



## Planning Advisory Committee Report

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**Report Number:** PLAN2022-025  
**Meeting Date:** May 4, 2022  
**Title:** PLAN2022-025 By-law to Amend Manvers By-law 87-06 at 716 St Mary's Road (Oliver and VAC)  
**Description:** Rezoning to facilitate a lot line adjustment – D06-2022-007  
**Type of Report:** Public Meeting  
**Author and Title:** David Harding RPP, MCIP

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### Recommendations:

**That** Report PLAN2022-017, **Amend the Township of Manvers Zoning By-law 87-06 at 716 St Mary's Road and Vacant Land on St Mary's Road – Oliver and VAC**, be received;

**That** a Zoning By-law, respecting application D06-2022-007, substantially in the form attached as Appendix D to Report PLAN 2022-025 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:**

The Director of Development Services, as delegated by Council, approved consent application D03-2020-009 on September 9, 2021. The consent application proposes to sever land containing a dwelling and re-add it to an abutting vacant lot to correct an inadvertent merger of title. Approximately 40.43 hectares of agricultural and rural land is to be retained.

As a condition of provisional consent, the severed and benefitting lands are to be rezoned to a residential zone to recognize the consolidated residential lot to be created and introduce provisions to recognize the placement of existing buildings. The retained agricultural land is also to be rezoned to recognize the deficient lot frontage created as a result of the lot line adjustment.

Owners:	Muriel Oliver and Department of Veterans Affairs
Applicant:	Broghan Dean – Wards Lawyers PC
Legal Description:	Part of Lot 17, Concession 14, geographic Township of Manvers
Official Plan:	Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan (2012)
Zones:	Rural General (A1) Zone and Open Space (O1) Zone in the Township of Manvers Zoning By-law 87-06, as amended
Site Size:	Total – Approximately 41.68 hectares (103 acres) Consolidated Benefitting – Approximately 1.25 hectares (3.1 acres) Retained – 40.43 hectares (100 acres)
Site Servicing:	Consolidated Benefitting – Private individual well and sewage system Retained – None

## **Rationale:**

Prime agricultural land is to be protected and preserved from non-agricultural development or any other incompatible land use that may hinder existing or future agricultural operations. The application proposes to reunite a dwelling along with its accessory buildings with the remainder of its lands to the west. The lands to be removed from the agricultural parcel are limited to that used for residential purposes around the dwelling.

## **Provincial Policies:**

### **A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)**

Policy 4.1 emphasizes the principle of Ontario's Agricultural System by supporting the viability and long-term protection of the agricultural land base along with inter-connected businesses, services, and infrastructure.

Policy 4.2.6 lays out the framework for the long-term protection of prime agricultural areas identified within official plans for agricultural uses.

The lands under cultivation are identified as Prime Agricultural within the City's Official Plan. The consent and subsequent rezoning as a condition of consent will enlarge a residential lot so that it contains the residential use currently established upon the agricultural land. Agricultural lands under cultivation are not proposed to be added to the residential lot. The application is consistent with the intent of these policies to protect agricultural lands.

Therefore, this application conforms to the Growth Plan.

### **Provincial Policy Statement, 2020 (PPS)**

Policies 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for long-term use, and all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

The application to rezone the proposed consolidated benefitting and retained lands will recognize the residential use that has been established by the dwelling and will not impact the agricultural use of the property and surrounding agricultural practices from incompatible residential use. The agricultural lot to be retained is of sufficient area to sustain an assortment of agricultural uses and the PPS encourages the protection of all types and sizes of agricultural use.

Therefore, this application is consistent with the PPS.

### **City of Kawartha Lakes Official Plan (Official Plan):**

The majority of the subject land is designated Prime Agricultural in the Official Plan.

A central and southern portion of the property is designated Environmental Protection. It appears to denote the location of a watercourse and wetlands.

The Environmental Protection designation identifies lands that are unsuitable for development due to natural hazards and/or unique natural characteristics. No change is proposed to the lands within this designation.

Section 15.1 of the Official Plan contains the Prime Agricultural designation policies. It identifies that prime agricultural lands, which are comprised primarily of Class 1-3 soils, shall be protected from fragmentation, development and land uses unrelated to agriculture. Some of the objectives of the Prime Agricultural designation are to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents. Section 15.3.4 outlines that residential lots are to be sufficiently sized to ensure only as much land as is needed to support the dwelling is removed from production. Only as much lands as are needed to contain the dwelling and its accessory uses are being proposed to be added to the vacant residential lot.

This application proposes no change to the existing land uses, and the agricultural land will not be adversely impacted for future agricultural use.

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

### **Zoning By-law Review:**

The subject land is zoned Rural General (A1) Zone and Open Space (O1) Zone in the Township of Manvers Zoning By-Law 87-06. The subject land is a corner lot, having frontage on Mount Horeb Road and St. Mary's Road. The shortest lot line abutting a road is defined as the front lot line. The frontage for the consolidated benefitting lot will be St. Mary's Road and the retained lot's frontage will continue to be Mount Horeb Road.

The lot to be retained does not exceed the A1 Zone's minimum lot frontage requirement of 183 metres by having about 70 metres on Mount Horeb Road. It also proposes an area of about 40.43 hectares, exceeding the A1 Zone's minimum 38-hectare requirement.

The Rural General Special Forty-Four (A1-44) Zone is proposed to replace the A1 Zone on the retained land. The A1-44 Zone will identify the reduced lot frontage on Mount Horeb Road that will be created as a result of adding the dwelling and its surrounding lands to the vacant residential lot to the west. Due to topographical and intersection constraints, access to the lands is obtained from St. Mary's Road.

Section 10.3 specifies that lots not exceeding 1 hectare created within the A1 Zone that were created by consent do not need a zone change as they are deemed to automatically be subject to the requirements of the Rural Residential Type One (RR1) Zone. Such lots formally retain the A1 Zone category on the zone schedule. However, the benefitting lot was not created by consent, nor is the consolidated benefitting lot under 1 hectare. Therefore, the consolidated benefitting lot would retain is A1 uses. At 1.25 hectares, the lot is not sufficiently sized to accommodate agricultural use, nor is it being used for that purpose. There are also additional zoning issues that need to be addressed due to the placement of the residential accessory buildings and structures. A Rural Residential Type One Special Twenty-Five (RR1-S25) Zone is proposed to establish a residential zone over the consolidated benefitting lands and recognize the placement of the existing accessory buildings and structures. Please see Appendix "D" for the by-law draft proposed to address the zoning items identified below.

There is a shed to the west of the dwelling. Garages are the only accessory buildings permitted within the front yard in accordance with Section 20.1(b)(iv). As a result of the lot line adjustment the shed will be within the front yard. The shed is modest in footprint and is to the side of rather than directly in-front of the dwelling. Permitting one accessory building within the front yard is not anticipated to adversely impact the residential function or character of the lot.

The detached garage is located to the north of the dwelling. Garages, and all accessory buildings in excess of 60 square metres, which includes the garage on the subject property, must maintain a flankage yard setback of 15 metres and rear yard setback of 6 metres in accordance with Sections 20.1(b)(iii) and (iv). While the garage exceeds the rear yard setback, it does not meet the flankage yard setback. There are no anticipated adverse impacts with permitting the reduction due to the great difference in elevation between the travelled portion of Mount Horeb Road and the garage's foundation.

There is a deck to the south of the dwelling. The deck is considered an extension of the dwelling, and as such must comply with the same setbacks stated in the RR1 Zone. The proposed south lot line would be defined as a side yard. The minimum required side yard setback in Section 3.2(f) is 6 metres. The deck proposes 3 metres. There is no issue with permitting the deck projection as there is not abutting residential use that would be adversely impacted with the south projection of the deck.

### **Other Alternatives Considered:**

No other alternatives have been considered at this time.

## **Alignment to Strategic Priorities:**

For reference the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

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

The application aligns with the exceptional quality of life priority by ensuring a residential use is fully contained on a residential lot.

## **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Servicing Comments:**

The agricultural and rural land to be retained is un-serviced. The single detached dwelling on the land to be consolidated is serviced by a private sewage disposal system and 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 and Septic Division – Part 8 Sewage Systems Supervisor, Agricultural Development Officer, Enbridge Gas, Building and Septic Division – Plans Examiner, and Engineering and Corporate Assets Department raised no concerns as a result of the circulation. 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 policies of the Official Plan.

The subject property is currently zoned Rural General (A1) Zone and Open Space (O1) Zone. The A1 Zone permits a variety of rural land uses, including agricultural activities.

The proposed Zoning By-law Amendment contained in Appendix D does not affect the permitted uses for the agricultural land on the proposed retained lot. The A1-44 Zone will recognize the reduced lot frontage on Mount Horeb Road. All other A1 Zone provisions will be maintained as a result of the zone change.

On the proposed consolidated lands containing the dwelling, the land is proposed to be rezoned from A1 to Rural Residential Type One Special Twenty-Five (RR1-S25) Zone. The residential zone change will identify the existing residential use and placement of the accessory buildings and structures. The dwelling and lot will comply with the minimum requirements of the RR1 Zone.

## **Conclusion:**

The application conforms to the Growth Plan and is consistent with the PPS. The application also conforms to the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of April 20, 2022. Staff respectfully recommends the application be referred to Council for approval.

## **Attachments:**

### **Appendix A – Location Map**



Appendix A to  
PLAN2022-025

### **Appendix B – Aerial Photograph**



Appendix B to  
PLAN2022-025

Appendix C – Sketch



Appendix C to PLAN  
2022-025

Appendix D – Draft Zoning By-law Amendment



Appendix D to  
PLAN2022-025

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**Department Head:** Richard Holy, Director of Development Services

**Department File:** D06-2022-007