

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN 2020-060

Meeting Date: **December 2, 2020**

Public Meeting

Title: PLAN2020-060 – ZBA 7 Copes Lane, Bexley (Makarios Corporation)

Description: An application to amend the Township of Bexley Zoning By-law 93-09 to change the zoning on a portion of the land from Rural General (RG) Zone to the Rural Residential Type Three (RR3) Zone. As a condition of provisional consent for a lot boundary adjustment, the zoning by-law amendment is required to ensure the resulting zoning for the property at 1093 North Bay Drive is uniform and consistent with the existing zoning on property

Ward Number: **1 - Bexley**

Author and Title: **Kent Stainton, Planner II**

Recommendation(s):

That Report PLAN2020-060, respecting Part of Lots 31 to 34, Part of Part 1 on 57R-4102 and Part 2 on 57R-8168, Geographic Township of Bexley and identified as 7 Copes Lane – Application D06-2020-026, be received;

That a Zoning By-law Amendment respecting application D06-2020-026, substantially in the form attached as Appendix “D” to Report PLAN2020-060, 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 is a rural lot with agricultural land that contains a single detached dwelling. The owner of an abutting property at 1093 North Bay Drive sought to acquire a 306.37 square metre portion of land from the subject property in order to address the placement of an accessory building situated on the subject lands.

As a condition of the provisional consent decision (File number D03-2018-026), the land to be severed is to be rezoned to the subsidiary Rural Residential Type Three (RR3) Zone present on the property at 1093 North Bay Drive. The proposed retained lands will remain under the Rural General (RG) Zone category.

Owner:	Makarios Corporation c/o Glen Stacey
Applicant:	Garry James
Legal Description:	Part of Lots 31 to 34, Part of Part 1 on 57R-4102 and Part 2 on 57R-8168, geographic Township of Bexley
Official Plan:	Rural with Locally Significant Wetlands and Significant Woodlands within the City of Kawartha Lakes Official Plan
Zone:	Rural General (RG) Zone in the Township of Bexley Zoning By-law 93-09, as amended
Site Size:	Severed – 306.37 square metres (3,297.74 square feet) Retained – 31.08 hectares (76.69 acres) Benefitting – 1,002 square metres (10,785.44 square feet)
Site Servicing:	Severed – None Retained – Private individual well and septic system Benefitting – Private individual well and septic system
Existing Uses:	Rural Residential, Agricultural
Adjacent Uses:	North: Wetlands, Rural Residential South: Shoreline Residential, North Bay Drive, Balsam Lake East, West: Shoreline Residential, Rural

Rationale:

Rural areas are important to the economic success of the City and the overall quality of life for residents. The rezoning is associated with a consent application, which proposes to sever approximately 306.37 square metres of land containing an accessory building from an agricultural parcel and retain approximately 31.08 hectares of agricultural land containing a dwelling. The consent application will facilitate the consolidation of the severed parcel with approximately 1,002 square metres of residential land containing a single detached dwelling.

The benefitting lands front onto Balsam Lake and contain a single detached dwelling on the backlot portion of the property. An accessory building, which appears to be a cabin currently resides on the proposed severed lands and provides rationale for the lot line adjustment.

Provincial Policies:

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

Policy 2.2.9 of the Growth Plan for the Greater Golden Horseshoe (2019) provides for development outside of settlement areas upon rural lands provided the use is compatible with the scale, character of the surrounding landscape and will not adversely affect the protection of agricultural uses.

The benefitting lands contain an accessory building. The proposed limits of the severed lot boundary not appear to extend beyond the disturbed area into the retained agricultural lands. By limiting the amount of severed land, the proposal protects the surrounding agricultural lands and ensures no conflict with the established rural landscape.

Therefore, this application conforms to the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

Policy 1.1.5 of the Provincial Policy Statement (PPS, 2020) directs that upon lands within rural areas, development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. The PPS also provides that opportunities are to promote the protection of agricultural uses and direct non-related development to areas where it will minimize constraints on these uses be supported.

The rezoning is required to bring the entirety of the benefitting lands under a uniform and appropriate zone category. Since lot line adjustments are permitted for legal or technical reasons and the lot to be retained is of sufficient area to sustain the existing agricultural use, the overall proposal conforms to the policies of the PPS, 2020.

Official Plan Conformity:

The subject land is designated Rural with Locally Significant Wetlands and Significant Woodlands in the City of Kawartha Lakes Official Plan (Official Plan). The benefitting lands are designated Waterfront within the Official Plan.

The Rural designation seeks to protect lands (classified as class 4-7 for agricultural production) from fragmentation or uses unrelated to agriculture. Conversely, the Rural designation also permits severance for minor lot line adjustments that do not create a separate building lot.

The proposed boundary adjustment is well outside of the natural heritage features; therefore, no negative impacts are anticipated to the locally significant wetlands or significant woodlands. The area of the severed land appears to be mowed and of

lower quality for agricultural production. As a result, an Official Plan Amendment is considered unnecessary, as the lot line adjustment will allow the severed land to be utilized for an active residential purpose.

Therefore, this application conforms to the applicable policies of the Official Plan.

Zoning By-law Compliance:

The subject land is zoned Rural General (RG) Zone in the Township of Bexley Zoning By-Law 93-09 with the benefitting lands being zoned Rural Residential Type Three (RR3) Zone. The lands to be severed have an overall area of 306.37 square metres. The resultant benefitting parcel will have a final size of 1,308.37 square metres. The retained lands will have an overall area of 31.08 hectares (76.69 acres).

The proposed severed lands contain an accessory building that appears to function as a cabin. The benefitting lands contain a single detached dwelling constructed in 2017 (according to MPAC). The retained lands also contain a single detached dwelling as well as several buildings and structures pertaining to an agricultural operation on the subject property.

As the Rural Residential Type Three (RR3) Zone permits a cabin, planning staff are satisfied that the structure on the severed lands will conform to the uses of the RR3 Zone and that the accessory building complies with the General Provisions of the zoning by-law.

Other Alternatives Considered:

No 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 Appeals 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:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application would align with 'an exceptional quality of life' as it provides opportunity for additional living space to be accommodated on the benefitting lands.

Servicing Comments:

The proposed severed land does not contain servicing. The single detached dwelling on the benefitting lands is serviced by a private sewage disposal system and a well.

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, Engineering and Corporate Assets Division and the Supervisor of the Part 8 - Sewage Systems program raised no concerns as a result of the circulation. Kawartha Region Conservation Authority (KRCA) previously reviewed the associated consent application and advised that they foresee no issue with the approval of the application based on consideration for natural heritage, natural hazards and water quality/quantity protection policies.

No comments were received from the public.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the applicable policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix D will ensure the proposed severed lands are zoned appropriately by preventing multiple zones on the benefitting parcel.

Conclusion:

The application conforms to and is consistent with the provincial policies concerning rural lands in municipalities. The application also conforms to the Rural Designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of December 1, 2020. Staff respectfully recommends that the application be referred to Council for Approval.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2020-060.pdf

Appendix 'B' – Sketch for Consent Application



Appendix B to
PLAN2020-060.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2020-060.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN 2020-060.pdf

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Department Head: Chris Marshall

Department File: D06-2020-026