

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

**Report Number PLAN2020-011**

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**Meeting Date:** March 11, 2020

**Public Meeting**

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

**Description:** To change the Open Space (O1) Zone to the Open Space Exception (O1-\*) Zone to permit a larger single detached replacement dwelling to be constructed on an existing foundation, on Part of Lot 5, Concession 13, being Part 1, Plan 57R-9026, geographic Township of Manvers, 281 Pigeon Creek Road (Prentice)

**Ward Number:** Ward 8 - Manvers

**Author and Title:** Mark LaHay, Planner II

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**Recommendations:**

**That** Report PLAN2020-011, respecting Part Lot 5, Concession 13, geographic Township of Manvers, Application D06-2020-001, be received; and

**That** the proposed Zoning By-law Amendment respecting Application D06-2020-001, be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City Departments and that any comments and concerns have been addressed.

**Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## Background:

Proposal:	The proposal would rezone the subject land from the Open Space (O1) Zone to the Open Space Exception (O1-**) Zone. The effect of the zoning amendment is to add a single detached dwelling as an additional permitted use to be reconstructed on an existing foundation and to implement appropriate development standards. The rezoning application is the result of a building enforcement issue, whereby an “Order to Comply” has been issued. The existing legal non-conforming dwelling was being renovated; however, it was modified beyond what Section 20.10 (c) and/or (e) of the Township of Manvers Zoning By-law 87-06 would permit with respect to renovation and/or replacement as the size, height and volume were being increased due to the change in roof height to accommodate upstairs floor space and with the proposed addition of a covered porch and dormer to the dwelling.
Owner/Applicant:	Shelly Prentice/Jerry Prentice
Legal Description:	Part Lot 5, Concession 13, being Part 1, Plan 57R-9026, geographic Township of Manvers
Official Plan:	“Prime Agricultural”, with Significant Woodlands Natural Heritage Feature within 120 metres in the City of Kawartha Lakes Official Plan
Zoning	“Open Space (O1) Zone” in the Township of Manvers Zoning By-law No. 87-06
Site Size:	17,474 sq. ft. [0.4 ac.] (1,618.7 sq. m.) - MPAC
Site Servicing:	The lot is serviced by municipal water and a private individual sewage disposal system
Existing Uses:	Residential (dwelling being reconstructed)
Adjacent Uses:	North: Open Space/Agricultural East: Commercial/Janetville Road/Residential South: Pigeon Creek Road/Open Space/Rural/Agricultural West: Open Space/Rural Residential/Agricultural

## Rationale:

The owner has applied to permit a larger single detached replacement dwelling on an existing foundation with a modified roofline to accommodate a second storey with dormers along with a covered porch on the subject land. The subject lands are on the western fringe of the Hamlet of Janetville and located on the north side of Pigeon Creek Road, west of Janetville Road. The original single

detached dwelling was built circa 1850 along with an accessory building (garage/shop) constructed circa 1989 according to MPAC records.

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 November 29, 2019.
2. Planning Letter prepared by the property owner, dated November 28, 2019, explaining the reasons a zoning by-law amendment application was required and providing the status of other stakeholder requirements.
3. Site Plan prepared by Wilcox Architects Inc., dated November 28, 2019, which illustrates the proposed reconstructed 2-storey dwelling on an existing foundation along with proposed covered deck, the existing shed and the location of the existing driveway and septic system.
4. Main and Second Floor Plans prepared by Wilcox Architects Inc., dated November 28, 2019, which illustrate the planned floor space for each floor including the covered porch (deck).
5. Building Elevations, prepared by Wilcox Architects Inc., dated November 28, 2019, illustrates the proposed elevations from each direction.
6. Plan of survey of subject property (Part 1, Plan 57R-9026) registered September 16, 2004 and adjoining property to the north and east (Parts 1 & 2, Plan 9R-2755) registered June 18, 1991.
7. Autoreply email response from Species at Risk in Ontario (SARO), dated November 14, 2019.

Staff has reviewed the Planning Letter and other supporting documentation and is evaluating the application in the context of applicable zone provisions and policies. Staff recommends that the application be referred back to Staff until such time as commenting Agencies, including Kawartha Conservation and City Departments have submitted comments and any concerns have been addressed.

### **Applicable Provincial Policies:**

#### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 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.

Section 4.2.2 provides for the protection of natural heritage features and biodiversity identified within official plans. The proposed rezoning to recognize and regulate the existing development on the westerly portion of the environmentally protected land is consistent with these policies.

The majority of the subject land is located outside of the Natural Heritage System mapping prepared by the Province and the proposed development is not within a key natural heritage feature but within 120 metres of a key natural heritage feature within the Natural Heritage System, being significant woodland and within 120 metres of a key hydrologic feature, being a watercourse. Confirmation is required from Kawartha Conservation (KRCA) as to whether there are any applicable policy requirements related to the Natural Heritage System given the relative minor nature and extent of redevelopment.

Provided the KRCA is satisfied, the application conforms to the policies of 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.

Section 1.1.4 of the PPS provides that rural assets and the protection of the environment be leveraged as foundations for a sustainable economy and the conservation of biodiversity.

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. A Significant Woodland Natural Heritage feature has been mapped within 120 metres of the subject land and the entirety of the subject land is within the Kawartha Conservation (KRCA) regulated area, which requires a permit prior to any site alteration and/or development. KRCA previously advised based on comments obtained through pre-consultation that although the subject property is within the vicinity of significant woodlands, a watercourse and unevaluated wetlands natural heritage features, they have no concern with the application and also advised that the applicant had received a permit from Kawartha Conservation in June 2019 for the proposed works. Based on the above, 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.

In consideration of the above, it would appear that the application is consistent with the PPS.

### **Official Plan Conformity:**

The subject land is designated “Prime Agricultural” in the City of Kawartha Lakes Official Plan. Agricultural land impacts are minimized as no new non-agricultural use is being introduced; only the reconstruction of a larger single detached replacement dwelling on an existing foundation on an existing lot or record which was not previously used for agricultural purposes.

The Prime Agricultural designation also contemplates residential development on lots that were historically severed from a larger agricultural parcel and acknowledges that these residential lots may be recognized as permitted uses within the zoning by-law provided they existed prior to the adoption of the City of Kawartha Lakes Official Plan. Therefore, an Official Plan amendment is not required.

In consideration of the above, it would appear that this proposal would conform to the policies 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 permit as a site specific exception, a larger single detached replacement dwelling use in the Open Space (O1) Zone of the Township of Manvers Zoning By-law 87-06 for the subject land. The existing uses of the (OS) Zone do not permit buildings or structures except for erosion or flood control. If the application is approved, a single detached dwelling unit would be permitted in accordance with the implementing Zoning By-law, along with site specific development standards. It is recommended that the dwelling location be tied to the existing foundation to limit development on the subject land, including limiting the number of accessory structures to preserve the environmental integrity of the subject land. This may require that only the existing developed portion of the property contain an exception to permit the residential use along with appropriate zone provisions for setbacks, accessory buildings, etc.

### **Other Alternatives Considered:**

No other alternatives have been considered at this time.

### **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 2020-2023 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

This application would align with the healthy environment priority as it provides protection to the environment by limiting development on the subject land.

## **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 municipal water and a private sewage disposal system. The Building Division Part 8 Sewage Systems Program has reviewed the submitted plans.

## **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius outside the Hamlet Settlement Area and within 120 metre radius within Janetville, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

### **Public Comments:**

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

### **Agency Review Comments:**

On February 20, 2020, the Building Division advised they have no concerns.

On February 20, 2020, Species at Risk Ontario (SARO) advised there are no requirements under the ESA to undergo a Species at Risk site assessment for lot severances, passing zoning by-laws, or land sales or purchases.

On February 24, 2020, Development Engineering advised from an engineering perspective they confirm they have no objection to the proposed Zoning By-law Amendment.

On February 24, 2020, Community Services advised they have no concerns or comments.

On February 27, 2020, the Part 8 Sewage System Program advised that the proposal for a zoning by-law amendment to permit additional living space can be supported provided it does not include additional plumbing fixtures; otherwise the components of the sewage system would need to be upgraded. If required, there is adequate space to construct a new sewage disposal system meeting today's standards.

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

At this time, comments have not been received from all circulated agencies and City Departments. Staff recommends that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

### **Conclusion:**

In consideration of the comments contained in this report, staff respectfully recommend that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

### **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'  
PLAN2020-011.pdf



Appendix 'B'  
PLAN2020-011.pdf



Appendix 'C'  
PLAN2020-011.pdf

Appendix 'A' – Location Map  
Appendix 'B' – Aerial Photograph  
Appendix 'C' – Site Plan

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**Department Head:** Chris Marshall

**Department File:** D06-2020-001