

The Corporation of the City of Kawartha Lakes
Planning Advisory Committee Report

Report Number PLAN2019-041

Date: July 3, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 8 - Manvers

Title: An application to amend the Township of Manvers Zoning By-law 87-06

Description: To change the Rural General (A1) Zone to the Rural General Special Exception Forty (A1-S40) Zone to permit a Garden Suite for up to 20 years, on Part Lot 6, Concession 10, geographic Township of Manvers, 344 Janetville Road (Kimball)

Author and Title: Mark LaHay, Planner II

Recommendations:

That Report PLAN2019-041, respecting Part Lot 6, Concession 10, geographic Township of Manvers, Application D06-2019-015, be received;

That a Zoning By-law, respecting application D06-2019-015, substantially in the form attached as Appendix 'D' to Report PLAN2019-041 be approved and adopted by Council;

That staff be directed to prepare a Garden Suite agreement pursuant to Section 39.1 of the Planning Act, respecting this application; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

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| Proposal: | To rezone the subject land from the Rural General (A1) Zone to the Rural General Special Exception Forty (A1-S40) Zone. The effect of the zoning amendment would be to permit a garden suite, which is a temporary, detached dwelling unit that is designed and constructed to be portable and is ancillary to the existing detached dwelling, as a second dwelling unit on the property. |
| Owners: | Curtis and Judith Kimball |
| Legal Description: | Part Lot 6, Concession 10, geographic Township of Manvers |
| Official Plan: | "Prime Agricultural", "Sand and Gravel Resource" and "Environmental Protection" with Significant Woodlands Natural Heritage Features in the City of Kawartha Lakes Official Plan |
| Zoning | "Rural General (A1) Zone" and "Open Space (O1) Zone" in the Township of Manvers Comprehensive Zoning By-law No. 87-06 |
| Site Size: | 48.25 acres (19.53 ha.) - MPAC |
| Site Servicing: | The lot is serviced by a private individual well and a private individual sewage disposal system, which will be shared with the proposed garden suite. |
| Existing Uses: | Residential/Woodland |
| Adjacent Uses: | North: Rural Residential/Agricultural East: Woodland/ Provincially Significant Wetlands South: Rural Residential/Agricultural West: Janetville Road/Agricultural |

Rationale:

The owner has applied to permit a Garden Suite on the subject land. The subject lands are in a prime agricultural area and located south of the Hamlet of Janetville, south of St. Alban Road on the east side of Janetville Road. The existing single detached dwelling was built in 1972 according to MPAC records. The garden suite is proposed to be located adjacent to and southeast of the existing single detached dwelling and will occupy an area of approximately 100 sq. m. (1076 sq. ft.). The garden suite dwelling structure is proposed to be a mobile home or trailer, which is a portable dwelling structure, which will be winterized for year round use.

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

1. Zoning By-law Amendment Application received April 24, 2019.
2. Plans and Sketches for the Zoning By-law Amendment prepared by the Owner, undated.
3. Minimum Distance Separation (MDS) calculations prepared by the Owner, dated April 16, 2019.

Staff has reviewed the applicable City and Provincial policy objectives that are relevant to this application. The MDS calculation that was provided appears to demonstrate the proposed Garden Suite use complies with the Minimum Distance Separation Provincial Formulae.

The Planning Act permits a Garden Suite for a maximum period of twenty (20) years and continues to permit Council to grant further extensions of not more than three years each, during which the temporary use is authorized.

The effect of this application is to permit the proposed Garden Suite for a period of up to twenty (20) years. The owner has indicated that the proposed Garden Suite will be located along a portion of an existing driveway and will share the existing well and septic system that services the main dwelling. Staff recommends that the owner enter into a Garden Suite Agreement with the municipality, which should be registered against title so that any subsequent owner will have notice that the use of the Garden Suite is temporary. The agreement will recognize the twenty (20) year timeframe.

A Garden Suite is a temporary dwelling which is intended to be portable, with bathroom and kitchen facilities and is ancillary to the existing dwelling on the lot. The 20 year period is appropriate as the structure complies with the definition of Garden Suite and the total time frame for the proposed garden suite would be in accordance with the timeframe permitted by the Planning Act. According to the application, the proposed tenants of the Garden Suite are the current owners, who are retired and who intend to sell their property to their son. The Garden Suite remains ancillary to the existing dwelling and meets the general intent and purpose of Section 39.1 of the Planning Act. Staff supports this application.

Applicable Provincial Policies:

The Planning Act, , R.S.O. 1990, c.P.13, provides a framework for municipalities to require policies within their Official Plans which support second dwelling units to be implemented through municipal Zoning By-laws. Section 39.1 of the Planning Act provides specific requirements for Garden Suites as a temporary use.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan):

The 2019 Growth Plan directs development to settlement areas except where the policies of the Plan permit otherwise.

This application has been evaluated taking into consideration whether the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and/or achieving long term compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts.

Based on the information submitted with the application, the application appears to conform to the 2019 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.

The temporary residential use proposed on the subject property, which is currently zoned for agricultural and open space purposes, is not anticipated to impact the subject or adjacent agricultural uses.

The applicant has submitted MDS calculations, which appear to demonstrate that MDS setbacks are met for Type 1 land uses in relation to the existing barn within the review area, which complies with the requirements of the PPS.

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. Significant Woodlands has been mapped along the southern and eastern portions of the subject land; however, the proposed development appears to be more than 120 metres from this Natural Heritage Feature and the Provincially Significant Wetlands to the east of the subject land. In addition, although the southern portion and east half of the subject land is within a regulated area, the KRCA advised based on previous comments obtained through pre-consultation that the proposed location of the garden suite is outside their regulated area and would not require a permit. Therefore, it is not anticipated there will any negative impacts on the natural features or their ecological functions nor would it appear there would be any concern for any natural hazards associated with this application.

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

Official Plan Conformity:

The subject land is designated "Prime Agricultural", "Environmental Protection" and "Sand and Gravel Resource" in the City of Kawartha Lakes Official Plan. The Sand and Gravel Resource designation is mapped on only a small portion of the northwest corner of the property, while the Environmental Protection designation

follows a watercourse traversing east-west along the southern portion of the property. The proposed Garden Suite is proposed to be located well outside these designated areas. No agricultural land will be impacted as the proposed garden suite will be located adjacent to a driveway in an area not suitable for agricultural use and will share well and septic services with the existing dwelling.

The proposal would appear to generally conform to the policies established for garden suites under Section 5.4 of the City of Kawartha Lakes Official Plan.

Zoning By-Law Compliance:

In order to permit the proposed use, a rezoning application has been submitted for consideration to add a temporary garden suite use to a portion of the Rural General (A1) Zone for the subject land. If the application is approved, the use would be permitted for the timeframe specified by the implementing Zoning By-law.

The draft By-law establishes that the Garden Suite shall not exceed a gross floor area of 100 square metres and shall be permitted for a period of 20 years.

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 Local Planning Appeal Tribunal. 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 to supply affordable housing 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 currently serviced by a private individual well and a private sewage disposal system, which will be shared with the proposed garden suite. The Building Division Part 8 Sewage Systems Staff have indicated that the property will be able to accommodate the proposed garden suite without requiring the installation of a new system or upgrading the existing one.

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 June 6, 2019, the Building Division advised they have no concerns.

On June 9, 2019, the Building Division Part 8 Sewage Systems Program advised the proposal has been reviewed through an Application for a Sewage System Review for an Additional Building – Garden Suite. Through the review process it has been determined that the proposal will not cause issue with the existing on-site sewage disposal system. As such, the Building Division – Sewage System Program has no objection to the proposed zoning by-law amendment.

On June 10, 2019, Development Engineering advised from an engineering perspective and further to the pre consultation file D38-2018-055 they confirm they have no objection to the proposed Zoning By-law Amendment.

On June 12, 2019, Enbridge Gas Inc. advised they have no objection to the application.

On June 17, 2019, the Community Services Department advised that they have no concerns or comments with respect to this application.

Conclusion:

The application appears to conform to the policies of the 2019 Growth Plan and to be consistent with the Provincial Policy Statement and generally conforms to the policies of the City of Kawartha Lakes Official Plan. The application has been reviewed in consideration of comments from the circulated agencies, relevant provincial policies, the City of Kawartha Lakes Official Plan, and the Township of Manvers Zoning By-law. In consideration of the comments contained in this report, and provided that no additional information is raised at the Public Meeting that would alter the recommendations contained in this report, Staff respectfully

recommends that the proposed rezoning application be referred to Council for APPROVAL.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'
PLAN2019-041.pdf



Appendix 'B'
PLAN2019-041.pdf



Appendix 'C'
PLAN2019-041.pdf



Appendix 'D'
PLAN2019-041.pdf

Appendix 'A' – Location Map
Appendix 'B' – Aerial Photograph
Appendix 'C' – Owner's Sketch Plan
Appendix 'D' – Draft Zoning By-law

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D06-2019-015