



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Kent Randall, B.E.S., MCIP, RPP (EcoVue Consulting)

Position: Township Planning Consultant

Title / Subject: 17-2021-Despoja Rezoning Report, Thorah Park Boulevard, Beaverton

Date of Report: May 3, 2022

Date of Meeting: May 9, 2022

Report No: 2022-PCA-008

1.0 Issue / Origin

The goal of this report is to provide an overview of the proposed Zoning By-law amendment (ZBA) related to the development of lands located at 0 Thorah Park Boulevard (Lot 1 of Plan 425, in Part of Lot 22, Concession 1, Thorah), and recommend approval of this ZBA. **Attachment 1** contains a Site Location Sketch of the subject lands.

The Township of Brock received a Zoning By-law amendment ZBA application (assigned file number 17-2021-PL-RA) in November 2021 from Anthony Despoja and Antonella Venditti (applicants). The ZBA is required as a condition of Consent Application LD069-2021, which was granted conditional approval from the Region of Durham Land Division Committee on July 12, 2022. The consent application results in the severance of a backlot property into one (1) retained parcel and one (1) severed parcel, which will each be merged with waterfront properties immediately west, which are owned by the applicant and a neighbour. The purpose of the proposed ZBA is to amend Schedule "A1" to the Township of Brock Zoning By-law by rezoning the subject lands from Shoreline Residential (SR) Zone to Shoreline Residential – Exception (SR-2) Zone in order to permit detached garages that will be accessory to the primary residential use on the non-contiguous properties. In addition, the new SR-2 exception zone will also provide adequate and appropriate setbacks which are in keeping with the surrounding neighbourhood and restrict development to only an accessory garage on each property. **Attachment 2** contains the consent sketch.

In the time since the submission, the application that was provided by the applicant has been reviewed by the Township and the Region. Staff have determined that all concerns have been addressed and the application should move forward for Council's Consideration.

2.0 Background

The proposed ZBA will affect lands located effect lands located at a property known as 0 Thorah Park Boulevard (no municipal address) directly east of Simcoe Lake and north of Thorah Park. The applicants are proposing to sever the subject backlot property into one (1) retained parcel and one (1) severed parcel. Both the severed and retained will each be merged with abutting waterfront properties to the west, which are owned by the applicant and neighbour. Due to Thorah Park Boulevard being located in between the subject property and the benefiting lands, the proposed severance will result in non-contiguous lots.

The total area of the subject lands is 0.14 hectares with 28 metres of frontage on to Thorah Park Boulevard. The subject lands are currently vacant. The benefiting lots are approximately 0.10 hectares and 0.12 hectares.

The ZBA application was submitted to the Township and deemed completed November 2021. The applications were circulated to the appropriate outside agencies and internal staff for review in March 2022.

2.1 Agency and Peer-Review Comments

After submission, the ZBA application (17-2021-PL-RA) was circulated to all prescribed agencies, public bodies and stakeholders, as required under *Planning Act* O.Reg 544/06 and O.Reg 545/06. Furthermore, the applications were provided to relevant Township staff. The comments from Lake Simcoe Region Conservation Authority (LSRCA) are noted below.

2.2 Public Consultation and Comments

A public meeting was held on March 28, 2022. Notification of the ZBA application was circulated to landowners within 200 metres of the subject property, and a sign was posted at the property. No comments from the public have been received.

2.2.1 Lake Simcoe Region Conservation Authority

The Lake Simcoe Region Conservation Authority (LSRCA) provided comments regarding the Zoning By-law amendment application on March 18, 2022. The LSRCA raised no concerns with respect to the proposed application. They noted that the application has demonstrated consistency with Section 3.1 of the Provincial Policy Statement and that a permit from the LSRCA will not be required prior to development or site alteration taking place as Ontario Regulation 179/06 does not apply to the subject site.

3.0 Analysis

Below is an analysis of the proposed ZBA in the context of the applicable land use planning policies.

3.1 Provincial Policy Statement (2020)

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. All planning decisions within the Province shall be consistent with the PPS.

The PPS directs growth to settlement areas (Section 1.1.3) where there is the existing municipal infrastructure and public service facilities to support development. Development within settlement areas should be at a density that does not require the uneconomic expansion of such municipal infrastructure and public service facilities.

The subject lands are located within a shoreline residential area which is identified as a rural settlement area within the Region of Durham Official Plan and will not require any servicing or infrastructure upgrades. The garages are also accessory to existing, permitted shoreline residential units.

In addition, development and site alteration shall not take place within natural heritage features or natural hazards in accordance with Section 2.1 and 2.2 of the 2020 PPS. No natural heritage features of Provincial significance exist on or adjacent to the subject lands.

Therefore, the proposed application for rezoning is consistent with the 2020 PPS.

3.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Township of Brock is located within the Greater Golden Horseshoe and is subject to the 2020 Place to Grow: Growth Plan for the Greater Golden Horseshoe (GPGGH), prepared under the *Places to Grow Act* (2006). The GPGGH provides a framework for implementing the Province's vision for building stronger, prosperous and complete communities by better managing growth to 2041. It provides policy direction that encourages more compact settlement and development patterns, as well as diversity of opportunities for living, working and enjoying culture. The GPGGH also limits growth in rural settlements in the Greenbelt Area that do not offer municipal water and wastewater systems.

As noted above, the proposed development is located in a rural settlement area within the Greenbelt Area. The subject area does not offer municipal water and wastewater system and the benefitting lots are currently privately serviced. The subject lands will not be serviced as they will only accommodate an accessory building (garage). The subject application proposes a minor development on a vacant land that is accessory to an existing residential use.

Therefore, the proposed application for rezoning conforms to the intent of the Growth Plan.

3.3 Greenbelt Plan

The Greenbelt Plan identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the natural features and functions occurring within this landscape. The subject lands are located in a shoreline residential area, which is recognized as a rural settlement area within the Region of Durham and is to be a focus of development and related economic and social activity.

Therefore, the proposed application for rezoning conforms to the policies and requirements of the Greenbelt Plan.

3.4 Lake Simcoe Protection Plan

The Lake Simcoe Protection Plan (LSPP) applies to all lands within the Lake Simcoe Watershed. The intent of the LSPP is to protect and restore the ecological health of the lake and its watershed. The proposed development application would be considered minor in nature, and does not impact water quality or vegetation removal. The subject application is consistent with the intent of the LSPP.

3.5 Durham Region Official Plan

The subject lands are designated “Shoreline Residential”, according to Schedule “A – Map A1” to the Region of Durham Official Plan. As per Section 9B.2.23, development within Shoreline Residential Areas shall:

- be limited to minor rounding out, infill development, redevelopment and resort development;
- not preclude public access to waterfront and trails or planned stewardship efforts;
- minimize adverse impacts on soil and water quality;
- have frontage and access onto a public road;
- be individually serviced by drilled well and septic system which complies with the standards of the Ministry of the Environment, Conservation and Parks and the Region;
- protect key natural and hydrologic features;
- establish or increase the extent and width of a vegetation protection zone along a shoreline to a minimum of 30 metres;
- increase or expand the extent of fish habitat in the littoral zone;
- implement efficient sewage disposal in order to reduce nutrient inputs to groundwater and the lake;
- integrate landscaping and habitat restoration into the design of the development; and
- determine the capacity of the receiving water body.

The proposed development will be minor in nature and is accessory to existing primary residential uses.

As such, it is our opinion that the proposed rezoning application is consistent with the policies of the Regional Official Plan

3.6 Township of Brock Official Plan

The subject lands are designated Shoreline Residential Area according to Schedule A to the Township of Brock Official Plan. This designation recognizes, preserves and enhances the existing residential development along the lakeshore (Section 5.10.1.1).

Section 5.10.2.4 states that any application for development or site alteration within 120 metres of the Lake Simcoe shoreline shall be accompanied by a natural heritage evaluation that satisfies the requirements of the Lake Simcoe Protection Plan unless the application is in relation to low-intensity recreational uses including accessory uses to existing buildings or structures. As noted, the

development involves the construction of garages which are accessory to the existing dwellings located on nearby waterfront lots. As such, a natural heritage evaluation is not required for the proposed application. This is also confirmed in the comments provided by LRCA which states that Ontario Regulation 179/06 does not apply to the subject site and that a permit is not required.

In our opinion, the proposed development is minor in nature, represents effective use of land and will properly integrate within the existing Shoreline Residential Area. Therefore, it is our opinion that the proposal is in conformity with the Township of Brock Official Plan.

3.7 Township of Brock Zoning By-law

The subject lands are zoned the Shoreline Residential (SR) Zone, according to Plate "A1" to the Township of Brock Zoning By-law. The proposed ZBA application will rezone the severed lots Shoreline Residential Exception Two (SR-2) Zone in order to:

1. provide adequate and appropriate setbacks which are in keeping with the surrounding neighbourhood;
2. permit an accessory garage that is accessory to a dwelling unit on a non-contiguous property; and
3. restrict development to only an accessory garage on each property.

It is our opinion that the proposed development is consistent with, and conforms to the policies of the Provincial, Regional and local documents that guide land use planning in the Township of Brock. The Zoning By-law is considered a tool to implement these land use policies. Therefore, the site-specific regulations proposed for the property are consistent with the relevant policies and the Provincial and local policy documents.

For further details, please see **Attachment 1 – Zoning By-law Amendment 3124-2022** for the proposed lot regulations.

4.0 Related Policies / Procedures

N/A

5.0 Financial / Budget Assessment

N/A

6.0 Climate Change Impacts

N/A

7.0 Communications

On-going communication with the applicant, all appropriate agencies, and internal staff has been continuous throughout the process and up to the drafting of the By-law.

8.0 Conclusion

Following a review of the relevant planning documents and the comments received from the circulated agencies to date, it is our opinion that the proposed amendment to Zoning By-Law 287-78-PL is consistent with the PPS, and conforms to the GPGGH, the Greenbelt Plan, the Lake Simcoe Protection Plan, the Durham Region Official Plan, and the Township of Brock Official Plan.

Therefore, it is recommended that application 17-2021-PL/17-2021-RA for an amendment to Zoning By-Law 287-78-PL be granted approval.

9.0 Recommendation

That the Committee of the Whole approval Report 2022-PCA-008 and recommend for approval Zoning By-law Amendment 3124-2022 at the May 30, 2022 session of Council.