

Council refuses Kingscross severance

By Mark Pavilons

King Township councillors are holding firm on their no-severance policy in existing subdivisions.

Council refused an Official Plan Amendment and bylaw change for a Snowberry Lane property, going against planning staff who recommended it be approved.

The proposal, submitted by Ellen McCarthy and Tara McCarthy, is to adjust the boundaries between adjacent 22 and 32 Snowberry Lane and create a new lot of 1.7 acres with a frontage of 147.2 feet. The plan is to demolish the existing house on 32 Snowberry and build new houses on the retained lands and the new lot.

These are designated Estate Residential?1 in the zoning bylaw and King City Community Plan. The applicants are seeking approval to create the lot and reduce the lot area requirement.

Snowberry Lane is a cul-de-sac situated at the west end of the community, 280 metres east of Jane. The properties at 22 and 32 are currently 2.5 and 2.59 acres respectively.

Kingscross Estates consists of some 175 large estate lots created by seven registered plans, from 1956 through 1977.

A packed council chambers saw both supporters and opponents of the plan speak to councillors, during an emotionally charged discussion.

Julie Nevin, board member of Kingscross Ratepayers' Association (KRA), said Kingscross is a distinct, unique estate lot subdivision and they want to preserve it. This application, she said, would destroy Kingscross. Homeowners live here to enjoy the space and privacy. "Why would anyone want to change that?" she asked.

KRA?board member Ian Hilley said this bid would set a precedent, allowing more 1.5-acre lots, or even smaller.

Professional planner Allan Ramsay, contracted by KRA, provided some of his insights. He noted Kingscross properties are very different and most boast large frontages. In this context, the "lot fabric" has been stable for roughly 60 years. This is essentially the first proposed change to this fabric and it's "not good planning."

It's not in keeping with the character of the community and it would be a "detrimental change," impacting future applications, he said.

Rosalind Elson, another KRA?board member, had previously distributed a petition opposing the severance. Such an exception should be justified and she can't see any reason for this, other than millions of dollars in profit.

"This will set a dangerous precedent," she charged.

She read a letter from a couple of Kingscross residents, who commented this would be like opening a Pandora's Box.

John Hollick, another KRA?board member, drew a comparison between this bid and a previous one from a Warren Road resident, which council refused. The current proposed lots are undersized with smaller frontages and he believes King staff used incorrect data to draw their conclusions.

He also foresees a "frenzy to sell and sever" and if approved, it will be "open territory for speculators."

Long-time resident and KRA?board member Wilson Markle supported the application, calling it a "carefully devised plan." "It looks similar to other properties in Kingscross cul-de-sacs, he said.

KRA?director Leslie Whicher said she was "baffled" by staff's recommendation to approve the bid, given council's direction to prohibit severances in established subdivisions. She asked council to give serious weight to the number of signatures KRA?obtained of those opposed to the project.

Resident Brian Pritchard pointed out this issue has caused a "deep divide" in the community and he's shocked by some of the comments, rumours and gossip. He said there has been an "aggressive anti-McCarthy campaign" and residents have been misled and lied to.

Change will always occur, he pointed out, noting recent builds by this family have resulted in nicer homes in Kingscross. He admitted the character is changing, but it's becoming even better.

Jim Kotsopoulos, of JKO?Planning Services, representing the McCarthys, said they've been working with the Township for upwards of nine months to resolve outstanding issues and concerns. They've provided updated natural heritage reports and hydrogeological studies to satisfy the Township's concerns.

Resident Greg Donohue said has no problem with the application, adding recent builds in the community have been "nothing less than exceptional." "He also experienced misinformation and said the animosity that has been created shouldn't exist. The merits of this application should be considered and council should side with its planning staff.

There are a lot bigger issues and problems facing King residents than one lot.

"The McCarthys are improving the neighbourhood, one lot at a time," he said.

Fifteen-year resident Mark Miller said the community already contains many non-conforming lots and the fierce opposition and divisiveness is ridiculous. This severance would not be the end of the world and he asked councillors to consider what's been built to improve the looks of Kingscross.

"The new construction in Kingscross is very tasteful," he said. He pointed out that the McCarthys are not the only builders who are working in the area.

Stephanie D'Orazio said one compromise leads to another. "If approved, we will apply, cash out and move to a more protected neighbourhood," she said.

Michael Lamanna said the neighbourhood is in a constant state of construction. He sits on the committee of adjustment and he sees similar applications all the time. In his opinion, this very much sets a precedent.

Janesse McPhillips, who helped run the last KRA board election, said there has been plenty of "reprehensible" behaviour. KRA, she said, did not have a mandate to oppose this severance, as the association has purported. She doesn't think KRA's stance is representative of the community.

Joanne Henry, who also supported the application, noted KRA told her to basically mind her own business.

Councillor Cleve Mortelliti, who is on public record for opposing severances in established legacy subdivisions, observed this issue has divided neighbours. He grew up in King City and pointed out Kingscross has always had an upscale reputation. He's also worked in the development industry and has a lot of experience in land issues.

He believes this would be precedent-setting and stood firm on his opposition. In fact, he would like to see a Township-wide consensus on severances. "We have to preserve our neighbourhoods," he stressed.

Planning director Stephen Kitchen noted staff used the Township's GIS system for lot data and admitted some of the numbers were off. But that doesn't affect staff's support for the application. He said he looked at the actual characteristics of the community. He also believes each application should be reviewed on its own merits and he said there were other factors involved.

Kingscross, he agreed, "is the most attractive estate subdivision" he's ever seen. However, the community as it stands, would not meet today's zoning rules.

He also doesn't see an influx of severances, noting staff haven't received any more either. There's a big difference between an application and one that staff can support, he pointed out.

He also said the proponent has spent a lot of money on studies and did a lot of work to prepare for their application.

Tara McCarthy pointed out after the meeting that had the planning department voted to reject the plan, it may have been abandoned. "Two years of effort, great expense and the emotional stress from the community was really taking its toll," she said.

After reading the planning department's detailed 48-page report stating in the application met the Township's requirements, with a recommendation for approval, the applicants felt optimistic.

"In fact the planning department's report was so positive for our severance we felt that if we failed to win council's vote, we would have the option to take this to the OMB," McCarthy said.

She admitted the council meeting was a difficult night.

She felt some residents "crossed the line from making fair and respectable objections to slanderous and maligning deputations on the record. This was really very shocking. I found it very insulting and unjust that residents were able to stand in front of everyone and make such accusations.

"Let me say this. For those who know us we are hard-working, trustworthy residents who go the extra mile to protect and help our neighbours. The proof is on display throughout the neighbourhood for all to see. We stand behind our projects. We are here and we are accountable. All of our efforts have been for the improvement, not downfall as some would lead you to believe.

"Our door is always open and we welcome everyone. We will continue to work for the betterment of our neighbours and the community as a whole."

Councillor Debbie Schaefer said this will have wide-ranging ramifications. The Official Plan is a guiding document whose rules should be followed. "I don't think now is the time for us to lower the standard regarding lot area," she said.

Councillor Avia Eek said the King City Community Plan clearly states that in no case should a new lot be created in existing subdivisions.

Mayor Steve Pellegrini said he has friends on both sides of this issue, and he's dismayed about the strife over a single severance. There are some "gorgeous homes in Kingscross."

The Official Plan, which is in the process of being updated, is clear on severances. The new OP "will contain equally strong policies against severances.

Councillor Linda Pabst was the lone supporter. She did say it's sad to see a community split like this and the animosity that has been created. She fully agrees with staff's recommendations.

In his report, Kitchen noted the applicants addressed ecological impacts, the non-existence of wood turtles and any potential impacts on wells.

He admitted this is the first severance application in Kingscross. In his opinion, this bid does preserve the natural look.

The minimum lot frontage in estate zoning calls for 60 metres, while the severed lot would have 37.66 metres. He noted the neighbourhood does have lots that range from 30 to 193 metres of frontage and 10 lots have less than the 60-metre standard.

Kitchen argued there's a difference between lot frontages on through streets compared with cul-de-sacs and he believes this will not negatively impact the character of the area.

Kitchen also had no problems with the concept drawings provided for the new homes. He noted there's a trend in estate areas for larger homes, and the proposed setbacks also meet standards.

Kitchen argued the application for an OPA looks to amend a single policy under the consent section of the King City Community Plan on a site specific basis. ?The amendment is not proposing a community wide change, nor is it proposing a change in land use. Rather, the application has been brought forward for council's consideration to identify an opportunity to create an infill lot whereby the resulting lot is within the range of lot areas, frontages and character of the study area.?

Kitchen said one of main considerations is whether this reflects the established character of the area, and his staff is confident that it's compatible.

?It is planning staff's opinion that the estate residential character of the area will not be noticeably altered as a result of the applicant's proposal ... Planning staff has conducted an extensive review with respect to character elements and finds that the overall proposal is generally in keeping with the character of the study area.?