

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2017-027

Date: May 3, 2017
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 3 – Somerville

Subject: An application to amend the Township of Somerville Zoning By-law 78-45 to permit a maximum of two (2) single detached dwelling units on the property identified as 3611 CKL Road 121, Somerville (STENDER)

Author/Title: Mark LaHay, Planner II

Signature:



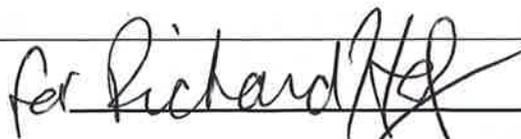
Recommendations:

RESOLVED THAT Report PLAN2017-027, respecting Part Lot 1 Concession 10, geographic Township of Somerville, "STENDER – Application D06-17-014", be received;

THAT a Zoning By-law Amendment respecting application D06-17-014, substantially in the form attached as Appendix "D" to Report PLAN2017-027, 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:



Corporate Services Director / Other:

Chief Administrative Officer:



Background:

The proposal is to allow a second detached dwelling unit on the subject property, as the Zoning By-law permits only one (1) single detached dwelling unit. A garden suite was previously permitted through a temporary use zoning by-law amendment. The applicant wishes to recognize this use on a permanent basis.

Owner:	Dianne and Walter Stender
Applicant:	Doug Carroll, DC Planning Services Inc.
Legal Description:	Part Lot 1, Concession 10, geographic Township of Somerville
Designation:	“Highway Commercial”, “Rural”, and “Environmental Protection” - City of Kawartha Lakes Official Plan
Zone:	“Rural General Exception Six (RG-6) Zone” on Schedule ‘A’ of the Township of Somerville Zoning By-law No. 78-45
Lot Area:	59.6 ha. [147.29 ac.] – MPAC
Site Servicing:	Two (2) private individual sewage systems and two (2) individual water supply wells
Existing Uses:	Two (2) detached dwellings and accessory storage buildings on rural and managed forest lands
Adjacent Uses:	North: Commercial dry-land marina East: CKL Road 121/rural residential South: Rural West: Rural

Rationale:

The subject property is located on the west side of Kawartha Lakes (formerly County) Road 121 south of the hamlet of Kinmount and immediately south of the Walsten Marine business. Since 2007, the property has had two (2) new detached dwellings, which are located some distance from the road and are buffered by an existing row of mature trees. In 2006, the owner originally applied for a zoning amendment for a temporary use for a garden suite. In 2007, an application for a new smaller detached dwelling was made and a building permit was issued at the same time a permit was issued for the replacement of the existing original detached dwelling. Both dwellings were connected to separate well and septic systems. The permits were issued, inspections were completed, and lot grading and landscaping were all completed approximately 10 years ago. Both detached dwellings have been used continuously by the owners since 2007. The zoning by-law amendment for the temporary use of the smaller accessory dwelling expired on August 29, 2016. As the zoning only permits a single detached dwelling, an amendment is necessary to permit two detached dwellings on the property.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to various City Departments and commenting agencies for review.

1. Planning Justification Report prepared by Doug Carroll, DC Planning Services, dated March 10, 2017. The report discusses and assesses the proposal in the context of the 2014 Provincial Policy Statement, 2006 Growth Plan, the City of Kawartha Lakes Official Plan, and Township of Somerville Zoning By-law.
2. Conceptual Sketch, undated, attached to Planning Justification Report above, which illustrates the location of the existing dwellings and structures, driveway access and well and septic services.
3. Sketch Plan, undated, attached to Planning Application Form, illustrating in more detail, the location of the subject buildings, structures, access and services along with setback dimensions.

Staff has reviewed this supporting material, including the Planning Justification Report and generally accepts the planning rationale given.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

The Growth Plan guides land-use planning decisions. Section 2.2.2 (1)(i) of the Growth Plan directs development to settlement areas except development related to the management or use of resources, resource based recreational activities and rural land uses that cannot be located within settlement areas. The accessory second dwelling was constructed in accordance with a building permit issued in 2007, and does not contradict the policies of the Growth Plan (GP).

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

Provincial Policy Statement, 2014 (PPS):

The 2014 Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns.

Section 1.1.4.1 encourages conservation and redevelopment of existing housing stock on “Rural Lands”. Section 1.1.5 of the PPS provides policy with respect to rural lands and permitted uses, which include limited residential development that is appropriate for the available infrastructure and promotes development that is compatible with the rural landscape and can be sustained by rural service levels.

Section 2.1 of the PPS provides policy with respect to the Wise Use and Management of Resources to protect Natural Heritage features. Section 3.1 of the PPS provides policies for protecting public health and safety by directing development away from hazardous lands and sites that may be subject to flooding and/or erosion. The development of the two existing detached dwellings occurred approximately ten years ago, with no new development proposed. On this basis, the KRCA did not deem it necessary to review the application suggesting no negative impacts on the natural features or their ecological functions are expected, nor would it appear to be concern for any natural hazards associated with this application.

Therefore, the application appears to be consistent with the PPS.

Official Plan Conformity:

The City of Kawartha Lakes Official Plan (2012) has designated the subject land as “Highway Commercial” and “Rural” with the drainage watercourse as “Environmental Protection” (EP). There is a small portion of unevaluated wetland natural heritage feature located in the undeveloped northwest part of the property and to the south of the existing detached dwellings, generally adjacent to the ponds and along the mid westerly edge of the property. The existing detached dwellings are within the portion of the subject land that is designated as “Highway Commercial”. This designation permits various highway commercial uses in addition to supporting residential uses. The previous Victoria County Official Plan, which was in effect at the time when the dwellings were constructed, also permitted residential uses in this designation.

As the existing use predates the current Official Plan, Section 34.1 provides polices regarding existing uses for buildings or structures that were lawfully used on the date the Plan was adopted. In this regard, Council may decide that it is appropriate to recognize non conforming uses and to permit the extension or enlargement to avoid unnecessary hardship. These uses can be recognized in an implementing by-law.

The application conforms to the policies of the Official Plan.

Zoning By-Law Compliance:

The subject land is zoned “Rural General Exception Six (RG-6) Zone” in the Township of Somerville Zoning By-law 78-45. Since the zoning only permits one dwelling unit, the applicant has submitted an application to recognize the second residential dwelling unit for consideration. The application proposes to amend the current site-specific exception to the RG-6 Zone to permit two (2) single detached dwellings on a lot. Recognition of the existing second detached dwelling would comply with applicable zone provisions.

Other Alternatives Considered:

No other alternatives were considered. The owners wish to keep the property as one lot.

Financial Considerations:

There are no financial considerations unless Council's decision 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 Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application would align with the exceptional quality of life and healthy environment goals as it supports housing options and does not interfere with natural features and functions.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The lot is serviced by two (2) private individual sewage systems and private individual wells to service each existing dwelling. The Building Division Sewage System Supervisor has advised that it has been demonstrated that the property can sustain and be serviced by the appropriate sized sewage systems to accommodate 2 single detached dwellings.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

Public Comments:

As of the time of writing this report, no public comments were received.

Agency Review Comments:

On April 6, 2017, the Building Division advised they have no concerns with the application.

On April 20, 2017, the Building Division Part 8 Sewage Systems Program advised it has no objection to the proposed zoning amendment as the sewage system reports indicate that each single detached dwelling is serviced by its own system and it has been demonstrated that the property can sustain and be serviced by the appropriate sized sewage systems to accommodate 2 single detached dwellings.

On April 17, 2017, Development Engineering confirmed they have no objection to the proposed zoning by-law amendment.

On April 20, 2017, the Agricultural Development Officer advised that there are no concerns with this application with the understanding that this property has had the temporary use of a garden suite for approximately the past ten years, and that under that temporary arrangement, the “small dwelling” was built under building permit issued by the City of Kawartha Lakes, and that they now seek to make permanent the zoning to permit two detached dwelling units on the property.

On January 16, 2017, Kawartha Region Conservation Authority (KRCA) advised they have no concerns with the proposed zoning amendment. The subject land is outside their regulated area and the KRCA did not require circulation for environmental advisory comments as the lot has already been developed for two single detached dwellings and no new development is proposed.

Development Services – Planning Division Comments:

The appropriate background studies in support of the applications have been submitted and circulated to the appropriate agencies and City Departments for review and comment. The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the City of Kawartha Lakes Official Plan. The recognition of the proposed use for two single detached dwellings is appropriate for the size and location of the lot.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommends that the proposed Zoning By-law Amendment be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix 'A'
PLAN2017-027.pdf

Appendix 'B' – Aerial Photo



Appendix 'B'
PLAN2017-027.pdf

Appendix 'C' – Conceptual Sketch Plan



Appendix 'C'
PLAN2017-027.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix 'D'
PLAN2017-027.pdf

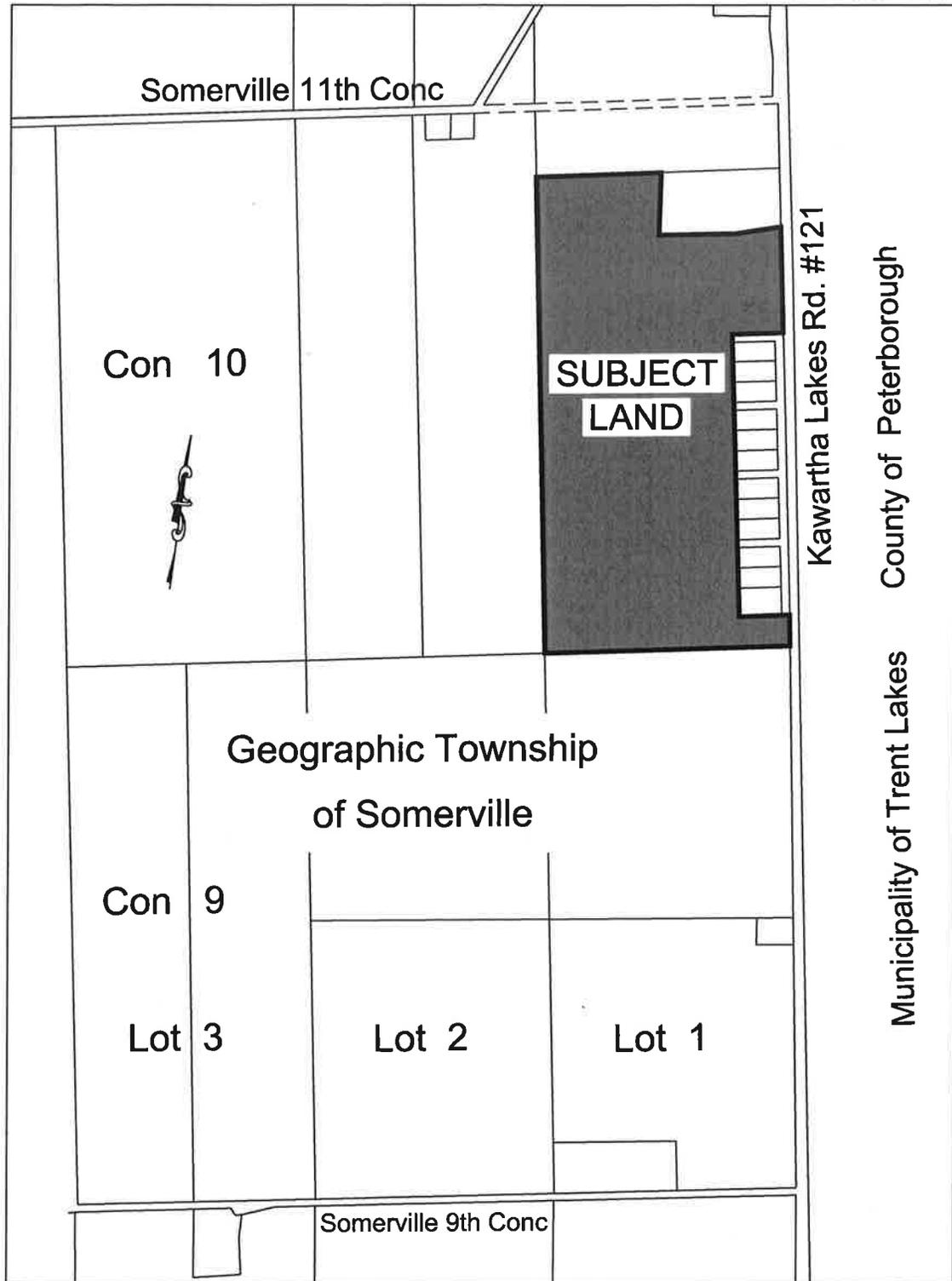
Phone: 705-324-9411 ext. 1324 or 1-888-822-2225 ext. 1324
E-Mail: mlahay@city.kawarthalakes.on.ca
Department Head: Chris Marshall, Director, Development Services
Department File: D06-17-014

APPENDIX " A "

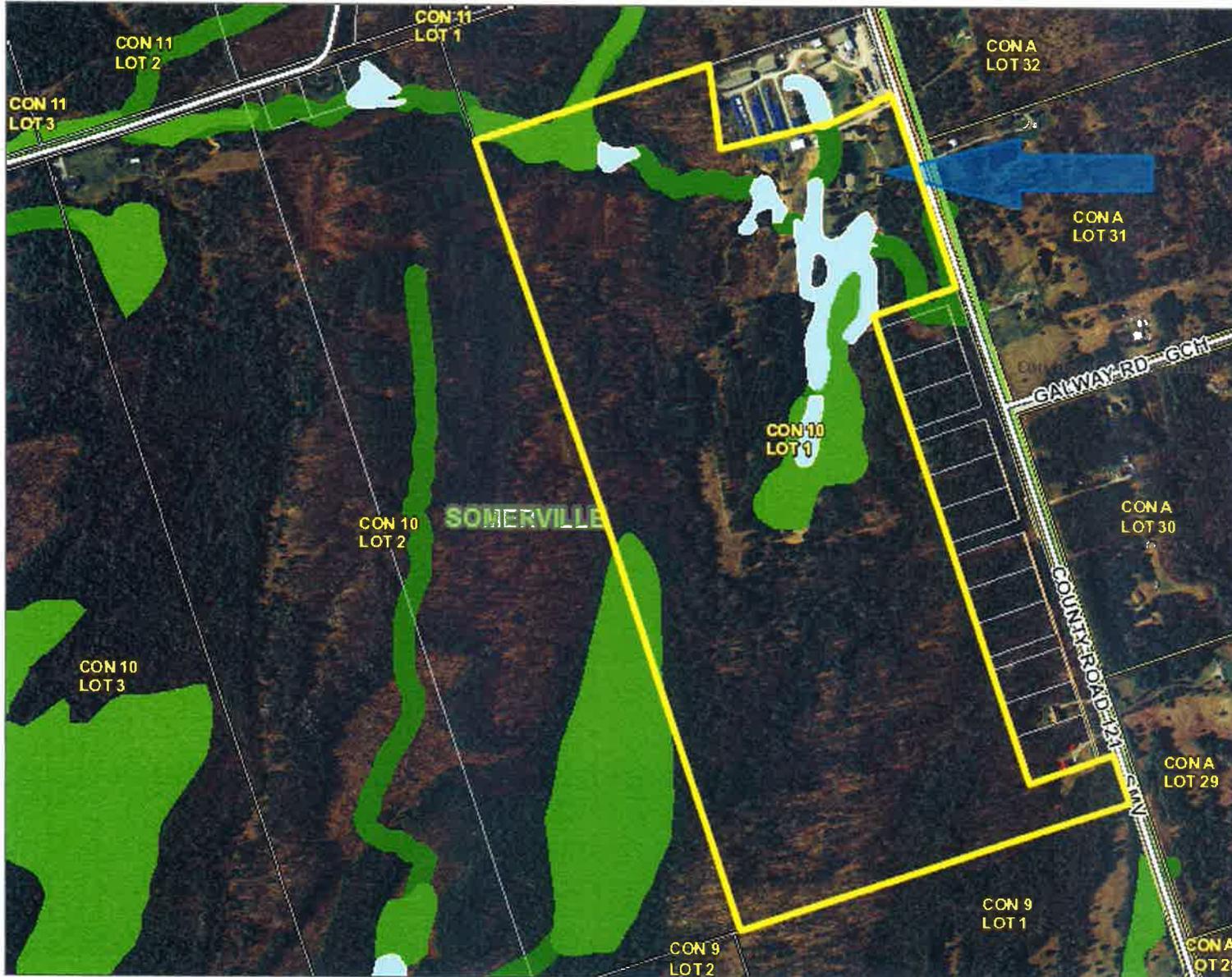
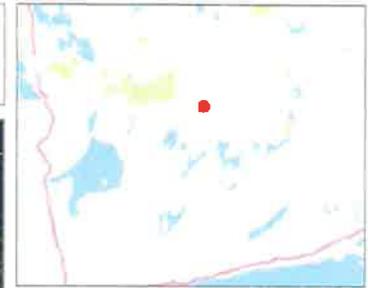
to

REPORT PLAN 2017-027

FILE NO. 006-17-014 "



3611 Kawartha Lakes Road 121 (Somerville)



Legend

- == Road Centreline
- Geographic Townships
- Upper Municipalities
- Lower Tier Municipalities
- Populated Places
- Water Labels
- Property ROLL#
- Property PIN#
- Lots and Concessions
- Water Body
 - Waterbodies
 - Unevaluated Wetlands
 - CKL_River_Buff15m

APPENDIX " B "

to

REPORT PLAN 2017-027

FILE NO. 006-17-014

Notes

Notes



CONC. 11

1950'

24 ac. +/-

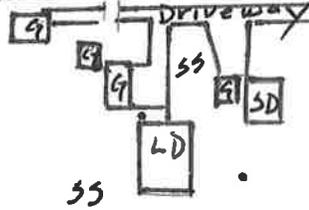
550'

WALSTED MARINE

6 ac. +/-

760'

340'



1039'

SUBJECT LAND

155 ac. +/-

22 ac. +/-

2370'

416'

1950'



W. & D. STENDER
3611 CKL RD. 121

Conc. 10, Pt. Lot 1
Geo. Twp. of
Somerville

- Well
- SS Septic System
- G Garage
- SD Small Dwelling
- LD Large Dwelling

APPENDIX " C "
to
REPORT PLAN 2017-027
FILE NO. 006-17-014

CKL ROAD 121

to

THE CORPORATION OF THE CITY OF KAWARTHA LAKES REPORT PLAN2017-027

BY-LAW 2017 -

FILE NO. D06-17-014

<p align="center">A BY-LAW TO AMEND THE TOWNSHIP OF SOMERVILLE ZONING BY-LAW NO. 78-45 TO REZONE LAND WITHIN THE CITY OF KAWARTHA LAKES</p>
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[File D06-17-014, Report PLAN2017-027, respecting Part Lot 1, Concession 10, Geographic Township of Somerville, identified as 3611 Kawartha Lakes Road 121 - STENDER]

Recitals:

1. Section 34 of the *Planning Act* 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 to permit two (2) single detached dwellings.
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 2017-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 1, Concession 10, Geographic Township of Somerville, City of Kawartha Lakes, 3611 Kawartha Lakes Road 121.
- 1.02 **Textual Amendment:** By-law No. 78-45 of the Township of Somerville is further amended to delete Section 9.3.6 and replace it with the following:

"9.3.6 RURAL GENERAL EXCEPTION SIX (RG-6) ZONE

 - a. In addition to the uses permitted in Section 9.1 and notwithstanding Section 9.2 i., on lands zoned RG-6, a maximum of two (2) single detached dwellings is permitted."

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*.

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

Andy Letham, Mayor

Judy Currins, City Clerk