

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-071

Meeting Date: December 4, 2019

Public Meeting

Title: An application to amend the Township of Verulam Zoning By-law 6-87

Description: To permit backlot development and uses accessory to dwellings at 19 and 21 Kenhill Beach Road. The property is described as Part Lot 10, Concession 3, Behind Plan 145, Lots 7 and 8, geographic Township of Verulam, City of Kawartha Lakes, identified as land behind 19 and 21 Kenhill Beach Road (Lamanna and Hartley) – Planning File D06-2019-033

Ward Number: 6

Author and Title: David Harding, Planner II, RPP, MCIP

Recommendations:

That Report PLAN2019-071, respecting Part Lot 10, Concession 3, Behind Plan 145, Lots 7 and 8, geographic Township of Verulam, City of Kawartha Lakes, identified as land behind 19 and 21 Kenhill Beach Road – Planning File D06-2019-033, be received;

That a Zoning By-law Amendment respecting application D06-2019-033, substantially in the form attached as Appendix D to Report PLAN2019-071, 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:

Legal/Other:

Chief Administrative Officer:

Background:

The subject property was previously two conveyable backlot parcels each belonging to the shoreline residential lots immediately across the road at 19 and 21 Kenhill Beach Road. The frontage of the backlots corresponded with the frontage of the shoreline lots. As such, the backlot used by 21 Kenhill Beach Road was smaller than the backlot used by 19 Kenhill Beach Road because 19 Kenhill Beach Road has more road frontage.

At some point, the current property owners acquired title to both 19 and 21 Kenhill Beach Road, along with the corresponding backlots. As 19 and 21 Kenhill Beach Road are each the whole of a lot within a registered plan of subdivision, those two lots could not merge on title. However, the two backlots are outside of the plan of subdivision, and did merge on title. The merger was detected when 19 Kenhill Beach was sold.

The owners of the subject property now wish to re-establish the two backlot parcels, and make them of near-equal size.

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

1. Planning Brief prepared by EcoVue Consulting Services Inc. dated September 25, 2019. This document discusses the appropriateness of the application in the context of the Growth Plan (2017), Provincial Policy Statement (2014), applicable Official Plan and Zoning By-law.
2. Stage 1 & 2 Archaeological Assessment prepared by Earthworks Archaeological Services Inc. dated July 26, 2018.

Staff has reviewed the Planning Justification Report that was prepared and filed in support of the application and has reviewed other supporting documentation provided in the context of evaluating the relevant Provincial and City of Kawartha Lakes Policies and Plans.

Owners:	Dino and Pasquale Lamanna and Shannon Hartley
Applicant:	Tom deBoer, TD Consulting Inc.
Legal Description:	Part Lot 10, Concession 3, Behind Plan 145, Lots 7 and 8, geographic Township of Verulam, now City of Kawartha Lakes
Official Plan:	Waterfront in the City of Kawartha Lakes Official Plan
Zone:	Rural Residential Type One (R1) Zone Township of Verulam Zoning By-law 6-87, as amended
Site Size:	Severed: 703.4 square metres Retained: 709.2 square metres
Site Servicing:	None

Existing Uses: Rural Land
Adjacent Uses: North: Shoreline Residential, Sturgeon Lake
East, West: Shoreline Residential Backlots
South: Forest, Agricultural

Rationale:

Provincial Policies:

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. Development on “Rural Lands” is intended to compliment and be compatible with the rural landscape and rural service levels. Limited residential development (including recreational dwellings) and resource-based recreational uses are permitted. The application will facilitate the re-separation of a shoreline backlot into two separate parcels that are to be utilized in conjunction with two existing shoreline lots each improved with a dwelling.

The backlots provide additional amenity and storage space for the shoreline lots. As the backlots will be used accessory to the shoreline lots, no new lots are being created that would cause an increase in rural service levels. Therefore, this proposal is consistent with the intent of development for recreational uses in the PPS.

Therefore, this application is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe, 2019 (GP):

Section 2.2.9 states that development outside of settlement areas may be permitted upon rural lands for resource-based recreational uses. The intent of the proposal is to add lands across a road to two shoreline residential lots that abuts the recreational resource of Sturgeon Lake.

Therefore, this application conforms to the policies of the GP.

City of Kawartha Lakes Official Plan (OP)

Land Use Designation: Waterfront

The Waterfront designation generally applies to lands abutting the City’s many lakes and rivers. The intent of the designation policies in Section 20 is to allow for limited development abutting the City’s recreational water resources. The designation anticipates that low density residential uses will be the primary built form and that proposed development is to be compatible with the scale of the recreational resource and surrounding shoreline character.

The application seeks to allow both 19 and 21 Kenhill Beach Road to own non-abutting lands across the road for storage purposes. In order to effect the consolidation of non-abutting lands, a consent agreement will be required as a condition of provisional consent to ensure the lot containing the dwelling as well as the backlot will always be conveyed as a single parcel of land. As the consent agreement will be in place, the proposal is treated as a lot line adjustment rather than lot creation.

The OP does not contain specific Waterfront policies to apply to lot line adjustments, but Section 33.3 does state that any parcel of land to be created should be appropriate for the uses proposed. The two residential backlot parcels to be created are of sufficient size to accommodate accessory uses.

Zoning By-law Compliance:

The subject property is zoned Residential Type One (R1) Zone in the Township of Verulam Zoning By-law 6-87.

The application seeks to rezone the subject property from Residential Type One (R1) Zone to Residential Type One Exception Twenty Seven (R1-27) Zone.

This will prohibit the construction of a dwelling on the parcel and permit only uses accessory to the shoreline lots across the road. This approach is consistent with how most of the backlots along Kenhill Beach Road are used.

The application further seeks to apply development standards to the two parcels to be created, such that residential accessory buildings may be constructed in the future. The parcels are of sufficient size to accommodate the size of the contemplated accessory building. Setback standards have been applied to ensure an accessory building of the area contemplated integrates into the streetscape and does not overwhelm the shoreline residential uses on the north side of the road.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision 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 Recommendation(s) 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 aligns with the healthy environment and exceptional quality of life goals as the application proposes to enlarge each shoreline residential lot by adding additional lands across the road.

Servicing Comments:

The subject property is un-serviced.

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.

The Building Division, and Engineering and Corporate Assets Department raised no concerns as a result of the circulation.

Development Services – Planning Division Comments:

The comments that have been received from circulated agencies and City Departments indicate there is no concern with the application. The proposed Zoning By-law Amendment contained in Appendix D will contribute towards protecting the long term ecological health of Sturgeon Lake by ensuring the backlot is not developed with an additional dwelling. The proposal also adds to the existing functionality of the shoreline residential lots by providing them with additional storage and open amenity space.

Conclusion:

The application is consistent with the 2014 PPS, conforms to the 2019 GP and conforms to the Official Plan. Staff support the application based on the information contained in this report and the comments received as of November 21, 2019. Staff respectfully recommends that the application be referred to Council for Approval.

Attachments:



Appendix A to
PLAN2019-071.pdf



Appendix B to
PLAN2019-071.pdf



Appendix C to
PLAN2019-071.pdf



Appendix D to
PLAN2019-071.pdf

Appendix A – Location Map

Appendix B – Aerial Photograph

Appendix C – Sketch

Appendix D – Draft Zoning By-law Amendment

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Department Head: Chris Marshall

Department File: D06-2019-033