.

**Place:** Victoria Room

**Public Meeting**

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**Ward Community Identifier: 16 - Manvers**

**Subject:** An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the agricultural portion of the retained part of the property from a Rural General (A1) Zone to prohibit residential use, and to amend General Provision requirements for two zones on one (1) lot on the proposed retained portion on land described as Part of Lot 6, Concession 8, geographic Township of Manvers, City of Kawartha Lakes, identified as 40 Janetville Road (Kevin Kerr) – Planning File D06-2018-023).

**Author and Title: Quadri Adebayo, Planner II**

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-076, respecting Part of Lot 6, Concession 8, geographic Township of Manvers, and identified as 40 Janetville Road; Application No. D06-2018-023, be received;

**THAT** a Zoning By-law Amendment respecting application D06-2018-023, substantially in the form attached as Appendix “D” to Report PLAN2018-076, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

On February 26, 2018, a notice provisional consent was granted by the Director of Development Services, as delegated by Council, for application D03-16-019 to sever an approximately 0.49 hectare (98.22 acre) residential lot containing a single detached dwelling, and retain approximately 39.51 hectare (98.22 acre) of agricultural land. The retained land will be consolidated with non-abutting agricultural land. The dwelling on the land to be severed is considered surplus to the farm operation as a result of a farm consolidation.

As a condition of provisional consent, the land to be retained is to be rezoned to:

1. prohibit residential use on the agricultural lands;
2. to have the retained lands be considered one lot for lot area requirements where there are two zones; and
3. the zone boundary shall be considered a lot line for the purposes of interpreting and applying all other requirements of the Zoning By-law.

Owner:	Kevin Kerr
Applicant:	Angus McNeil, Staples & Swain Professional Corporation
Legal Description:	Part of Lot 6, Concession 8, geographic Township of Manvers
Designation:	Prime Agricultural in the City of Kawartha Lakes Official Plan
Zone:	Rural General (A1) Zone and Open Space (O1) Zone within the Township of Manvers Zoning By-law 87-06
Lot Area:	Total – 40 hectares (approximate) – Coe Fisher Cameron Severed – 0.49 hectares, Retained – 39.51 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – Unserved
Existing Uses:	Residential (to be severed) / Agricultural (to be retained)
Adjacent Uses:	North and East: Agricultural and Wetland South and West: Agricultural

## Rationale:

The property is located on the south side of Highway 7A (refer to Appendix A). The subject property and the surrounding lands are primarily agricultural land, which is to be protected and preserved from new residential development or any other incompatible land use that may hinder existing or future agricultural operations. A watercourse is also present. Pigeon River No. 20 Provincially Significant Wetland is associated with Pigeon River and located north of the subject lands. The river buffer traverses part of the northwest boundary of the subject lands. To fulfill a proposed condition of provisional consent that requires the prohibition of residential uses on the proposed retained agricultural land, the

owner has submitted the required application to amend the Zoning By-law that will, if granted, fulfil this condition. The farm operation that owns the property will farm it in conjunction with another non-abutting agricultural parcel at 431 Highway 7A West (Part Lot 8, Concession 9). The single detached dwelling on the subject land is deemed surplus to the needs of the farm operation.

The applicant submitted an Aggregate Study Report prepared by Bernie Fuhrmann of WSP, dated December 14, 2017 in support of the application. This document discusses the insignificance of the sand and gravel resource designation on the subject lands, and the appropriateness of the proposed consent.

Staff has reviewed the Report and accompanying documentation filed in support of the proposed consent and zoning by-law amendment.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans. The severance and subsequent rezoning to facilitate a consolidation of farm land is consistent with these policies. The subject lands will be maintained for agricultural uses unfettered by additional rural residential uses.

Therefore, this application conforms to the policies of the Growth Plan.

### **Provincial Policy Statement, 2014 (PPS):**

Section 1.1.5 of the PPS provides that uses related to the management and use of resources should predominate and agricultural uses should be promoted and protected in accordance with provincial standards. Section 2.1.4 states that development and site alteration shall not be permitted in Provincially Significant wetlands and Section 3.1 directs development to areas outside the flood plain or wetland.

The application to rezone the proposed agricultural lands to preclude a residential dwelling will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use. The lot to be retained is of sufficient area to sustain agricultural uses.

The northerly abutting open space lands to be recognized in conjunction with the subject land through this rezoning will provide for the long term protection of this natural area for its economic, environmental and social benefits. It will also limit buildings and structures which by their nature are required not to be in the flood plain.

Therefore, this application is consistent with the PPS.

## **Official Plan Conformity:**

The subject land which is designated Prime Agricultural, Aggregate and Environmental Protection in the City of Kawartha Lakes Official Plan (Official Plan) has been demonstrated to not have suitable quality or quantity of material for potential commercial extraction. Whereas the Official Plan directs that such lands be required to conform with the abutting designation policies. As the abutting designation is Prime Agricultural, the Prime Agricultural policies shall apply. Section 15.1 of the Official Plan provides that agricultural land that shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

This application will preserve and protect the agricultural land for future agricultural use.

The City, through its Official Plan, recognizes as generally desirable the consolidation of farms wherever possible. The City also recognizes that the acquisition of abutting agricultural lots in order to consolidate an existing farm operation may not be possible, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. A dwelling surplus to the farm operation may be severed to effect consolidation of non-abutting farm parcels provided specific criteria are met. The severed lands meet the lot area criteria, have not been identified as being required for farm help, and complies with Minimum Distance Separation Guidelines. As well, the Official Plan requires the retained agricultural lands to be rezoned to prohibit any residential use.

This application seeks to implement these Official Plan policies, thus conforms to the policies of the Official Plan.

## **Zoning By-Law Compliance:**

The land is zoned Rural General (A1) Zone and Open Space (O1) Zone in the Township of Manvers Zoning By-law 87-06. The A1 Zone permits residential use. The Zoning By-law amendment would prohibit the residential use on the land to be retained, thus implementing Official Plan agricultural land protection policies.

The O1 Zone permits golf courses, parks, and agricultural uses. The O1 Zone does not permit buildings or structures except for erosion or flood control purposes. The proposed amendment would ensure that agricultural use will remain compatible with the long term protection of the O1 Zone.

The General Provisions Section 20.16 has requirements where there are multiple zones on a lot. When a lot is created by consent the retained lot must comply with the minimum lot area and lot frontage of the applicable zones. The O1 Zone does not have lot area or lot frontage requirements. The retained lot will comply with the A1 minimum lot frontage requirement of 183 m. The property was

created after the current Zoning By-law, thus is required to meet the A1 lot area minimum requirement. The retained lot will have about 37.31 hectare of agricultural lands, which does not meet the minimum 38 hectare lot area requirement for the A1 Zone. However, the retained lot as a whole will exceed the minimum lot area requirement at 39.51 hectares. The proposed amendment would allow the two zones to be considered as one lot and the minimum lot area requirements of the A1 Zone would apply to the lot as a whole. For clarity, the proposed amendment should specify that the zone boundary shall be considered to be a lot line for the purposes of applying all other requirements of the Zoning By-law. This will ensure that there are adequate setbacks from the watercourse buffer for development.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendations to the 2016-2019 Strategic Plan:**

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment. The application aligns with the vibrant and growing economy goal as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment. It also will maintain the health and integrity of the wetland and floodplain.

### **Review of Accessibility Implications of Any Development or Policy:**

Should a building permit be required, the accessibility standards established in the Building Code will be addressed prior to the issuance of a building permit.

### **Servicing Comments:**

The agricultural land is un-serviced. The existing single detached dwelling on the land to be severed is serviced by a private sanitary sewage disposal system and well.

## **Consultations:**

Notice of this application was circulated to all land owners of record within a 500 metre radius, plan review agencies, and City Departments which may have an interest in the application. The Building Division - Building Inspection, Economic Development Division (Agriculture), Development Engineering, Community Services and Enbridge Gas Distribution raised no concerns or objections as a result of the circulation. No comments were received from the public.

## **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law amendment contained in Appendix “D” will ensure the subject land is preserved for agricultural use and will implement Provincial and City policies.

## **Conclusion:**

The application conforms to the provincial policies concerning prime agricultural areas. The application also conforms to the Prime Agricultural designation policies in the City’s Official Plan. Staff support the application based on the information contained in this report and the comments received as of September 17, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## Attachments:

### Appendix A – Location Map



Appendix A.pdf

### Appendix B – Orthoimage



Appendix B.pdf

### Appendix C – Applicant Sketch – received July 28, 2018



Appendix C.pdf

### Appendix D – Draft Zoning By-law Amendment



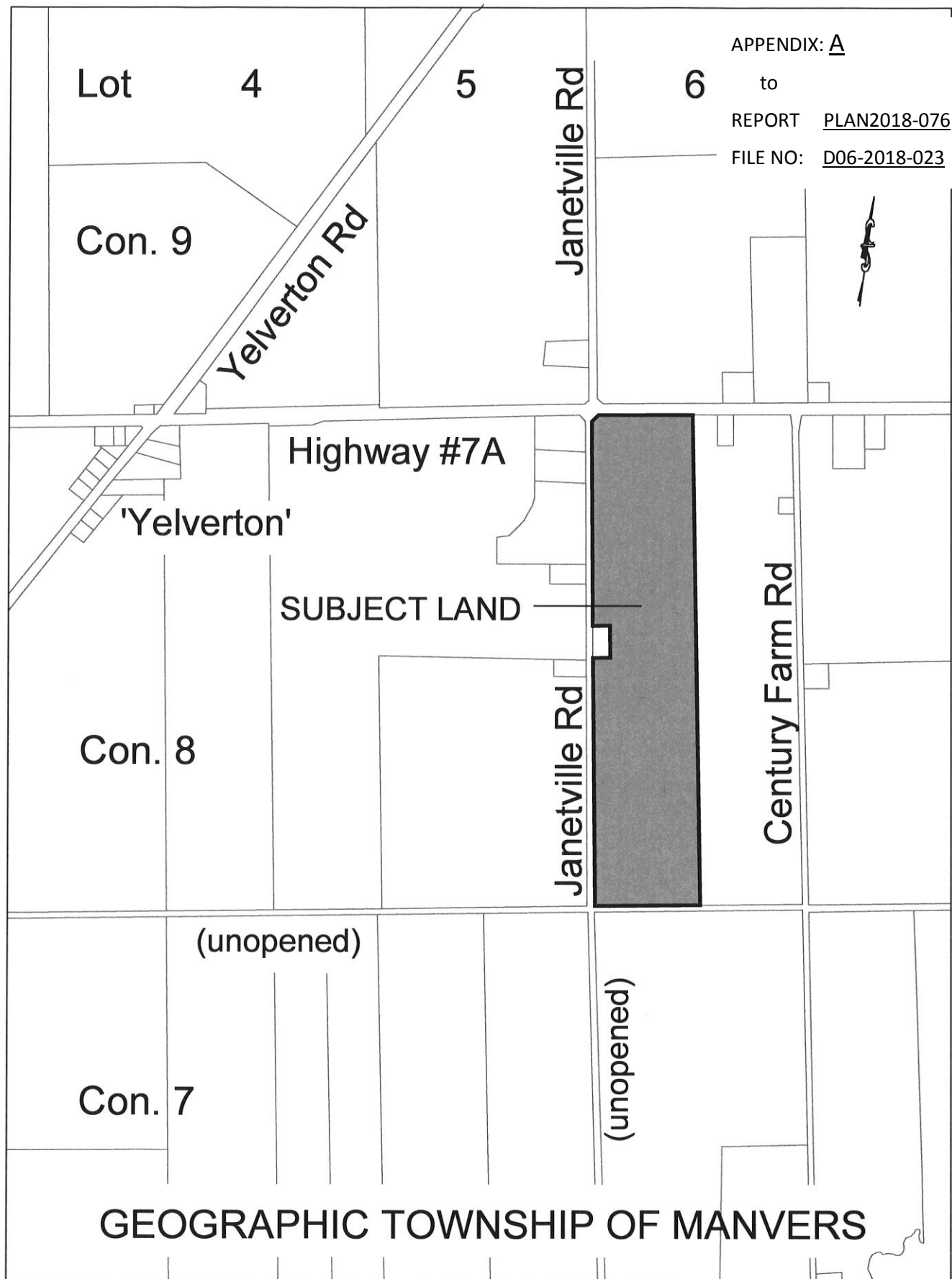
Appendix D.pdf

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**Department Head E-Mail:** [cmarshall@city.kawarthalakes.on.ca](mailto:cmarshall@city.kawarthalakes.on.ca)

**Department Head:** Chris Marshall

**Department File:** D06-2018-023





0.92

Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
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- Legend**
- Property ROLL#
  - Property PIN#
  - Lots and Concessions
  - Road Centreline
  - Upper Municipalities
  - Lower Tier Municipalities
  - Populated Places
  - Water Labels

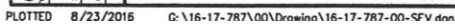
**Notes**

APPENDIX: B

to

REPORT PLAN2018-076

FILE NO: D06-2018-023



**The Corporation of the City of Kawartha Lakes****By-Law 2018 -****A By-Law To Amend The Township of Manvers Zoning By-Law No. 87-06 To Rezone Land Within The City Of Kawartha Lakes**

[File D06-2018-023, Report PLAN2016-0076, respecting Part Lot 6 Concession 8, former Township of Manvers, identified as 40 Janetville Road – Kevin Kerr]

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land for:
  - a) the Rural General (A1) Zone to prohibit residential use on the agricultural lands;
  - b) for A1 Zone and the northerly abutting Open Space (O1) Zone be considered as one (1) lot area; and
  - c) the zone boundary to be considered a lot line for the purposes of the Zoning By-law requirements on the proposed retained portion of the property to fulfil a condition of consent approval.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 6 Concession 8, former Township of Manvers, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following to Section 10.4
 

“II. Notwithstanding subsection 10.1, a dwelling and accessory uses thereto are not permitted uses on lands zoned A1-S38.”
- 1.03 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following to Section 20.16
 

“g. Where the A1-S38 and O1 appear together on any schedule to the Bylaw and share a common boundary, then the combined area of the A1-S38 and O1 zones shall be considered to be one lot and the minimum lot area requirements of the A1 Zone shall apply to the combined area. The zone boundary shall be considered a lot line for the purposes of applying the zone requirements and general provisions of this By-law.”
- 1.04 **Schedule Amendment:** Schedule ‘A’ to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the “Rural General (A1) Zone” to the “Rural General Special 38 (A1-S38) Zone” as shown on Schedule ‘A’ attached to this By-law.

**Section 2:00 Effective Date**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2017.

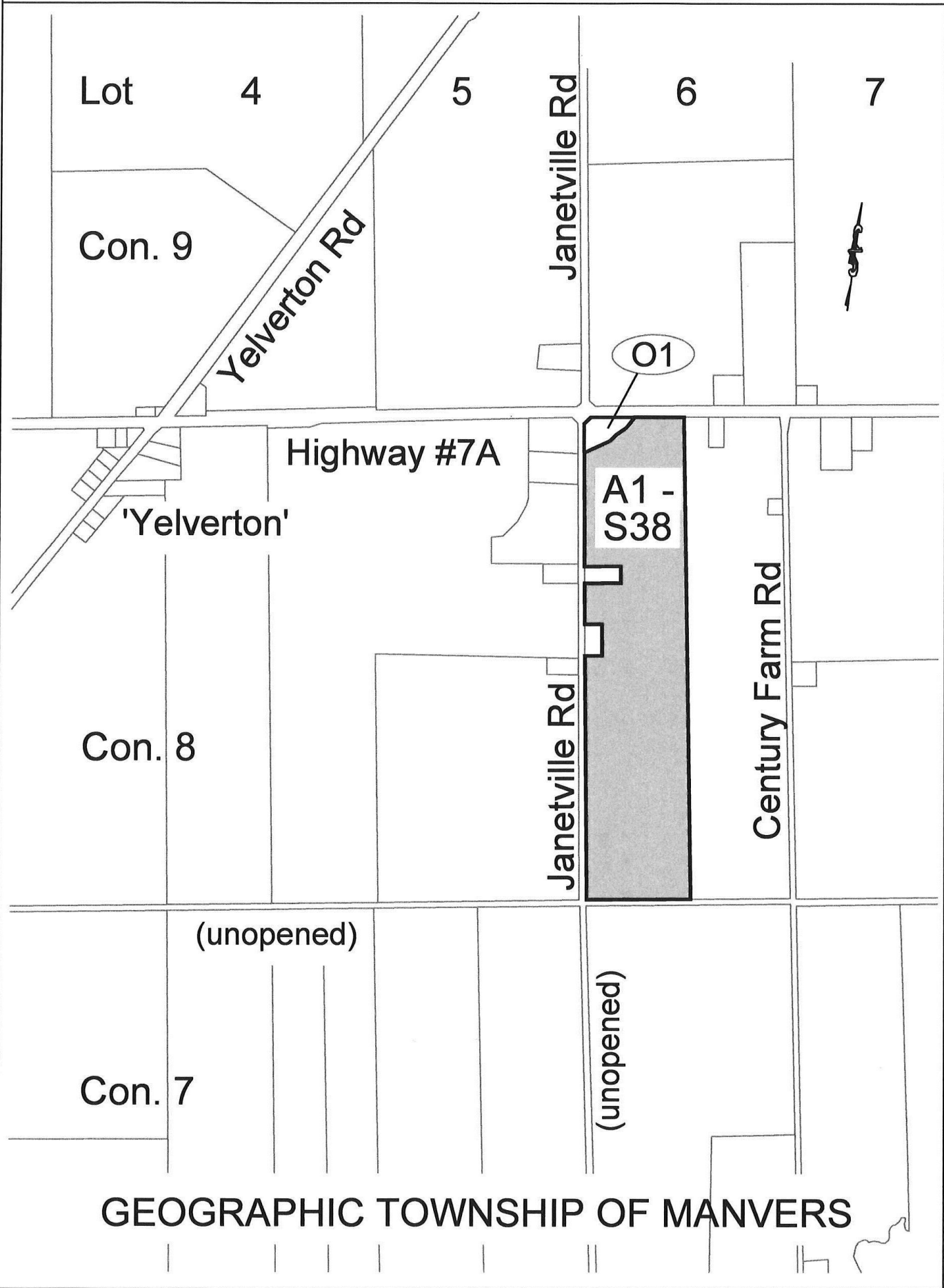
\_\_\_\_\_  
Andy Letham, Mayor

\_\_\_\_\_  
Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF  
**KAWARTHA LAKES**

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_ CITY CLERK \_\_\_\_\_



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

## **Planning Advisory Committee Report**

**Report Number PLAN2018-081**

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**Date:** November 7, 2018

**Time:** 1:00 p.m.

**Place:** Victoria Room

**Public Meeting**

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**Ward Community Identifier:** Ward 11 - Lindsay

**Subject:** A Request to Refund Minor Variance Application Fees for applications D20-2017-002 and D20-2018-041 respecting 76 Chadwin Drive, Harry and Alwine Groeger

**Author and Title:** David Harding, Planner II

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### **Recommendations:**

**That** Report PLAN2018-081, respecting the request to refund minor variance application fees pertaining to 76 Chadwin Drive, geographic Township of Lindsay, be received; and

**That** the request to refund the minor variance application fees be refused.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

On October 3, 2018, Harry and Alwine Groeger submitted a request to the Clerk's Office to request their minor variance application fees be refunded, see Appendix "A". This staff report analyses that request.

Owners:	Harry and Alwine Groeger	
Legal Description:	Part Block 11, Plan 57M-782, Parts 6 to 8, 57R-10386, former Town of Lindsay, City of Kawartha Lakes	
Official Plan:	Residential – Town of Lindsay Official Plan	
Zone:	"Residential Multiple One Special Eleven (RM1-S11) Zone" – Town of Lindsay Zoning By-law 2000-75	
Site Size:	279 square metres (3,003.13 square feet)	
Site Servicing:	Municipal sanitary sewer, water, and stormwater	
Existing Uses:	Townhouse Residential	
Adjacent Uses:	North, South and East:	Townhouse Residential
	West:	Vacant Commercial Land

## Rationale:

By-law 2013-037 prescribed the fees for the processing of planning applications when application D20-2017-002 was submitted. By-law 2016-206 prescribes the fees for the processing of planning applications when application D20-2018-041 was submitted. The first minor variance application was accompanied by the required fee of \$1,000 and the advertisement fee of \$200.00. The second minor variance application was accompanied by the required fee of \$1,100 and the advertisement fee of \$220.00.

As a result of a Building Division enforcement matter, Harry and Alwine Groeger applied for a minor variance application December 5, 2016 to recognize the hard-topped canopy that had been constructed upon the majority of the deck within the rear yard. The application was last amended August 22, 2017. The canopy measures approximately 4.2 metres x 3.7 metres. The north and south sides of the canopy had been walled with a fence fitted with translucent plastic sheeting to prohibit the passage of air with additional timbers above fitted with clear plastic panels. The clear plastic panels bridge the gap between the fence and the underside of the canopy. The east side of the canopy abuts the townhouse and the west side of the canopy is open to the rear yard.

Due to the way in which the structure was constructed and it's function as a sheltered outdoor amenity space; staff classified the canopy and walls as a partially enclosed sunroom.

Variances were requested to increase the maximum lot coverage, reduce the rear yard setback, and reduce the interior side yard setback zone provisions to permit the partially enclosed sunroom.

On October 19, 2017, the Committee of Adjustment approved Mr. and Mrs. Groeger's variance application at its public meeting.

In spring of 2018, Mr. and Mrs. Groeger advised staff that they wished to extend the canopy to just beyond the edge of the rear yard deck. As the deck was longer than the canopy, snow would collect on the deck and rain would reach into the covered sitting area. The length of the proposed extension was approximately 1.1 metres. They were advised that their 2017 variance application recognized what had been constructed, and that another variance application would be needed to request relief from the interior side yard setback, rear yard setback, and maximum lot coverage zone provisions to permit the extension.

On July 5, 2018, Mr. and Mrs. Groeger applied for a minor variance application to extend the canopy of their partially enclosed sunroom. Variances were requested from the interior side yard setback, rear yard setback, and maximum lot coverage zone provisions to permit an approximately 4.2 metre x 1.1 metre extension to the partially enclosed sunroom.

On September 20, 2018 the Committee of Adjustment held a public meeting to make a decision upon the requested variances. The Groegers requested at the public meeting that Committee of Adjustment consider refunding them one of their two variance application fees. The Committee of Adjustment stated that it wished the Groegers had been advised by staff to extend the canopy when the 2017 minor variance application was being processed. The Committee suggested that the owners take this issue to Council and ask for reimbursement for fees.

The Committee of Adjustment approved Mr. and Mrs. Groeger's variance application.

## **Conclusion:**

Application fees are collected to cover a portion of the City's costs incurred to process development applications. Staff is of the opinion that a refund is not warranted as the original variance application sought to recognize a structure which had already been constructed. Additionally, the structure had already experienced winter, spring, and summer conditions and the owners did not seek to amend their application to extend the roof canopy prior to the Committee's decision on the first minor variance application.

## Attachments:

### Appendix 'A' – Refund Request



Appendix A to Report  
PLAN2018-081.pdf

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall

APPENDIX " A  
to  
REPORT PLAN 2018-081  
FILE NO. \_\_\_\_\_

72 Chadwin Drive  
Lindsay, ON K9V 0E9

October 3, 2018

Mr. Joel Watts  
Clerk of Office  
City Hall  
Lindsay, ON

SUBJECT: Minor Variance Application  
D20-2018-041 – 76 Chadwin Drive  
Plan 57M, Part Block 11

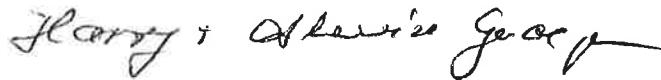
Dear Mr. Watts:

We are requesting a refund due to the Minor Variance Application, noted in the above Subject, in the amount of \$220.00 for a Building Permit plus \$1,350.00 for a second Minor Variance Application.

Our argument is that the Minor Variance Application, previously issued as #D20-17-002 was not completed and the additional extension request should still fall under the first Building Permit. There never was a plan submitted for an addition to a "partially enclosed sunroom" as noted in your Committee of Adjustment Notice of Decision meeting on September 20, 2018.

If you require further discussion on the above mentioned subject, please call us at 705-328-9495.

Yours truly,



Harry & Alwine Groeger

Cc: D. Marsh  
S. Strathdee