

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-021

Meeting Date: July 15, 2020

Public Meeting

Title: An application to amend the Village of Woodville Zoning By-law 1993-9

Description: To change the Rural General Exception One (A1-1) Zone on the rear portion of the property and the Residential Type One (R1) Zone on the front portion of the property to a Residential Type One Exception (R1-*) Zone to permit an accessory building on the rear portion of the property with a an increased building height, on Part of Lot 6, Concession 15 being Part Block M, Plan 119, Part 1, RP 57R-6698, former Village of Woodville, 99 Agnes Street (Teel)

Ward Number: Ward 4

Author and Title: Mark LaHay, Planner II

Recommendations:

That Report PLAN2020-021, respecting Part of Lot 6, Concession 15 being Part Block M, Plan 119, Part 1, RP 57R-6698, former Village of Woodville, Application D06-2020-005, be received; and

That a Zoning By-law, respecting application D06-2020-005, substantially in the form attached as Appendix 'D' to Report PLAN2020-021 be approved for adoption 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:

Proposal:	The proposal would rezone the subject land from the Rural General Exception One (A1-1) Zone on the rear portion of the property and the Residential Type One (R1) Zone on the front portion of the property to a Residential Type One Exception (R1-*) Zone to permit an accessory building on the rear portion of the property with a building height of approximately 5.5 metres. The effect of the amendment is to rezone the property to permit a residential accessory building (garage) on the rear portion as an accessory use to the existing dwelling on the subject land and to establish appropriate development provisions.
Owners:	Frederick and Deborah Teel
Applicant:	EcoVue Consulting Services Inc., c/o Kent Randall
Legal Description:	Part of Lot 6, Concession 15 being Part Block M, Plan 119, Part 1, RP 57R-6698, former Village of Woodville
Official Plan:	“Urban Settlement Area”, with Significant Woodlands Natural Heritage Feature within 120 metres in the City of Kawartha Lakes Official Plan. “Urban” in the Victoria County Official Plan
Zoning	“Residential Type One (R1) Zone” and “Rural General Exception One (A1-1) Zone” in the Village of Woodville Zoning By-law No. 1993-9
Site Size:	42,689 sq. ft. [0.98 ac.] (3,965.9 sq. m.) - MPAC
Site Servicing:	The lot is serviced by municipal water and a private individual sewage disposal system
Existing Uses:	Residential
Adjacent Uses:	North: Residential/Rural East: Woodland/Watercourse/Rural South: Woodland/Watercourse West: Agnes Street/Residential/Rural/Agricultural

Rationale:

The owner has applied to permit an accessory building (garage) on the rear portion of the subject property, which is currently not permitted along with a minor increase in permitted building height from 5.0 metres to 5.5 metres. The subject lands are on the east side of Agnes Street between King Street and the southern boundary of the former Village of Woodville.

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 December 17, 2019.
2. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated November 15, 2019, which evaluates the proposed amendment within the context of relevant Provincial Policies, the Lake Simcoe Protection Plan, the City of Kawartha Lakes and Victoria County Official Plans and Village of Woodville Zoning By-law 1993-9.
3. Concept Sketch prepared by EcoVue Consulting Services Inc., dated November 15, 2019, which illustrates the existing dwelling and proposed accessory building (garage), the existing shed and the location of the existing driveway and septic system.
4. Concept Building Elevations, prepared by EcoVue Consulting Services Inc., dated November 6, 2019, illustrates the proposed elevations from each direction.
5. Septic Report prepared by EcoVue Consulting Services Inc., dated November 14, 2019 advising that the construction of the proposed structure will not adversely impact the operation of the existing septic system
6. Sewage System Inspection Report and Use Permit from the Haliburton, Kawartha, Pine Ridge District Health Unit dated October 2, 1991.

Staff has reviewed the Planning Letter and other supporting documentation and is evaluating the application in the context of applicable zone provisions and policies and generally accepts the planning rationale given.

Applicable Provincial Policies:

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

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

The proposed development is located within the Woodville settlement area. The GP envisions increasing intensification of the existing built-up area and providing a diverse range and mix of housing options. This application facilitates the efficient use of existing infrastructure within a designated settlement area and contributes to the achievement of complete communities and compact built form.

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. As the subject land is located outside of the Natural

Heritage System mapping prepared by the Province, the policies regarding natural heritage and lands adjacent to key hydrologic features do not apply as the property is located within a settlement area boundary.

As such, the application conforms to the policies of the 2019 Growth Plan.

Provincial Policy Statement, 2020 (PPS):

The 2020 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.

Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure. Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 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. A Significant Woodland Natural Heritage feature and a watercourse has been mapped within 120 metres of the subject land and the majority of the subject land is within the Lake Simcoe Region (LSRCA) regulated area, which requires a permit prior to any site alteration and/or development. Lake Simcoe Region Conservation Authority (LSRCA) previously advised that there are no Natural Heritage Evaluation requirements and that the location of the proposed accessory building is outside of the floodplain. In addition, LSRCA previously advised they have no concern with the application and that the owner had received a permit from LSRCA in October 2017 for the proposed works and are looking to extend the permit approval timeframe. 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.

Lake Simcoe Protection Plan:

The Lake Simcoe Protection Plan (LSPP) was prepared and approved under the Lake Simcoe Protection Act, 2008 and come into effect on June 2, 2009. Its purpose is to protect and restore the ecological health of Lake Simcoe and its watershed.

Within existing settlement areas which are designated in local Official Plans when the LSPP came into effect, policies 6.32 to 6.34 apply to development which is defined as the creation of a new lot, a change in land use, or the

construction of buildings or structures, any of which require approval under the Planning Act. Under the applicable policies it would appear that the proposal conforms to the LSP as the proposed development seeks to avoid, minimize and/or mitigate impacts associated with the quality and quantity of urban run-off into receiving streams, lakes and wetlands as the proposed location of the accessory building is within a landscaped area on the property and does not involve significant site alteration or removal of natural vegetation. In addition, the proposed location of the development exceeds 60 metres to the nearest watercourse, which is protected by a forested buffer.

Official Plan Conformity:

The “Urban” designation in the Victoria County Official Plan (VCOP) applies to this property as the policies in the proposed “Urban Settlement Area” designation in the City of Kawartha Lakes Official Plan (CKLOP) and the “Residential” designation in the Woodville Secondary Plan (SP), are both subject to appeal at the Local Planning Appeal Tribunal. The Urban designation permits all types of residential uses and densities; however, low density shall predominate. An accessory use to a single detached dwelling, being a low density form of residential development is permitted. The proposed use is in keeping with the general policies of the proposed CKLOP and SP for residential use of land within the settlement area of Woodville and conforms with the in-effect Official Plan.

Zoning By-Law Compliance:

In order to permit the proposed use, a rezoning application has been submitted for consideration to permit an accessory building (garage) as an accessory use to the existing permitted single detached dwelling. In this regard the developed front portion of the property is currently zoned Residential Type One (R1) Zone while the rear portion of the subject property, where the accessory building is proposed, is zoned Rural General Exception One (A1-1) Zone, which does not permit buildings or structures except those that existed when the Village of Woodville Zoning By-law was passed in 1993. If the application is approved, an accessory building (garage) as a use accessory to the existing single detached dwelling unit would be permitted in accordance with the implementing Zoning By-law, along with site specific development standards for an increase in building height for accessory buildings and structures to 5.5 metres, as defined.

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 natural environment by limiting development outside of these features 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.

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 Woodville, 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 June 23, 2020, Development Engineering confirmed they have no comments or requirements from an engineering perspective based on the most current information received to the proposed Zoning By-law Amendment.

On June 25, 2020, Community Services advised they have no concerns or comments.

On July 1, 2020, the Part 8 Sewage Systems Supervisor advised that the placement of the accessory building as it relates to the existing sewage disposal system serving the property was reviewed and that the sewage system was

constructed and approved under file W-1-91. The system is located in the rear of the dwelling. However, the applicant has demonstrated a sufficient clearance distance to the distribution lines in the leaching bed from the proposed structure. The applicant is not proposing any habitable space or plumbing components for the accessory structure.

As such, The Building Division – Sewage System Program has no concerns with the Zoning By-Law Amendment.

Development Services – Planning Division Comments:

The application for Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and Official Plan. The proposed Zoning By-law amendment will appropriately facilitate the construction of a residential accessory use on a portion of the property with a minor increase in permitted building height.

Conclusion:

In consideration of the comments and the evaluation contained within this report, and provided there are no further issues or concerns raised, Staff respectfully recommend that the proposed Zoning By-law Amendment 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'
PLAN2020-021.pdf



Appendix 'B'
PLAN2020-021.pdf



Appendix 'C'
PLAN2020-021.pdf



Appendix 'D'
PLAN2020-021.pdf

Appendix 'A' – Location Map
Appendix 'B' – Aerial Photograph
Appendix 'C' – Concept Sketch
Appendix 'D' – Draft Zoning By-law Amendment

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Department Head: Chris Marshall

Department File: D06-2020-005