

## Severance bid in Kingscross causes community rift?

**By Mark Pavilons**

Seldom has the creation of a new lot in King Township caused such controversy.

A severance application in the exclusive community of Kingscross has done just that. A packed council chambers saw dozens of residents speak both in favour and against a plan to create a new lot on Snowberry Lane. The somewhat quiet cul-de-sac seems to be anything but, as residents offered their passionate opinions into this plan, and the character of one of the province's unique estate subdivisions.

After the lengthy public meeting, one thing remained clear ??residents in this area love their community.

The bid to establish a fourth lot on Snowberry has caused a division among residents ??a first for this neighbourhood.

Mayor Steve Pellegrini made it clear at the outset of the meeting it was merely to gather information and public input, so staff can create their report and recommendations, which will be presented to council at a later date. Given the heated nature of the application, he did ask for a cordial discussion.

Stephen Kitchen, King's planning director, noted the proposal 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, Ellen and Tara McCarthy, are seeking approval to create the lot and reduce the lot area requirement. The ER1 designation notes lots have to be a minimum of two acres.

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

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.

Staff and some agencies have provided preliminary comments and Kitchen said there have been no major objections. Staff is still reviewing the application, as well as the justification report.

The Township has received a numerous submissions and written comments. He noted the main concerns centre around adequacy of local wells, impact to wetlands and lot size.

Tara McCarthy, who lives at 32 Snowberry, said they're working with the Township and they firmly believe the new lot is in character with the community. If they're granted the severance, they still have to go through the rigorous site plan stage.

She doesn't believe this change will set a precedent and is, in fact, in line with previously approved lots. Some 45 lots in Kingscross are less than two acres in size.

They're working to meet all the requirements of various agencies, including York Region, Toronto and Region Conservation Authority and have provided natural heritage and hydrogeological reports. They've done a careful, extensive study and gathered 60 letters of support from neighbours.

### **Homeowners show support**

Manitou Drive resident Wilson Markle said he did his homework, noting that Snowberry is a bit "lopsided" with irregular lots, making it unique compared to others in Kingscross. This new proposal would make the lots more "symmetrical" and more in keeping with other cul-de-sacs. He describes it as a an "improvement" and "excellent upgrade."

A Watch Hill Road resident said he too has reviewed the documents and said the plan "makes sense." A lot of residents are renovating and he sees this is a natural progression.

A Kingscross homeowner said there are some misconceptions with the plan and said such things should be considered on a case-by-case basis.

A three-year Kingsworth Road resident said she loves the area and most of the lots can accommodate very large homes, under existing rules.

Brian Prichard, who lives on Lockhart Lane, addressed the issue of "change." He admitted the residents are divided and all make passionate points. He agreed that Kingscross, one of the premier places to live in Ontario, needs to be preserved and protected. He showed councillors and the public several maps of Kingscross from 1995, 2005 and today, showing the dramatic changes to the landscape. The issue is to control and manage future change to suit the neighbourhood. He believes this proposal is in keeping with the trend.

A Kingscross Drive resident pointed out there's a lot of new home construction going on in Kingscross and [land valuation](#) carried

out in the area demonstrates that property values have skyrocketed. He believes it's all for the betterment of the community, so much so that he's recommended Kingscross to friends and family members. He likes the direction the subdivision is headed, and supports this severance.

Lisa Iafrate, a Kingscross Dr. homeowner, is proud of the community she's been part of for 20 years. A lot of the homes, she observed, are old and it's time for a renewal. She's excited about the increase in property value, which has a lot to do with the McCarthy family themselves.

A 14-year Kingscross resident, who's a member of Kingscross Ratepayers' Association (KRA), said not all residents are opposed and it's not a clear mandate of the citizen's group to oppose this plan.

"We're evolving," said a Kingsworth resident who welcomes this addition to the neighbourhood. The quality of new home builds is quite impressive. There's a "lot of quality here," he said.

Work needs to be carried out on many properties, according to a six-year Kingscross Dr. homeowner. Change is inevitable and he's happy to see these aesthetic improvements. He's confident even more people will fall in love with Kingscross and want to move there.

Steve Dengler has come home to Kingscross. He noted he was a youngster when he lived there in the 1980s and vowed to return one day. There's an incredible investment going on there and he's incredibly proud to be moving in. He so thrilled he encouraged his in-laws to move in next door.

A decade-long Watch Hill Road resident has seen profound changes for the better.

A Manitou Drive man said he's invested heavily in the community and is pleased to see the revitalization. He believes the severance appropriately balances out Snowberry.

### **Opposition holds firm**

The bottom line among opponents is they don't want this to set a precedent, and result in even more severances in Kingscross or throughout the municipality. It comes down to policy and very specific lot size guidelines.

Co-chair of KRA Leslie Whicher said the board recently expanded and directors who ran expressed their opposition to this severance. They have obtained signed petitions from roughly 50% of the households (196 signatures) to oppose the plan.

David Donnelly, a well known environmental lawyer and advocate with many successes under his belt, is backing KRA. He is known for representing Stewards of the Moraine in the Eliopolous wedding facility OMB challenge in King.

He said there are several reasons why they oppose this severance, and one is that the large lots in Kingscross blend in with the environment and the Oak Ridges Moraine. This is simply not compatible with these characteristics. There is "no compelling reason" to permit it and Donnelly said it "doesn't jive" with the trend to increase, not decrease, the natural landscape.

A more thorough examination of an abutting woodland is needed, he said, to determine the impacts on the local forest cover and habitats. The MNR has indicated there is a species of risk in the area - the wood turtle. It has been considered endangered prior to 2008. This mid-sized turtle reaches roughly 20-24 centimeters long and is known for orange or brick-red colours on its legs. Wooded areas are essential habitat for this turtle and it's threatened by predators and habitat loss.

Mary Muter, KRA co-chair, said she researched the area fully before moving in roughly four years ago. The homes were well established and she was told by various officials that severances are not likely in Kingscross. With a background in public health, Muter is well versed in water, environmental and wildlife issues. She's astounded by the variety of wildlife in Kingscross, calling it a "wildlife reserve."

She's urging that wildlife habitat be taken into consideration, noting this plan could threaten natural features and wildlife.

"Bylaws are in place for a reason," she said.

Gord Whicher, a land use planning lawyer who lives on Kingsworth, said council's decision, and staff's recommendations will be key documents called into question, should the matter go to the Ontario Municipal Board (OMB). The OMB recognizes King's authority as a planning approval body, but Whicher suggested that a second opinion be sought on natural heritage issues. A reinvestment in Kingscross will happen anyway and he reiterated the concerns that if 1.5-acre lots are allowed, will one-acre parcels follow?

That sentiment was echoed by a Kingscross Dr. woman who said there's no positive benefit from the severance. If this is passed, others will follow she said. "Let's preserve this neighbourhood," she said, pointing out she's not opposed to new houses, but prefers a minimum of two-acre parcels.

A 24-year Lockhart Lane resident said Kingscross is unique and in her quarter-century there, there has never been a "rift" in the

community. "Now there is."

A King View Crescent resident in Snowball said he's concerned this may set a precedent outside of Kingscross. Good planning unites people, but bad planning divides, he observed. Council, he said, needs to provide a clear direction as to what an estate lot is. Past planning inconsistencies give false hope for those seeking severances.

Greg Locke, of Concerned Citizens of King Township (CCKT), admitted this is a bit of a complex issue, but he stressed CCKT is opposed to severances in subdivisions in general.

"Severances negatively change the character of neighbourhoods, and in doing so pit neighbour against neighbour," he said. "... if a precedent like this is permitted in an affluent neighbourhood like Kingscross, it will encourage similar outcomes in other neighbourhoods, harming the rural and village character of the township we so very much value."

Locke urged council to exercise "thoughtful consideration" and he praised the vigorous community engagement the issue has generated.

A relatively new homeowner on the 8th Concession chose King for its redeeming qualities and he's "enamoured with Kingscross." "Severances change the character, he said.

A long-time Kingscross resident, an admitted outdoor enthusiast, noted many homes do need to be renovated and he said homeowners should take the lead in green standards. Most residents chose Kingscross for the size of the lots and the privacy. "Don't change what works," he said.

Ian Hilley, KRA secretary, said he's opposed to any "cookie-cutter" approach to lot creation.

Mike Notaro, who was involved in KRA's recent board election, said there is a group of residents who simply don't care either way. Other residents are definitely divided and he said this needs to be "solved." There is a process that's being followed and council will make a call, after reviewing all of the input.

One man said Kingscross remains a premier place to live. "If you want a 1.5-acre lot, go elsewhere," he said.

### **Councillors comment**

Councillor Cleve Mortelliti, who has a civil engineering background, noted he's been an opponent to severances in existing subdivisions, and has, in fact, called for a prohibition. The Township is dealing with outdated documents and hopefully the new zoning bylaw will address any inconsistencies.

He noted people are buying into a stable, secure neighbourhood with certain expectations.

Councillor Bill Cober stressed public input is important for the staff review. He believes applications such as this should be looked at on a case-by-case basis, paying attention to the merits and drawbacks. He offered some sober thought on the heated discussion:

"One thing no one is disagreeing on is your love for your community," he observed.

Councillor Debbie Schaefer said it's disappointing to see how the community is so passionately divided. She said the real issue is not about homes, but how landforms will look in decades down the road. She favours a peer review of the natural heritage features and she hopes an adequate solution can be found.

Mayor Steve Pellegrini said under the process any applicant has the right to submit any proposal. Council and staff will go through this. The mayor stressed that King residents "have the best council in the GTA," but they may not always agree on matters.

A staff report, with recommendations, will be brought back to council.