



Kevin M. Duguay
Community
Planning and
Consulting Inc.



Attachment 'A'

CVCA Permit Denial Letter

13 February, 2023
Damian Grieve & Ashley Verduyn
207 Scarborough Road
Toronto, ON
M4E 3M7



Crowe Valley C o n s e r v a t i o n

P.O. Box 416 Phone: (613) 472-3137

70 Hughes Lane Fax: (613) 472-5516

Marmora, ON

Dear Mr. Grieve & Ms. Verduyn:

Re: Permit Application #273/22
Part of Lot 10, Concession 10
Assessment Roll Number: 1536 010 100 09500
328 Trotter-Oitment Road, North Kawartha
Chandos Lake

Upon review of your permit application to reconstruct an existing dwelling along Chandos Lake, Crowe Valley Conservation Authority (CVCA) staff will be making the following recommendation to the CVCA Watershed Advisory Board:

That Permit Application #273/22 be denied.

The reconstruction of the dwelling as presented does not adhere to CVCA policies, and therefore staff cannot issue permission for the proposed development.

The subject property is within the regulation limit as described in Section 2 of Ontario Regulation 159/06, being hazardous lands and the river or stream valley. A portion of the property and the entire proposed development location is considered to be hazardous lands, as it contains the flood plain associated with Chandos Lake. New development within the regulatory flood plain is not permitted as per Section 3(1) of Ontario Regulation 159/06 as the control of flooding would be affected. Under Section 3(1) of Ontario Regulation 159/06, the Authority may only grant permission in these areas where the control of flooding will not be affected by the development.

In addition, your application does not conform to the following Sections of Crowe Valley Conservation Authority's Watershed Planning and Regulations (O. Reg. 159/06) Policy Manual: 3.8.1, 3.8.2, 3.8.7, 4.2.6, 5.2.1, 5.3.1.5, 5.3.1.6, 5.3.1.3, 5.3.1.4, 5.3.1.2. All of these policies speak to development within the flooding hazard and required setbacks, expanded on below.

Policy 3.8.1

Policies and Guidelines for the Administration of Ontario Regulation 159/06, General Regulation Policies
Policy wording:

"It is the policy of CVCA that development, interference or alteration will not be permitted within a regulated area except in accordance with the policies contained within this document. In the event of a conflict between the policies applicable to the development, interference or alteration, the most restrictive policy shall apply."

Policy 3.8.2

Policies and Guidelines for the Administration of Ontario Regulation 159/06, General Regulation Policies
Policy wording:



“It is the policy of CVCA that notwithstanding Policy 3.8.1, the CVCA’s Board of Directors may grant permission for development, interference and/or alteration where the application provided evidence acceptable to the Board of Directors that documents the development and/or activity will have no adverse effect on the control of flooding, erosion, pollution or the conservation of land with respect to river or stream valleys, hazardous land, wetland and areas of interference, or result in unacceptable interference with a watercourse or wetland.”

Policy 3.8.7

Policies and Guidelines for the Administration of Ontario Regulation 159/06, General Regulation Policies
Policy wording:

“It is the policy of CVCA that notwithstanding supplementary policies or stand-alone policies as specific in Sections 4.0 through to and including 7.0, development within a regulated area shall be set back 6 metres from the extend of a natural hazard (flooding, erosion, unstable soil or bedrock).”

Policy 4.2.6

Development Within or Adjacent to a Not Apparent River or Stream Valley

Policy wording:

“Development will be permitted within 15 metres of the greater of the floodplain or predicted meander belt width (erosion hazard) of the river or stream provided that: it can be demonstrated through appropriate technical reports that all development will be located a minimum of 6 metres beyond the greater of the floodplain or the predicted meander belt width (erosion hazard); and safe access (ingress/egress) is present.”

Policy 5.2.1.

Hazardous Lands, General Flood Hazard Policies

Development within the Regulatory flood plain shall not be permitted

Policy 5.3.1.5

Hazardous Lands, Specific Policies for Flooding Hazards, Residential Development, Residential Replacement / Reconstruction

Does not conform because the dwelling to be replaced must be relocated outside of the flooding hazard where feasible. CVCA staff identified an area on the lot which is completely outside of the flood hazard and contains a reasonable sized building envelope. The applicant has stated that they will not entertain this option.

Does not conform because the new dwelling is not the same size or smaller than the previous dwelling. In such case, Policy 5.3.1.6 applies.

Policy 5.3.1.6

Hazardous Lands, Specific Policies for Flooding Hazards, Residential Development, Residential Replacement / Reconstruction

Does not conform to policy because the new dwelling does not meet the conditions for ‘Minor Residential Additions’ (Policy 5.3.1.3 and 5.3.1.4).

Policy 5.3.1.3

Hazardous Lands, Specific Policies for Flooding Hazards, Residential Development, Minor Residential Additions

Does not conform to policy because the new dwelling exceeds the lesser of 50% of the original habitable floor space of the previous dwelling or 500 ft². In such case, Policy 5.3.1.4 applies.



Policy 5.3.1.4

Hazardous Lands, Specific Policies for Flooding Hazards, Residential Development, Minor Residential Additions

Additions to existing residential dwellings greater than the size provision identified in Policy 5.3.1.3 would be considered Single Residential Development and therefore subject to Policy 5.3.1.2.

Policy 5.3.1.2

Hazardous Lands, Specific Policies for Flooding Hazards, Residential Development, New Residential Development

Does not conform because new single residential development on an existing lot will not be permitted within a flooding hazard regardless of previous approvals under the Planning Act or other regulatory process.

If you do not agree with the staff recommendation and would like to proceed with your application as submitted, you are entitled to the opportunity for a Hearing before the CVCA Watershed Advisory Board in accordance with Section 28(12) of the Conservation Authorities Act. On December 23rd, 2022 you made this request.

There is to be full disclosure from both parties prior to the Hearing. The Regulations Officer and yourself shall exchange written reports two weeks prior to the Hearing. Subsequently, this may affect the timing and scheduling of the Hearing. If such information is not received two weeks prior to the meeting date, the Hearing will be rescheduled to occur at the next scheduled meeting date.

In order to avoid the apprehension of bias, which could jeopardize the Hearing, it is recommended that you do not contact any member of the CVCA Watershed Advisory Board prior to the Hearing. If any communication occurs between yourself and a CVCA Watershed Advisory Board Member, you should contact the CVCA office immediately.

At the Hearing you may be represented by counsel or an agent, and you may call and examine witnesses and present evidence and submissions to the Board. Should you request a Hearing but do not attend, the Hearing will proceed in your absence and you will not be entitled to any further notice in the proceedings.

If you have any questions please contact me at 613-472-3134 or via email at Beth.Lowe@CroweValley.com

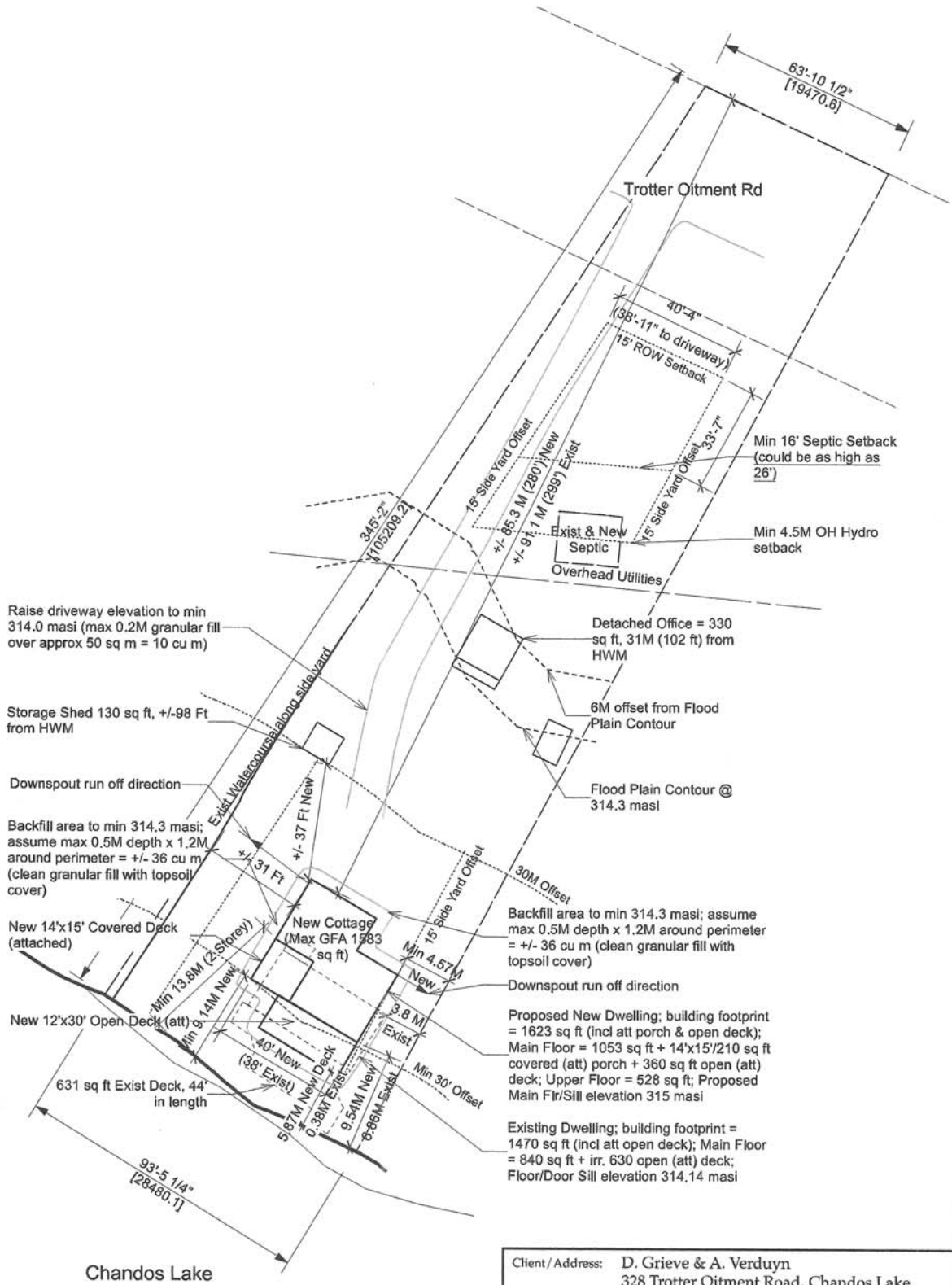
Sincerely,



Beth Lowe
Regulations Officer

Enclosed: Hearing Guidelines – Crowe Valley Conservation Authority





Raise driveway elevation to min 314.0 masl (max 0.2M granular fill over approx 50 sq m = 10 cu m)

Storage Shed 130 sq ft, +/-98 Ft from HWM

Downspout run off direction

Backfill area to min 314.3 masl; assume max 0.5M depth x 1.2M around perimeter = +/- 36 cu m (clean granular fill with topsoil cover)

New 14'x15' Covered Deck (attached)

New 12'x30' Open Deck (att)

631 sq ft Exist Deck, 44' in length

93'-5 1/4" [28480.1]

Detached Office = 330 sq ft, 31M (102 ft) from HWM

6M offset from Flood Plain Contour

Flood Plain Contour @ 314.3 masl

Backfill area to min 314.3 masl; assume max 0.5M depth x 1.2M around perimeter = +/- 36 cu m (clean granular fill with topsoil cover)

Downspout run off direction

Proposed New Dwelling; building footprint = 1623 sq ft (incl att porch & open deck); Main Floor = 1053 sq ft + 14'x15'/210 sq ft covered (att) porch + 360 sq ft open (att) deck; Upper Floor = 528 sq ft; Proposed Main Flr/Sill elevation 315 masl

Existing Dwelling; building footprint = 1470 sq ft (incl att open deck); Main Floor = 840 sq ft + irr. 630 open (att) deck; Floor/Door Sill elevation 314.14 masl

Chandos Lake

Con. 10, Lot 10, & Shoreline Part 1, 45R15944
 Lot Size = 0.63 Acres/0.25 Hectare (27364 sq ft)
 Exist Lot Coverage = 7.1%
 New Lot Coverage = 7.6%

Client / Address: D. Grieve & A. Verdun 328 Trotter Oitment Road, Chandos Lake, Township of North Kawartha	
Design Firm: Cindy L. Schumann 1264 FR 89, PO Box 256, Apsley, Ontario K0L 1A0 PH 705-656-1924 BCIN 32834	Drawing Title : Preliminary Site Plan
Drawn By : Cindy Schumann	
Scale: 1/32"=1'	Date: 15/12/22
Rev On: 16/12/22	Sheet #
Project 09/21	

ROAD ALLOWANCE BETWEEN CONCESSIONS 10 AND 11

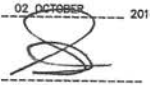
SCHEDULE			
PART	DESCRIPTION	P.I.N.	AREA SQ.M.
1	PART OF ROAD ALLOWANCE IN FRONT OF LOT 10, CONCESSION 10	PART OF 28275 -0226(LT)	550±

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 45R

RECEIVED AND DEPOSITED

02 OCTOBER 2014



2014

SHAWN M. O'CONNOR
Ontario Land Surveyor

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF PETERBOROUGH (N° 45)

PLAN OF SURVEY
OF PART OF ROAD ALLOWANCE IN FRONT OF LOT 10 CONCESSION 10
GEOGRAPHIC TOWNSHIP OF CHANDOS
COUNTY OF PETERBOROUGH

SCALE - 1 : 500




DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BENINGER SURVEYING LTD.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- This survey and plan are correct and in accordance with The Surveyors Act, The Surveyors Act and The Land Titles Act and the regulations made under them.
 - The survey was completed on July 29th, 2014.

02 OCTOBER 2014
PETERBOROUGH, ONTARIO



SHAWN M. O'CONNOR
Ontario Land Surveyor

LEGEND & NOTES

- DENOTES SURVEY MONUMENT, FOUND.
- DENOTES SURVEY MONUMENT, PLANTED, STAMPED 873.
- WT. DENOTES WITNESS
- P&P DENOTES PIERCE & PIERCE INC.
- DEED DENOTES INST N° R717978
- 873 DENOTES BENINGER SURVEYING LTD.
- E&P DENOTES ELLIOTT & PARR LTD.
- PLAN DENOTES PLAN 45R-12496 (Integrated)

OFFSET TIES ARE PERPENDICULAR UNLESS OTHERWISE NOTED.

BEARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS ON OP1 AND OP2, UTM ZONE 17 (81° WEST LONGITUDE) NAD 83(CSRS) (1997.0)

FOR BEARING COMPARISONS, APPLY A COUNTER-CLOCKWISE ROTATION OF 2°32'30" TO PLANS

DISTANCES SHOWN ARE GROUND CAN BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 1.00026

OBSERVED REFERENCE POINTS (ORP) DERIVED FROM GPS OBSERVATIONS USING PRECISE POINT POSITIONING (PPP) SERVICE, UTM ZONE 17, NAD83(CSRS)(1997.0)
COORDINATES TO RURAL ACCURACY PER SEC. 14(2) OF O.REG 216/10

POINT ID	EASTING	NORTHING	DESCRIPTION
ORP P1	734587.49	4965925.15	IRON SPIKE
ORP P2	734589.55	4965952.63	IRON SPIKE
P3	734614.99	4966029.57	IRON BAR

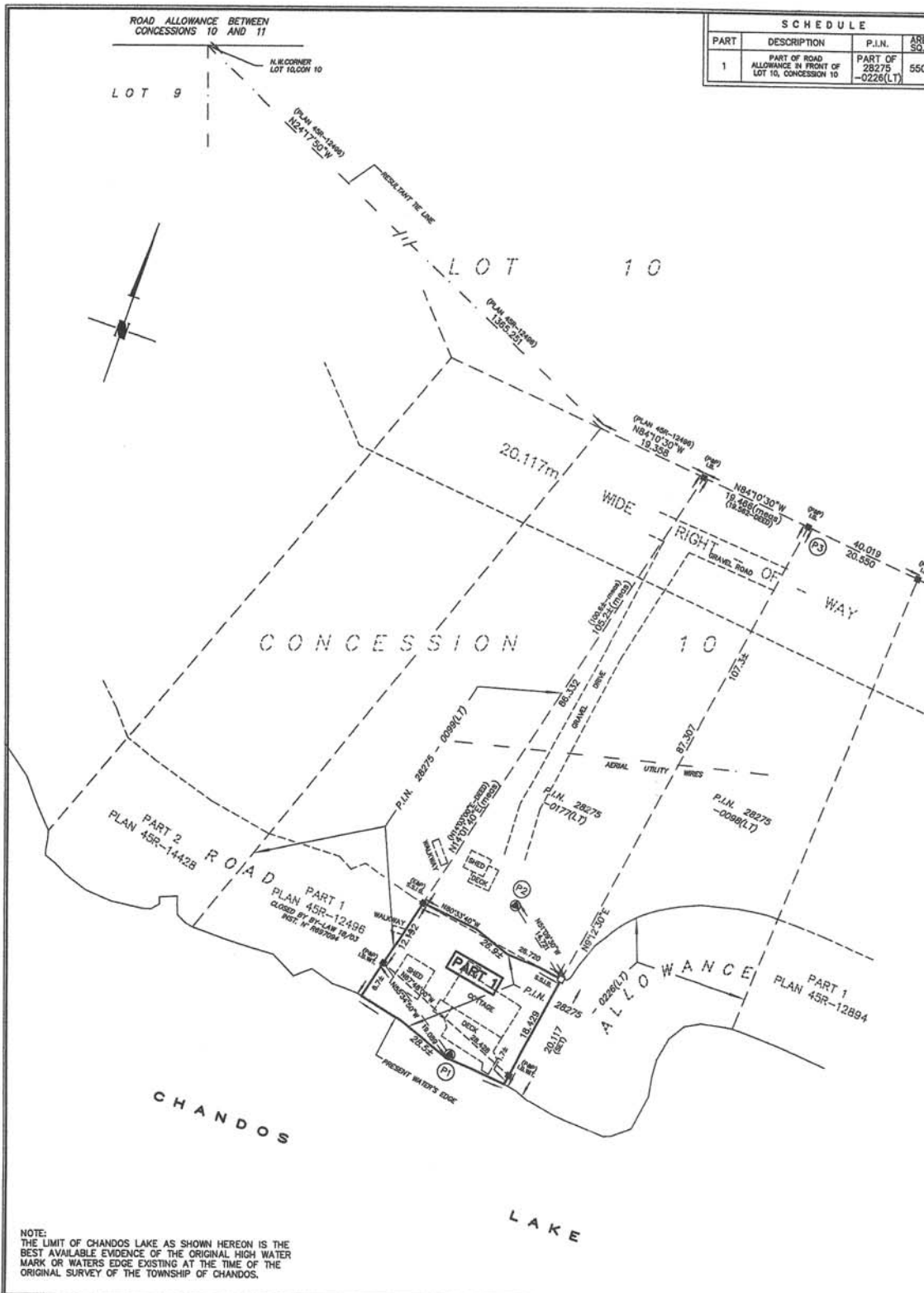
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BENINGER SURVEYING LTD.

211 SHERBROOKE STREET
P.O. BOX 1116
PETERBOROUGH, ONTARIO
K9J 7H4
FAX 705-743-3070
TELEPHONE 705-743-8634

JOB 26640
FILE CHANDOS 18

NOTE:
THE LIMIT OF CHANDOS LAKE AS SHOWN HEREON IS THE BEST AVAILABLE EVIDENCE OF THE ORIGINAL HIGH WATER MARK OR WATERS EDGE EXISTING AT THE TIME OF THE ORIGINAL SURVEY OF THE TOWNSHIP OF CHANDOS.





Kevin M. Duguay
Community
Planning and
Consulting Inc.



Attachment 'B'

CVCA May 2022 Letter

31 May 2022

Connie Parent – Clerk
Township of North Kawartha
280 Burleigh Street
Apsley, Ontario
K0L 1A0



Crowe Valley
C O N S E R V A T I O N

Dear Ms. Parent,

RE:

**Application for a Zoning By-Law Amendment ZA-17-22 (Our file no. ZBA 021/22)
Part of Lot 10, Concession 10
328 Trotter Oitment Road
Township of North Kawartha
ARN: 1536 010 100 09500**

Sent via email

The above application for a Zoning By-Law Amendment has been reviewed with regards to the applicability of the Crowe Valley Conservation Authority's Regulation of Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (O. Reg. 159/06) and the Provincial Policy Statement (PPS). Through a memorandum of understanding between Conservation Ontario, the Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing, Conservation Authorities are responsible for representing Provincial interest in planning matters as they relate to natural hazards (Section 3.1 Natural Hazards, PPS).

Please be advised that this recommendation is based on the best available data, including air photos, in-house mapping, the proponent's *Application for Zoning By-Law Amendment* with the Township (A-17-22). A site visit has not been conducted to verify or refute this information.

Our understanding of the application is to permit the reconstruction and expansion of a dwelling and attached open deck within the water yard being setback 9.14meters (30feet) and 5.87meters (19.25feet) to the high water mark respectively.

RECOMMENDATION

In summary, the Crowe Valley Conservation Authority has concerns with this application for a Zoning By-Law Amendment. The proposed development is not believed to be consistent with Section 3.1 Natural Hazards of the PPS as the proposed development is within the flood hazard associated with Chandos Lake.

A permit will be required from the CVCA prior to development (construction/filling/grading/excavating) taking place.

SECTION 3.1 NATURAL HAZARDS, PROVINCIAL POLICY STATEMENT

Concerning Section 3.1 Natural Hazards of the PPS, the CVCA has reviewed the application with respect to flooding, erosion, and hazards associated with unstable soil and bedrock.

Flooding Hazard

A flooding hazard means the inundation of areas adjacent to a shoreline of a river or stream system not ordinarily covered by water. The flood hazard limit is based on a regulatory flood event standard and is represented by an elevation to which water would rise under the conditions of a 100-year flood event. That is, conditions that have a 1% chance of occurring any given year.

Based on 30years of daily water levels, the predicted 1:100year flood elevation is 314.30masl. Therefore, all development should be kept a minimum of 6meters from lands on the property that are at or below 314.30masl. 6meters is the provincial standard for emergency access recommended to ensure that people and vehicles have a safe way to enter and

exit the area during times of flooding, including access for emergency personnel and their vehicles across the floodplain and heavy equipment to access the hazard for mitigation purposes. This can be accurately determined by conducting an elevation survey of the property. *The best available data, LiDAR, shows that the proposed development are at or below 314.30masl and would likely be flooded during a 1:100year flood event. There appears to be room on the subject lands for the reconstruction of the dwelling and decks outside of both the 1:100year floodplain of Chandos Lake and 6metre setback from the floodplain.*

Erosion Hazard

An erosion hazard means the loss of land, due to human or natural processes, that poses a threat to life and property. Defined in the MNRF Technical Guide – River and Stream Systems: Erosion Hazard Limit, the erosion hazard is comprised of 3 main elements: the 100-year erosion rate (the average annual rate of recession extended over a 100-year time span), an allowance for slope stability (3H:1V or gentler, or as determined by geotechnical assessment), and a hazard access allowance (6 metres).

The location of the proposed development does not appear to be susceptible to an erosion hazard

Other Hazards

No unstable soils or bedrock (such as karst topography) have been identified.

O. REG 159/06: CROWE VALLEY CONSERVATION AUTHORITY: REGULATION OF DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES

In regard to the Crowe Valley Conservation Authority's Regulation (O. Reg. 159/06), the subject property is within the jurisdiction of the CVCA due to the shoreline and flood hazard of Chandos Lake. Therefore, the proponent will require a permit from our agency prior to any development (construction/filling/grading/ excavating) taking place on the subject lot. As part of a complete permit application the CVCA will require an elevation survey, completed by an Ontario Land Surveyor plotting both the 1:100year flood elevation of Chandos Lake and the 6metre setback from the flood plain. For the CVCA to approve the application, it will need to be demonstrated that the proposed development is located outside of the flood hazard if feasible. There appears to be ample room on the subject lands for reconstruction of the dwelling and decks to take place outside of the flood plain and setback from the flood plain of Chandos Lake. Should it not be possible to locate the proposed development outside of the flood hazard, size restrictions and floodproofing requirements would apply.

Should any of the details of this proposal change please notify our office and we will amend our comments as necessary. We respectfully request a copy of the decision made on this application. Should you have any questions please do not hesitate to contact me.

Best regards,

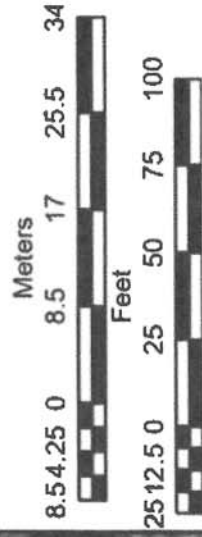


Beth Lowe
Regulations Officer
Crowe Valley Conservation Authority

ZBA 021/22
 328 Trotter Oitment Road
 Grieve & Verduyn
 Part of Lot 10, Con 10
 North Kawartha
 1536 010 100 09500

Legend

- Subject_Property
- Countours - 5m
- Roads
- Parcels
- APPROX 1:100year flood plain
- 6metre setback



Produced by Crowe Valley
 Conservation Authority
 31 May 2022

With data supplied under licence by the Ontario Geospatial Data Exchange and local County data. This map has been created for demonstrative purposes only and is not to be used as an official source of data.





Kevin M. Duguay
Community
Planning and
Consulting Inc.



Attachment 'C'

June 7, 2022 Planning Report and By-law

Township of North Kawartha

To: The Mayor and Members of Council

From: Claire Champagne, Junior Land Use Planner
Township Planning Consultant

Reviewed By: Darryl Tighe M.Sc., RPP, Senior Land Use Planner
Township Planning Consultant

Meeting Date: June 7th, 2022

Subject: Report on Zone Amendment Application #ZA-17-22

Recommendation:

1. That Council receive the planning report as prepared by the Township Planning Consultants for information.
2. That a decision on Zone Amendment Application #ZA-17-22 be deferred in order to permit the Owner and Agent to further assess possible opportunities for increasing setbacks from the shoreline.

Property Information:

Owner – Damian Grieve and Ashley Verduyn

Agent – Cindy Schumann

Roll No. – 010-100-09500

Ward – Chandos

Concession – 10

Part Lot – 10

Zoning – Shoreline Residential (SR)

Official Plan – Seasonal Residential

Area – 0.63 acres; 0.25 hectares

911 – 328 Trotter-Oitment Road

Purpose and Effect:

The purpose and effect of Zone Amendment Application #ZA-17-22 is as follows:

To permit development on a lot which maintains a reduced lot frontage of 28.5 metres (93.5 feet) and a reduced lot area of 0.25 hectares (0.63 acres), whereas a lot frontage of 46 metres (150 feet) and a lot area of 0.5 hectares (1.2 acres) is otherwise required. This is an amendment to Section 3.18 (c) which permits development on an existing undersized lot, provided all other provisions of the Zoning By-law are met.

To permit the reconstruction and expansion of a dwelling and attached open deck within the water yard, being setback 9.14 metres (30 feet) and 5.87 metres (19.25 feet) to the high water mark respectively. This is an amendment to Section 3.30 which requires that new development be setback 30 metres (100 feet) from the high water mark of a waterbody.

Background Overview:

The property, 328 Trotter-Oitment Road, is a 0.25 hectare (0.63 acre) parcel of land being zoned 'Shoreline Residential (SR)' with 28.5 metres of frontage (93.5 feet) of frontage along Chandos Lake.

At present, the property is currently developed in the form of a 78.04 square metre (840 square foot) one-storey dwelling with a 58.62 square metre (631 square foot) attached deck. A moderate amount of vegetation is maintained throughout the entire property. Surrounding properties are similar in use, and generally include the following:

Direction	Land Use
North	Rural
East	Shoreline Residential
South	Chandos Lake
West	Shoreline Residential

As proposed, the property owners are seeking to rezone the property to permit the redevelopment, expansion, and the addition of decks of an existing dwelling on the property. The existing dwelling is proposed to be demolished in order to build a new recreational dwelling, having somewhat of a larger footprint than the existing and which will be set back slightly further from the high water mark. Current setbacks to the existing dwelling and deck are 6.86 metres (22.51 feet) and 0.38 metres (1.25 feet) from the shoreline, respectively. The proposed dwelling and attached decks would be situated 9.14 metres (30 feet) and 5.87 metres (19.26 feet) from the shoreline and the landowner is therefore seeking a zoning by-law amendment to permit the development closer to the high water mark than the required 30 metre (100 foot) setback. Additionally, the subject property is deemed as undersized with a lot area of 0.25 hectares (0.63 acres) and a lot frontage of 28.5 metres (93.5 feet) whereas a lot area of 0.5 hectares (1.2 acres) and a lot frontage of 46 metres (150 feet) is otherwise required. As such, a zoning by-law amendment would also be required to permit development on an undersized lot.

Planning Analysis:

The application must conform to the policies outlined in the Provincial Policy Statement, A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the County of Peterborough Official Plan, including the local component for the Township of North Kawartha. The relevant policies and associated analyses are as follows:

Provincial Policy Statement, 2020

Under the policies of the Provincial Policy Statement (PPS), the subject property is considered rural lands. Relevant policies for rural lands direct that permitted uses on rural lands include resource-based recreational uses including recreational dwellings.

Development is to be compatible with the rural landscape. Where development is proposed, it is required to be consistent with the direction of Section 2.0, being for the wise use and management of resources.

The proposed application will facilitate appropriate lot reconfiguration and does not propose any redevelopment on either the proposed or severed lot at this time. The policies of Section 2.0 of the PPS restrict development within and adjacent to certain natural heritage features; however such policies do not overtly contemplate rebuilds where development already exists.

The application is therefore consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation

The subject property is also considered rural lands under the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). Growth Plan policies for rural lands direct that outside of settlement areas, development on rural lands may include resource-based recreational uses. The policies for rural lands continue that:

“Where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character and capacity of the resource and surrounding landscape, and may include:... b) where appropriate, resource-based recreational dwellings for seasonal accommodation.”

Development on rural lands is also to have regard for key hydrologic features (i.e. Chandos Lake). Section 4.0 of the Growth Plan provides direction for protecting valuable resources, including natural heritage features. While the Growth Plan does not explicitly contemplate reconstruction, generally expansions to existing buildings are permitted provided the development does not expand into a hydrologic feature or its vegetative protection zone.

The application would facilitate bringing the current existing single detached dwelling located on the property into greater conformity with the Zoning By-law with an increased high water mark setback. However, it has been determined that there is some potential for the dwelling to have a greater setback from the high water mark than what is proposed. As such, the application is not anticipated to impact the character of the surrounding landscape. The application therefore does not conflict with the Growth Plan.

County of Peterborough Official Plan

In the County of Peterborough Official Plan, the subject property is part of the ‘Shoreland Areas and the Waterfront designation’; and likewise designated ‘Seasonal Residential’ in the local component. The associated policies of the County of Peterborough Official Plan recognize residential development as being permitted within this designation. Where development is proposed, the Official Plan promotes preservation of the natural vegetation of the shoreline, to minimize environmental impacts to the shoreline and visual impacts on the waterbody. The Official Plan likewise requires a 30-metre setback from the shoreline, save and except for the replacement of existing structures, in which case the enlargement is not

permitted to further encroach into the setback. Any potential visual impacts are anticipated to be mitigated by the amount of existing vegetation along the shoreline. No shoreline vegetation would be removed as a result of approving the application, as the existing footprint will be largely utilized. However, planning staff have determined based on the information provided, aerial photography, and up to date site photos that there may be some potential for the cottage to be moved back further from the high water mark, and be able to better satisfy the 30-meter setback as outlined within the Official Plan. Notwithstanding, the current application is considered to generally conform to policies of the County Official Plan.

Township of North Kawartha Zoning By-law #26-2013

The subject property is currently zoned Shoreline Residential (SR). The amendment which served to rezone the lands, permits the reconstruction and expansion of a dwelling as illustrated on the site plan attached to this report. The general provisions of the Zoning By-law and all other relevant provisions of the Shoreline Residential Zone are otherwise applicable to the subject property. The subject property is deemed to be an undersized lot as the lot area and frontage measure to be 0.25 hectares (0.63 acres) and 28.5 metres (93.5 feet), respectively. According to Section 6.2 of Zoning Bylaw 26-2013, the minimum lot area and frontage for a parcel in the Shoreline Residential (SR) Zone is 0.5 hectares (1.2 acres) and 46 metres (150 feet), respectively. Therefore the amendment to Section 3.18(c) is required to permit development on an undersized lot in which a building or structure does not comply with all provisions of Zoning By-law 26-2013. The proposed dwelling and attached deck would be situated 9.14 metres (30 feet) and 5.87 metres (19.26 feet) from the shoreline. Although closer than the minimum requirement of 30 metres (100 feet), the proposed reconstruction is intended to somewhat improve existing setbacks, bringing the dwelling into greater conformity with the Zoning By-law. However, as aforementioned, it has been determined by Staff that there may be the opportunity to increase the proposal's conformity to the policies and provisions within the Zoning By-law by moving the proposed dwelling further from the high water mark towards the rear of the property.

Public and Agency Comments:

At the time of writing of this report, no public or agency comments had been received. Should comments be received prior to the meeting, they will be provided.

Financial Implications:

No financial implications are anticipated as a result of approval of the application.

Concluding Comments:

Zone Amendment Application #ZA-17-22 seeks to rezone the subject property to facilitate the redevelopment, expansion, and the addition of decks of an existing dwelling on the property. Based on a review by Staff it appears that the requested amendment would not conflict with the prevailing planning policies.

However, it is the opinion of Staff that there may be the ability for the proposed dwelling to be located further from the high water mark than what is currently proposed by the applicant. Staff would recommend that at this time, the application be deferred in order to confirm the existing dwelling setback constraints preventing the dwelling from being moved further from the high water mark; following which and subject to any additional public or agency comments received, a decision on the application could be made at a subsequent Council meeting.

All of which his respectfully submitted for Council's consideration.

[Redacted signature]

[Redacted signature]

Claire Champagne, B.E.S. (Hons.)
Township Planning Consultant
D.M. Wills Associates Limited

[Redacted signature]

Darryl Tighe, M.Sc., RPP
Township Planning Consultant
D.M. Wills Associates Limited

Attachments:

- Application
- Notice of Public Meeting
- Site Plan

The Corporation of the Township of North Kawartha

By-law 2022-

Being a by-law of the Corporation of the Township of North Kawartha under the provisions of Section 34 of the Planning Act R.S.O. 1990, Chap. P. 13, as amended, to amend Zoning By-law #26-2013, with respect to certain lands described as Part Lot 10, Concession 10, in the geographic area of Chandos, in the County of Peterborough, Roll # 1536-010-100-09500

Whereas Zoning By-law #26-2013 as otherwise amended, was passed under the authority of a predecessor of Section 34 of the Planning Act, R.S.O. 1990, Chap. P. 13, as amended;

And Whereas the matters herein are in conformity with the provisions of the Official Plan of the County of Peterborough as approved by the Ministry of Municipal Affairs and Housing;

And Whereas the Council of the Corporation of the Township of North Kawartha conducted a public hearing in regard to this application, as required by Section 34(12) of the Planning Act, R.S.O. 1990, Chap. P. 13, as amended;

And Whereas the Council of the Corporation of the Township of North Kawartha deems it advisable to amend Zoning By-law #26-2013 as otherwise amended, with respect to the above described lands, and under the provisions of the Planning Act has the authority to do so;

Now Therefore the Council of the Corporation of the Township of North Kawartha do hereby enact as follows:

1. That the proposed amendment will upon coming into force and effect, serve to amend By-Law No. 26-2013, as amended, by changing the zone category of certain lands located in Part Lot 10, Concession 10 in the Chandos Ward from Shoreline Residential (SR) Zone to Shoreline Residential-313-Holding (SR-313-H) Zone as follows:
 - a. Notwithstanding Section 3.18 (c), and 3.30, the following provisions shall apply to the single detached dwelling, inclusive of the attached deck:
 - i. Minimum front and water yard (dwelling) 9.14 metres (30 feet)
 - ii. Minimum front and water yard (deck) 5.8 metres (19 feet)
 - iii. Maximum height - No portion of the single detached dwelling exceeding a height of 4.57 m (15 feet) shall be permitted to locate within 13.0 m (45.27 feet) of the high water mark.
 - b. The provisions of Section 6.2 (q) shall apply to any development of the property.
 - c. The holding symbol (H) shall not be removed until such time as concerns as expressed by the Crowe Valley Conservation Authority have been satisfactorily addressed.
 - d. All other provisions in all other respects as set out in the General Provisions and the Provisions of the Shoreline Residential (SR) Zone shall apply and be complied with as identified in By-Law #26-2013.
2. That Schedule 'A14' of By-law 26-2013, as amended, is hereby further amended by changing the zone category of certain lands located in Part Lot 10, Concession 10 in the Chandos Ward from Shoreline Residential (SR) Zone to Shoreline Residential 313 - Holding (SR-313-H) Zone, as illustrated on Schedule 'A' attached hereto and forming part of this by-law.

THAT this by-law shall come into force and effect on the day it is passed by the Council of the Corporation of the Township of North Kawartha, subject to the applicable

Option #2

provisions of the Planning Act, Statutes of Ontario, 1990 Chap. P. 13, as amended.

Read a first, second, third time and passed in open Council on the 9th day of August, 2022.

Carolyn Amyotte, Mayor

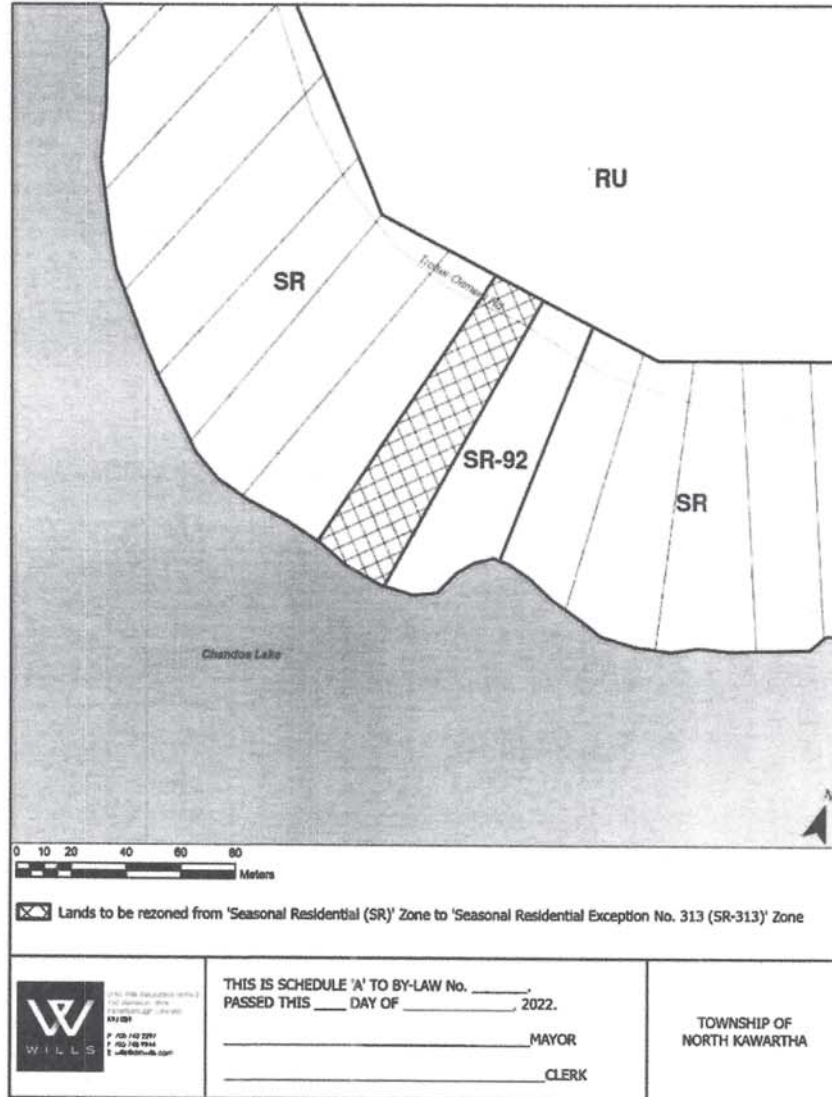
Connie Parent, Clerk

Option #2

Schedule "A" to By-law 2022-

Lands Affected

Application #ZA-02-22
Concession 10, Part Lot 10, Chandos Ward
Roll #010-200-28210



Purpose and Effect

The proposed amendment would upon coming into force and effect, serve to amend By-Law No. 26-2013, as amended, by changing the zone category of certain lands located in Part Lot 10, Concession 10 in the Chandos Ward from Shoreline Residential (SR) Zone to Shoreline Residential-313-Holding (SR-313-H) Zone in order to permit the redevelopment of a recreational dwelling on the lands having a front and water yard setback of 9.14 metres (30 feet) for the dwelling and 5.8 metres (19 feet) for the attached deck. This is an amendment to Sections 3.30 and 6.8 (f) which require a front and water yard setback of 30 metres (100 feet). This is also an amendment to Section 3.18 (c) which permits development on existing undersized lots, provided all other provisions of the Zoning By-law are met. All other provisions in all other respects as set out in the General Provisions and the Provisions of the Shoreline Residential (SR) Zone shall apply and be complied with as identified in By-law No. 26-2013.



Kevin M. Duguay
Community
Planning and
Consulting Inc.



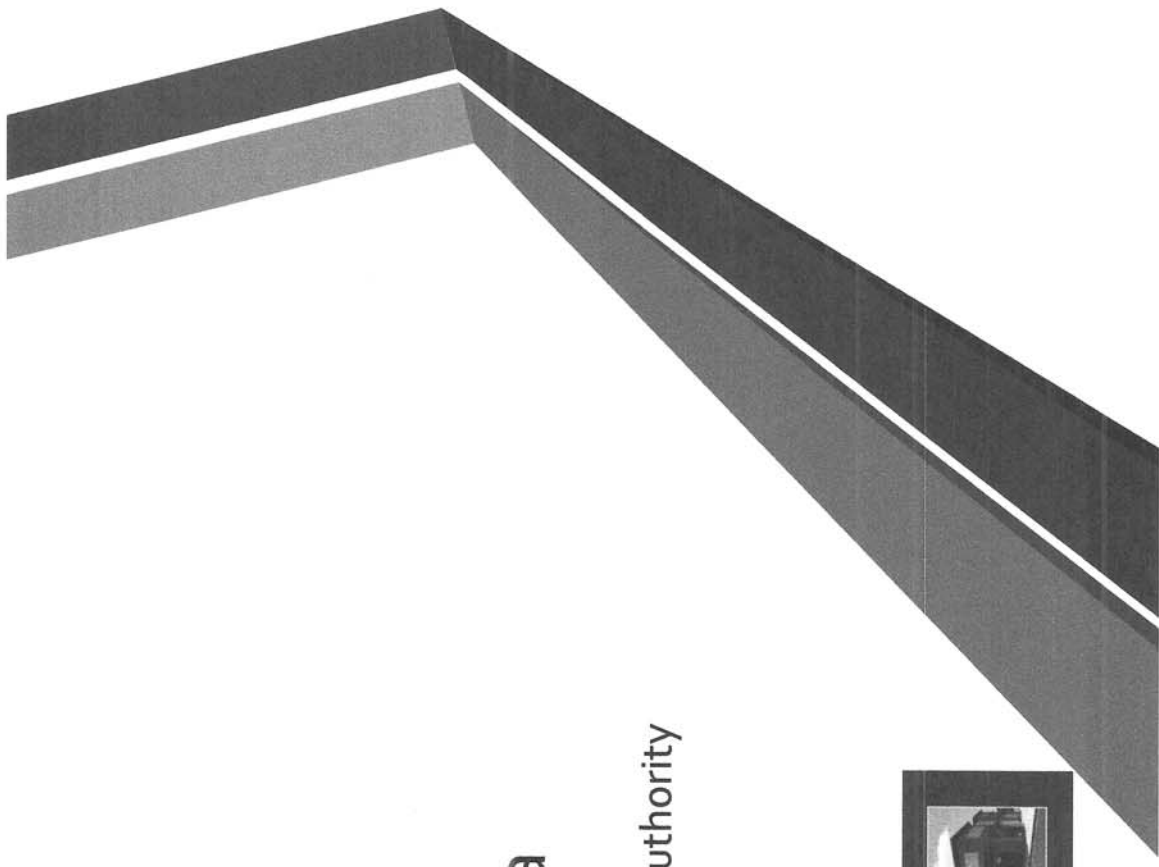
Attachment 'D'

PowerPoint Presentation

Proposed Cottage Build
328 Trotter-Oitment Road
Lot 10, Concession 10
Shoreline Part 1-45R15944
Township of North Kawartha

Presentation to the Crowe Valley Conservation Authority

By Kevin M. Duguay MCIP, RPP



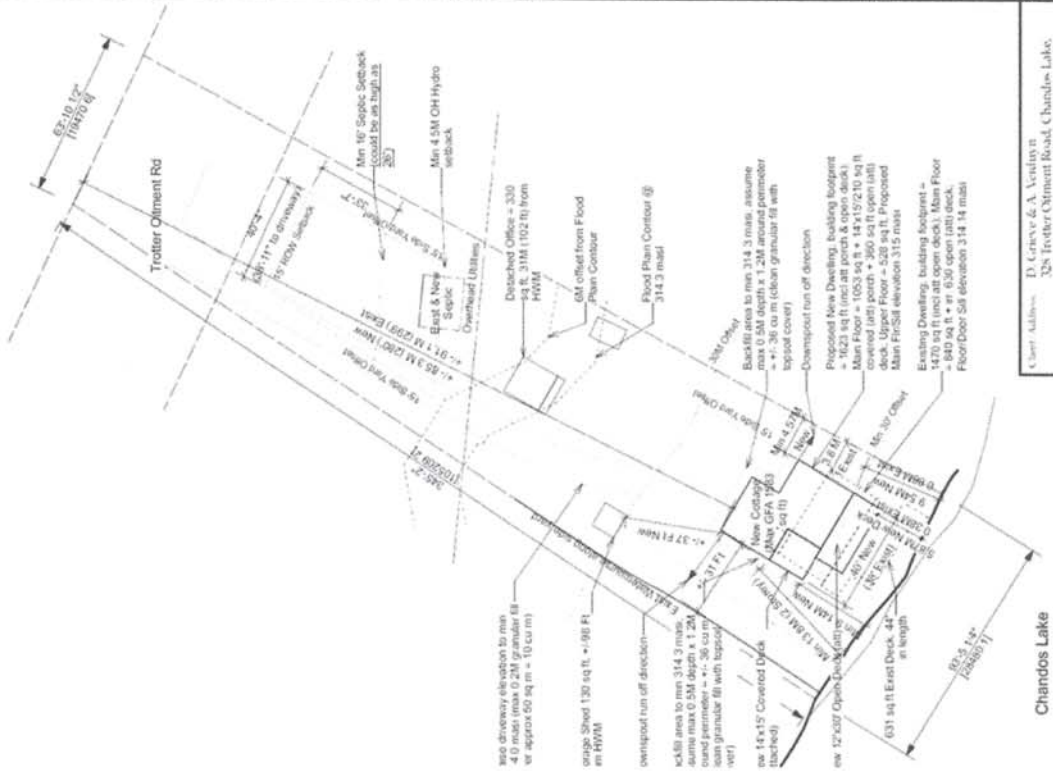
The Property



The Property

(Source: County of Peterborough Website, March 2023)

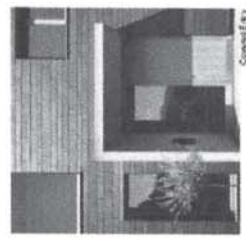
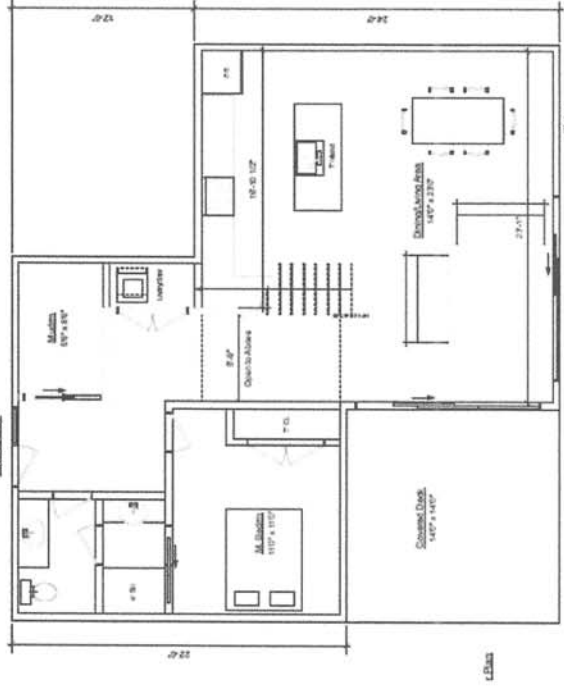
The Cottage Build - Plans



(Source: Property Owner, March 2023)

Client Address:
D. Greve & A. Vanden
328 Trotter Onment Road, Chandos Lake,
Township of North Kawartha

The Build



Gross Floor Area: 1000 sq ft
 Main Floor: 1000 sq ft
 1st Floor: 1000 sq ft
 2nd Floor: 1000 sq ft

1st Floor: 1000 sq ft
 2nd Floor: 1000 sq ft

Preliminary Main Collage Layout 2
 Cindy Schumann Design



Site Photographs

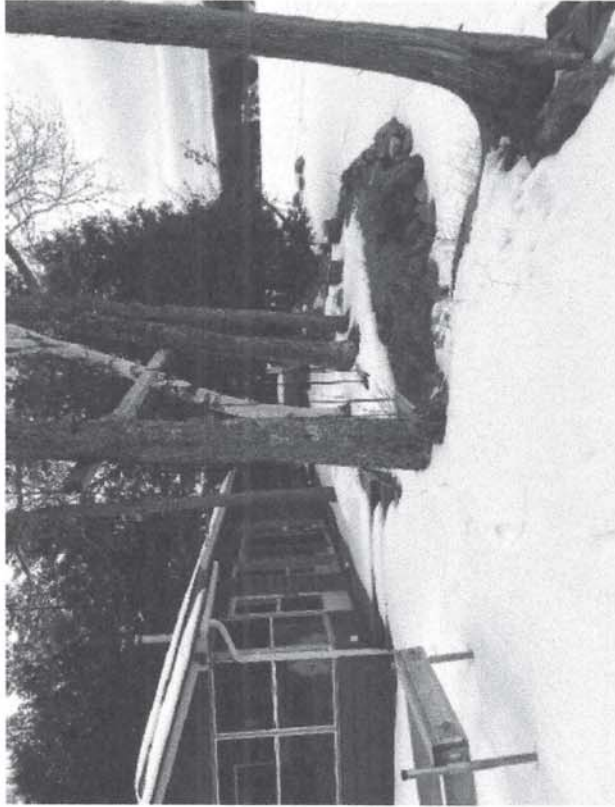


Existing cottage

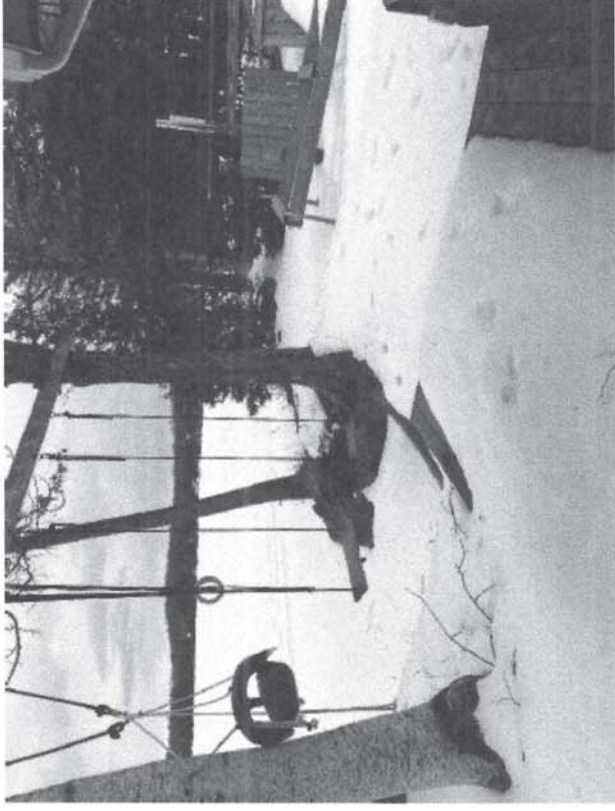


Rear of existing cottage

Site Photographs



**Setback to the water from
cottage**

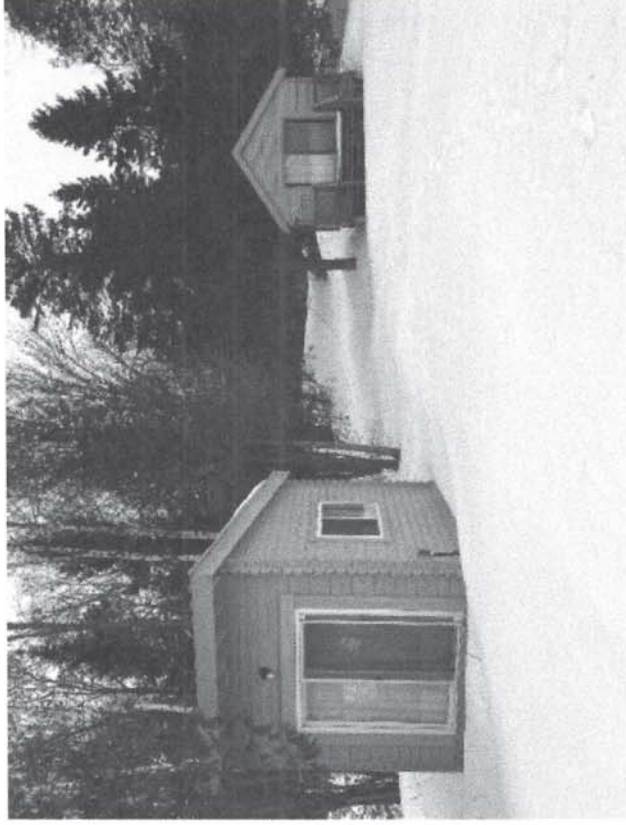


**Shoreline of property – Chandos
Lake**

Site Photographs

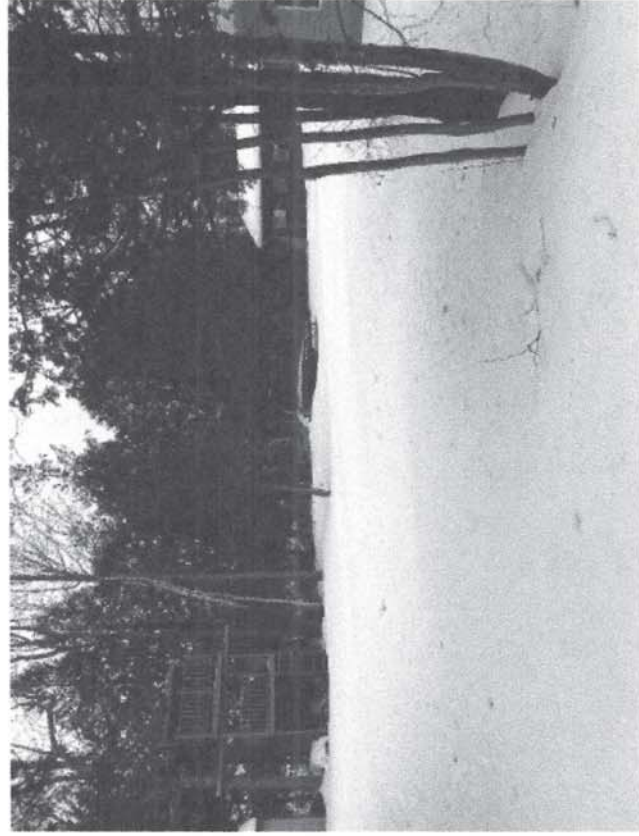


**Easterly side of cottage to
property line**



Existing accessory structures

Site Photographs



Rear of property

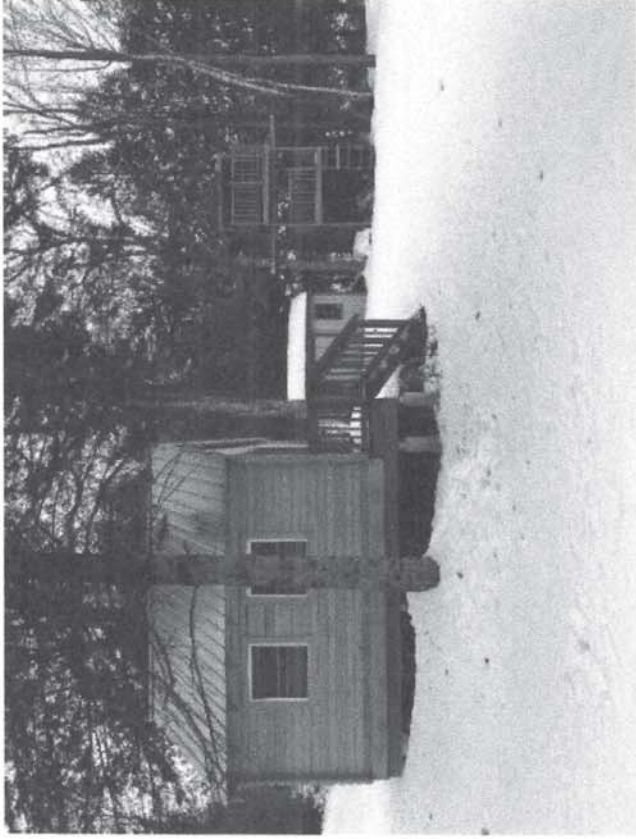


Rear of property

Site Photographs



View of property from rear



Accessory structures at rear of property

Overview – Chandos Lake Flood Elevation Measurement



Summary

- The ZBLA Application as approved by the Township Council represents good planning.
- The Chandos Lake flood elevation/measure is not currently mapped, nor subject of proper engineering verification.
- The proposed redevelopment of the property improves the built form relationship of the property with Chandos Lake (natural setting).
- The flood risk, exists, albeit based upon a theoretical model only.
- The Authority failed to ensure a timely response to the Notice of Application- Public Meeting.
- The proposed development is reasonable and appropriate for the property and should be granted building permits

Questions?

Kevin M. Duguay MCIP, RPP | kevin@kmdplanning.com |

705-931-0975



Kevin M. Duguay
Community
Planning and
Consulting Inc.

