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**REPORT FOR: CROWE VALLEY CONSERVATION AUTHORITY WATERSHED ADVISORY BOARD**

**REGARDING: ONTARIO REGULATION 159/06, PERMIT APPLICATION NO. 273/22 FOR PERMISSION TO RECONSTRUCT A DWELLING WITHIN THE FLOOD HAZARD.**

**DATE: MAY 4<sup>TH</sup>, 2023**

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An application for development has been submitted by Mr. Damian Grieve & Ms. Ashley Verduyn with regard to Ontario Regulation 159/06: Crowe Valley Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.

### **Executive Summary**

An application to develop lands along Chandos Lake is recommended by staff to be **denied**. The proposed development is to reconstruct a dwelling that will be entirely located within the flood hazard of Chandos Lake. CVCA policies permit the re-construction of a dwelling within a flood hazard under specific conditions being that if it is not feasible to reconstruct the dwelling outside of the hazard that the reconstructed dwelling is limited in size to reduce potential impacts on the floodplain. As per the CVCA's Board Approved Watershed Planning and Regulations Policies, if a dwelling is to be reconstructed within the hazard the additional habitable space of the reconstructed dwelling not be any larger than 50% or less of the original total habitable space up to a maximum of 46.5 square metres (500 square feet) of total additional habitable space, whichever is less. As indicated in the permit application submitted to the CVCA, the total existing habitable space of the existing dwelling is 840 ft<sup>2</sup> and entirely within the flood hazard of Chandos Lake while the proposed is 1,791 ft<sup>2</sup> of habitable space entirely within the flood hazard of Chandos Lake. The maximum habitable space permitted under CVCA policies is 1,260ft<sup>2</sup> based on the existing development. The proposed dwelling is 1,791ft<sup>2</sup>, thus, the proposed reconstructed dwelling is over the allowable size limit by 531ft<sup>2</sup>. The size of the proposed dwelling as presented does not conform to CVCA size restrictions for redevelopment of a dwelling in the floodplain.

### **Background and Subject Lands**

The subject property is approximately 0.71 acres (0.29 ha). The properties to the east and west are developed with cottages and accessory structures. There is a stream that runs along the west side of the property which is a tributary to Chandos Lake. The existing dwelling is setback 34 feet from the tributary of Chandos Lake and the proposed dwelling is to be setback is 30.6 feet from the tributary. The property fronts onto Chandos Lake to the south and backs onto on Trotter-Oitment Road to the north. The northern half of the property (road side) is outside of the floodplain and the southern portion of the property is within the flood hazard of Chandos Lake. This was verified by an elevation survey



which was completed by a certified Ontario Land Surveyor (see Appendix A). The entire property is within the CVCA's regulated area.

Other development on the property includes a 330 square foot office building, a shed and a beach volleyball court all of which are susceptible to the flood hazard. The office building is partially within the flood hazard, while the shed and volleyball court are completely within the floodplain.

CVCA policies for development in the flood hazard were provided and explained to Mr. Grieve and his agent, including details on the size restrictions for redevelopment of existing dwellings within the flood hazard (Appendix B). During communications with CVCA staff it was communicated that there were two options available:

1. Rebuild the dwelling outside of the flood hazard without size restrictions or;
2. Amend the permit application so that his proposed rebuilt dwelling was no larger than 1,260ft<sup>2</sup> of total habitable space.

CVCA staff believe both of these options are feasible. The applicant did not pursue either option nor propose any alternatives. CVCA staff informed the applicant of their right to request a hearing before the CVCA Watershed Advisory Board. The applicant requested a hearing on December 23<sup>rd</sup>, 2022 Board via email.

**Timeline**

May 18 <sup>th</sup> , 2022	CVCA was circulated for planning comments (Appendix C) as they relate to Section 3.1 (Natural Hazards) of the Provincial Policy Statement (PPS) and the CVCA's Board Approved Watershed Planning and Regulations Policies (North Kawartha file no. ZA-17/22).
May 31 <sup>st</sup> , 2022 (one week prior to council meeting)	CVCA submitted planning comments to the Township of North Kawartha (CVCA File no. ZBA 021/22). The letter stated that the CVCA had concerns as the proposed development appeared to be within the flood hazard associated with Chandos Lake and was not consistent with section 3.1 of the PPS. Comments also informed the applicant and township of the CVCA's Watershed Planning and Regulations Policies which stated that <i>Should it not be possible to locate the proposed development outside of the flood hazard, size restrictions and floodproofing requirements would apply.</i> The CVCA's comments were submitted to the Township of North Kawartha one week prior to the council meeting. It was noted in the Council Meeting Minutes that the CVCA's May 31 <sup>st</sup> , 2022 had been received.
August 8 <sup>th</sup> , 2022	CVCA staff completed a site visit on August 8 <sup>th</sup> , 2022 with the applicant's agent in attendance. At the time of the site visit the elevation survey had not been completed. During the site visit a watercourse that was not previously identified in the application or by staff reviewing the



	mapping and imagery, was located on the west side of the property.
October 19 <sup>th</sup> & November 15 <sup>th</sup> , 2022	The applicant's agent emailed the CVCA a proposed site plan. At that time, it was communicated to the agent and applicant that the proposed dwelling as presented did not comply with the CVCA's Watershed Planning and Regulations Policy Manual, as the proposed reconstruction of the dwelling exceeds the provisions of the CVCA's Watershed Planning and Regulations Policies. The applicable size restrictions were communicated to the agent and applicant (Appendix B).
December 15 <sup>th</sup> , 2022	Permit application (Appendix D) was submitted to the CVCA office with the original proposal which is the teardown and rebuilding of a dwelling within the flood hazard of Chandos Lake.
December 16 <sup>th</sup> , 2022	CVCA staff and the applicant's agent met virtually to discuss the proposal. During the meeting, it was communicated to the agent that the dwelling needs to be located outside of the flood hazard if feasible. The agent stated that the applicants were not willing to consider this option because it would result in an approximately 50 metre setback from the shoreline of Chandos Lake.
January 11 <sup>th</sup> , 2023	CVCA staff emailed the applicant to discuss feasibility of shifting the further back from the shoreline than the proposed. A reply was not received.
January 27 <sup>th</sup> , 2023	CVCA staff spoke with the applicant on the phone. The applicant communicated that they did not intend to move any further back from the shoreline of Chandos Lake than the proposed, being 5.87 metres for the deck and 9.54 metres for the dwelling.

### **Project Description**

As per the application information provided (received December 15<sup>th</sup>, 2022):

#### **Existing:**

Dwelling: One-storey dwelling which has a footprint of 38 feet by 22.5 feet

Total habitable space = 840 ft<sup>2</sup>

Open deck: 631 ft<sup>2</sup> – irregular in shape and is 44 feet long.

Lowest opening into existing dwelling: 314.14 metres (CGDV 28:78)

All existing development is setback 0.38 metres from the ordinary high water mark of Chandos Lake at its closest point.

Please refer to Appendix E for photographs of the property.



### Proposed:

Dwelling: Proposed construction 40-feet by 37-foot footprint irregularly shaped, 1,791 ft<sup>2</sup> one and a half storey dwelling:

- Ground floor + covered deck = 1,263 ft<sup>2</sup>
  - o Main floor of dwelling: 1053 ft<sup>2</sup>, covered deck 210 ft<sup>2</sup>
- Second floor = 528 ft<sup>2</sup>
- Total Habitable Space = 1,791 ft<sup>2</sup>
- Setback 9.54 metres from the ordinary high watermark of Chandos Lake

Lowest opening into proposed dwelling: 315 meters (CGDV 28:78) which is 0.7m above the regulatory flood elevation

- Open deck: 12 feet by 30 feet (360 ft<sup>2</sup>).
- Setback 5.87 metres from the high water mark of Chandos Lake at its closest point, (please refer to Appendix F) for a site plan of existing and proposed development).

### **CVCA Staff Recommendation**

Based on the information submitted, CVCA staff recommend that the application be **denied** for the following reasons:

1. The proposed development is located entirely within the flood hazard associated with Chandos Lake.
2. There is a location on the property that would accommodate construction of the proposed dwelling entirely outside of the flood hazard. This has not been considered by the applicant.
3. The dwelling exceeds the allowable increase in habitable space within a flooding hazard. If it is deemed not feasible to completely avoid the flood hazard the development must comply with CVCA Policies to ensure that risks and impacts related to flooding are mitigated and minimized.

The subject site is located in a regulated area as described in Ontario Regulation 159/06. The redevelopment of a structure of the proposed size will not be permitted in accordance with Section 2. (1) (b) which states:

*Section 2. (1) Subject to section 3, no person shall undertake development, or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,  
(b) hazardous lands;*

The *Conservation Authorities Act* and the Crowe Valley Conservation Authority Watershed Planning and Regulations Policy Manual (2017) defines *hazardous lands* as “land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock.” In this case, processes associated with flooding are of concern.

The Board Approved Watershed Planning and Regulations Policy Manual provides a framework for the CVCA and its staff to consistently administer its powers under Ontario Regulation 159/06. When reviewing development applications, the Authority must have regard for its objectives of preventing loss of life and minimizing property damage as a result of natural hazards. Section 3(1) of O.Reg 159/06. CVCA Policies are generally permissive and attempt to identify the threshold where development would impact the control of flooding, erosion, pollution or the conservation of land. For example, new development is not outright prohibited within the floodplain but restrictions, such as size limitations, apply to ensure that impacts are minor

The individual policies that apply to this decision are listed below and are specific to Administrative Policies and Policies for Flooding Hazards. Sections that are not relevant to this application have been omitted.





## **Administrative Policies**

The following sections speak to over-arching policies that every application must be tested against. Areas subject to the regulation include several different items with hazardous lands being a critical component. Hazardous lands include all lands that are or could be flooded.

### **3.2 One Zone Concept**

Under the one zone approach, construction activities are restricted within the Regulatory Flood Plain. Permitted development may include reconstruction or minor additions to existing structures as well as extension to existing agricultural operations. Other uses, such as open space, that is not likely to create damage to other properties from floodwater, or cause a threat to public safety, or are not of a polluting nature may be permitted within the flood plain. Examples of uses or structures that would create adverse impacts in the flood plains of our riverine systems include, but are not limited to, new buildings, swimming pools, filling activities, septic tile fields and tanks, as well as manure storage and handling facilities. The One Zone Concept of floodplain management is applied throughout the entire Crowe Valley Conservation jurisdiction.

### **3.4 Areas Subject to the Regulation**

Ontario Regulation 159/06 sets out areas where development is prohibited as well as setbacks from various regulated features. The features that are encompassed by the regulation are as follows: (irrelevant sections have been removed)

#### **Hazardous Lands**

*This component of the Regulation applies to development within hazardous lands which is defined under Section 28 of the CA Act as land that could be unsafe for development due to naturally occurring processes associated with flooding, erosion, dynamic beaches, or unstable soil or bedrock.*

#### **Hazardous Lands Policies**

The following policies are specific to development in the flood hazard. Any development within a flooding hazard requires permission from the CVCA. In general development within the Regulatory floodplain shall not be permitted except in accordance with the policies contained below. Policies that do not apply to this case have not been included.

The following policies apply to the development proposed:

#### ***Residential Replacement/Reconstruction 5.3.1.5***

Reconstruction of residential dwellings located within a flood hazard will be permitted provided it can be demonstrated that:

- the dwelling to be replaced is relocated outside 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 not explored this option.***
- there is no increase in the number of dwelling units;
- the new dwelling is the same size or smaller than the previous dwelling;
- the use of the new dwelling is the same as the previous dwelling;
- the dwelling will be floodproofed to an elevation of 0.3 metre above the regulatory flood elevation, as per floodproofing standards identified in Appendix C – Floodproofing Guidelines;
  - ***The application indicates that the floodproofing will be achieved.***
- safe access (ingress/egress) is present;
  - ***The applicants have agreed to raise the height of the driveway for safe access to the proposed dwelling***



- no basement is proposed, and any crawl space is designed to facilitate service only;
  - **Only a crawlspace is proposed for the proposed reconstructed dwelling and is to have services only.**
- there is no risk of structural failure due to potential hydrostatic/dynamic pressures;
- the proposed development will not prevent access for emergency works, maintenance, and evacuation;
- the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented, and erosion hazards have been adequately addressed; and,
- the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedure and recognized methodologies to the satisfaction of the CVCA.

A site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted.

**5.3.1.6** Replacement of residential dwellings within a flooding hazard that would result in an increase in dwelling size will be permitted provided it can be demonstrated that the conditions for Minor Residential Additions (Policies 5.3.1.3, 5.3.1.4) can be satisfied, and safe access is present.

### **5.3.1.3 Minor Residential Additions**

Additions (including ground floor, second storey or an attached garage) to existing residential dwellings located, even partially, within a flooding hazard will be permitted provided it can be demonstrated that:

- The addition is 50% or less of the original habitable floor space\* to a maximum footprint of 46.5 square metres (~500 square feet), whichever is less, or in the case of multiple additions, all additions combined are equal to or less than 50% of the original habitable floor space to a maximum footprint of 46.5 square metres (~500 square feet), whichever is less;
- The number of dwelling units is the same or fewer;
- The addition will not be subject to flows that could cause structural damage;
- Where feasible, an improvement in the existing dwelling will occur with respect to floodproofing of the structure;
- Safe access (ingress/egress) is present;
  - **The applicants have agreed to raise the height of the driveway for safe access to the proposed dwelling**
- The addition will be floodproofed to an elevation of 0.3 metre above the regulatory flood elevation as per floodproofing standards outlined in Appendix C – Floodproofing Guidelines;
  - **The application indicates that the floodproofing will be achieved.**
- The structure is properly anchored to prevent flotation, is not subject to damage by flooding or other hazards and flood flows and flood water storage are not impeded;
- No basement is proposed and any crawl space is designed to facilitate service only;
  - **Only a crawlspace is proposed for the proposed reconstructed dwelling and is to have services only.**
- The proposed development will not prevent access for emergency works, maintenance, and evacuation;
- The potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- Natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented, and erosion hazards have been adequately addressed; and,
- The plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline



and must be prepared using established procedures and recognized methodologies to the satisfaction of the CVCA.

These policies apply to any addition to a dwelling that is located entirely or partially in the flood hazard regardless of whether or not the addition, or part thereof, is located in the flood hazard.

A site plan prepared by qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted. In addition, detailed technical analysis completed by a qualified professional engineer may be required to be submitted to demonstrate the acceptability of the proposal.

**5.3.1.4** Additions to existing residential dwellings greater than the size provision identified in 5.3.1.3 above would be considered Single Residential Development and therefore subject to Policy 5.3.1.2. which states that new single residential development on an existing lot will not be permitted within a flooding hazard regardless of previous approvals provided under the Planning Act or other regulatory process (e.g., Building Code Act).

\*Original habitable floor space means the floor space that was part of the original structure when it was first constructed. Subsequent requests for additions which will result in the cumulative exceedance of 50% of the original floor space or 46.5 square metres (~500 square feet) will not be considered.

### **Summary**

CVCA staff recommend that the application for the proposed reconstruction of the dwelling be denied as it does not meet CVCA policy. The applicant has the option to reconstruct the dwelling that meets the CVCA's size limitations, thereby reducing the amount of fill in the floodplain that could potentially displace water onto an adjacent property or alter the floodplain dynamic upstream or downstream of the lot. Alternatively, the dwelling could be rebuilt outside of the flood hazard and not be subject to size limitations. The Conservation Authority should not allow development in areas that we regulate specifically to minimize hazards to life and property that do not meet our Board approved policies and as such placing a reconstructed dwelling of this size in the floodplain should not be approved.



## Appendix A – Elevation Survey



## Appendix B – Communications

## Beth Lowe

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**From:** Beth Lowe <beth.lowe@crowevalley.com>  
**Sent:** November 15, 2022 10:36 AM  
**To:** 'Cindy Schumann'  
**Cc:** 'damian grieve'  
**Subject:** RE: CVCA - Assessment 328 Trotter Oitment Rd., Chandos

Good Morning Cindy,

Thank you for your patience.

The proposed reconstruction of a dwelling within in the flood hazard as described below is greater in size than what the CVCA Board Approved Policy Manual allows. For residential reconstruction within the flood hazard, the CVCA Policy Manual only allows for an additional 50% or less of the original habitable floor space to a maximum of 46.5 square metres (approximately 500 square feet), whichever is less. The additional habitable space calculation includes the total additional habitable space on all levels of the dwelling, not just the main level, and areas which the CVCA Policy Manual considers to be habitable space such as covered decks/porches. If the existing cottage is 800 square feet the CVCA Policy Manual only permits an additional 400 square feet of additional habitable space for a total of 1,200 square feet. Reconstruction that exceeds the size provisions is considered to be new development and would be required to be built outside of the flood hazard.

The majority of the property is within the CVCA's regulated area and will require a permit prior to any development (construction/filling/grading/excavating) taking place.

Thank you and please do not hesitate to reach out with any questions you may have,  
-Beth

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**From:** Cindy Schumann [mailto:cschumdesign@gmail.com]  
**Sent:** October 19, 2022 7:35 PM  
**To:** Beth Lowe <beth.lowe@crowevalley.com>; andrew.mcintyre@crowevalley.com  
**Cc:** damian grieve <damiangrieve@gmail.com>  
**Subject:** Re: CVCA - Assessment 328 Trotter Oitment Rd., Chandos

Hi Beth and Andrew.

And thanks for getting back to me so quickly, Beth.

Just to go over the specifics, we are decreasing the deck area (the proposed is both open and covered) by 61 sq ft from the existing. While you may wish to consider the covered deck 'living space', this is a contravention of the Township's Comprehensive Zoning. A call to the Building/Planning Department will confirm this. That area cannot be enclosed without additional zoning relief, which CVCA would review.

While we had considered a 360 sq ft level patio in lieu of the open deck, my sense is that you may be more comfortable with an attached deck. If I am mistaken, by all means, let us know and we will look at that as an alternate option.

We propose to increase the main floor area from 800 sq ft to 1053 sq ft. The proposed new building is pulled further away from the HWM. The dwelling footprint, including attached decks, increases in square area from



1431 sq ft to 1623 sq ft so well within CVCA's allowable increase. And while we propose to add 2 small bedrooms in a modest upper second floor, that floor area is further set back from the HWM and well above any flood level concerns CVCA may have. The main door sills and main floor level is raised to a minimum of 314.6 masl, with an engineered foundation designed against hydrostatic pressure.

This, plus the owners' decision not to rebuilt their previous boathouse (shown on the 2014 survey), greatly improves this low lying site from both an aesthetic and safety point of view, with only modestly increasing structure density. I'm trusting there is some room for discussion on this and I look forward to hearing from you or meeting you on site.

With thanks,

Cindy

Cindy Schumann

[cschumdesign@gmail.com](mailto:cschumdesign@gmail.com)

[www.cindyschumannndesign.ca](http://www.cindyschumannndesign.ca)

[www.instagram.com/cschumdesign](https://www.instagram.com/cschumdesign)

705-656-1924

On Oct 19, 2022, at 8:53 AM, Beth Lowe <[beth.lowe@crowevalley.com](mailto:beth.lowe@crowevalley.com)> wrote:

Thank you for these Cindy. I will need to review them with Andrew. However, it would appear that the proposal is greater than what the CVCA Policy Manual allows. For existing dwellings within the flood hazard the CVCA Policy Manual only permits an additional 50% or less of the original habitable space to a maximum of 46.5 square metres (approximately 500 square feet), whichever is less.

If the existing cottage is 800 square feet CVCA Policies only permit an additional 400 square feet of new habitable space. It would appear that the proposal is at least 683 square feet of additional habitable space before the new covered deck (which is considered to be habitable space) is taken into account. The plan will be required to be revised in order to meet the CVCA Policy Manual.

Thank you and please let me know if you have any questions,  
-Beth

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**From:** Cindy Schumann [<mailto:cschumdesign@gmail.com>]

**Sent:** October 18, 2022 10:36 AM

**To:** Beth Lowe <[beth.lowe@crowevalley.com](mailto:beth.lowe@crowevalley.com)>

**Cc:** damian grieve <[damiangrieve@gmail.com](mailto:damiangrieve@gmail.com)>

**Subject:** Re: CVCA - Assessment 328 Trotter Oitment Rd., Chandos

Hi Beth,

Damian and Ashley have had the flood plain contour measured at their property. Elliott and Parr have also shown the elevations of the door sills on each of the structures. I've attached their data below and my updated site plan, illustrating the flood plain contour and the 6M offset but also the office structure as located on the surveyor's elevation plot. I've also shown the survey dated July 2014 that I used to create my site plan (illustrating the original boat house that also existed on the property - now demolished).

We felt a discussion and/or site visit with you prior to applying for CVCA permits would be in order, given the location of the flood plain contour. The floor & sill elevations of the existing cottage, along with its age and proximity to the shore, really rule out renovating and adding to it.

We would like to proposed a new build in the general location shown on the site plan. This modest new build would see a raised floor/door sill elevations to a minimum of 314.6 masl, in compliance with CVCA's regulations. The foundation footings will be engineer designed for hydro static pressure and shallow depth, with a utility access crawl space below floor level only. The new main floor area would be a max 1053 sq ft (exist 800 sq ft), with a covered deck (restricted by nature of Zoning Amendment approval) of 210 sq ft and an open deck of 360 sq ft (decreased from exist of 630 sq ft). The structure would have a small upper floor, measuring 528 sq ft, of which only 430 sq ft is habitable (balance being the stairwell & opening). This totals a habitable area of 1483 on 2 levels. All of this improves both the safety and functionality of the cottage for the owners and the environment impacts for all.

Please let me know your thoughts on moving this forward.

With thanks,

Cindy

Cindy Schumann

[cschumdesign@gmail.com](mailto:cschumdesign@gmail.com)

[www.cindyschumannndesign.ca](http://www.cindyschumannndesign.ca)

[www.instagram.com/cschumdesign](https://www.instagram.com/cschumdesign)

705-656-1924

On Aug 8, 2022, at 8:58 AM, Cindy Schumann <[cschumdesign@gmail.com](mailto:cschumdesign@gmail.com)> wrote:

Thanks so much Beth.

I will definitely meet you today. Look forward to your call.

Best,

Cindy  
Cindy Schumann  
[cschumdesign@gmail.com](mailto:cschumdesign@gmail.com)  
[www.cindyschumannndesign.ca](http://www.cindyschumannndesign.ca)  
[www.instagram.com/cschumdesign](https://www.instagram.com/cschumdesign)  
705-656-1924

On Aug 8, 2022, at 7:52 AM, Beth Lowe  
<[beth.lowe@crowevalley.com](mailto:beth.lowe@crowevalley.com)> wrote:

Good Morning Damian,

Stakes marking out the proposed building location are wonderful, thank you so much for taking the time to do that, it really makes everything much clearer. I will give Cindy a call when I am about an hour out (cell phone coverage depending!).

Thank you,  
-Beth

**From:** damian grieve [<mailto:damiangrieve@gmail.com>]  
**Sent:** August 5, 2022 5:15 PM  
**To:** Beth Lowe <[beth.lowe@crowevalley.com](mailto:beth.lowe@crowevalley.com)>  
**Subject:** Re: CVCA - Assessment

Hey Beth. Not sure if you check your emails over the weekend. really quickly tho. I will mark with stakes or something where we would like the new build to be.

Unfortunately I can't be here Monday. Kids in camp and I'm the driver!

I might ask my planner to come if she has time.

I will write another email this weekend to update you and answer all those questions!

Thanks.  
Damian

On Fri, Aug 5, 2022 at 4:15 PM Beth Lowe  
<[beth.lowe@crowevalley.com](mailto:beth.lowe@crowevalley.com)> wrote:

Good Afternoon Damian,

Yes, the imagery we have is dated but we utilize Peterborough County's mapping to obtain more up to date information and then apply that information to our mapping which can mean that while the photo is outdated the information overlaid is accurate and up to date.

I am going to be completing site visits in the Chandos area on Monday if you are available, if not I can stop by take a look and then call Tuesday when I am back in the office. I do not have a time as I am completing several other site visits that day.

If it is not possible to move the dwelling back, then there is the potential to rebuild in the same location. However, if you can move back from the shoreline of Chandos any amount that is preferable even if you cannot get entirely out of the floodplain. Rebuilding anywhere on this lot will require an elevation survey, completed by an Ontario Land Surveyor so that floodproofing can be achieved, floodproofing requirements can be found in Appendix C of the [CVCA Policy Manual](#). If the elevation survey shows that any part of the dwelling or decks are within the flood plain size restrictions will apply. Based on Peterborough County's LiDAR mapping it would appear that the dwelling in its current location is within the floodplain of Chandos Lake. On the elevation survey the CVCA would like to see both the 1:100year floodplain and 6metre setback from the floodplain plotted, the 1:100year flood elevation of Chandos Lake is 314.3masl (CGDV 1928).

What is the total square footage (basements, lofts, covered decks, attached garage, etc.) of the existing dwelling and deck and what is the proposed total square footage (basements, lofts, covered decks, attached garage, etc.) of the new dwelling and deck? If you have that information we can begin to determine if the rebuild is feasible or if it needs to be adjusted.

Thank you and have a lovely weekend,

-Beth

-----Original Message-----

From: damian grievé [mailto:[damiangrievé@gmail.com](mailto:damiangrievé@gmail.com)]

Sent: August 1, 2022 6:13 PM

To: [beth.lowe@crowevalley.com](mailto:beth.lowe@crowevalley.com)

Subject: CVCA - Assessment

Hi Beth - we received this review (attached) from the CVCA about our property on Trotter Oitment Road.

I think the picture of my property which is attached to the assessment seems to be quite outdated. We actually have an office back where that 6metre setback is. It's 16x16ft and attached to the ground via concrete piers going below the frost line.

As well, we have the septic just behind the office going up the hill making building the new build there almost impossible.

For reference it also shows the old boat house (16x20( which was just beside our cottage. We took that down in 2014 had a permit to rebuild but chose not to as we had 2nd thoughts having seen the openness and natural beauty of the lake.

What we are asking to build is not large by any stretch of the imagination. Our cottage is currently 38x22ft (~850sq-ft) and we're looking to go slightly larger but keep the same footprint of the building, just got 1.5stories. In fact overall we are reducing our footprint if you take into account the existing decking.

I'm back up on Wednesday afternoon actually, if you would like to come for a site-visit either Thursday or Friday - that way you can see the property and tell us next steps etc.

Thanks.

Damian Grieve

416.333.6443

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Thanks  
Damian  
4163336443

## **Appendix C – Planning Circulation & CVCA Planning Comments**



ZBA-021/22.



## The Corporation of the Township of North Kawartha

### Notice of Public Meeting and Complete Application for a Proposed Amendment to the Zoning By-Law for The Corporation of the Township of North Kawartha

**Important Information:** Council meetings are being held electronically during the COVID-19 pandemic. Members of the public may join the meeting using their computer or phone. Please refer to the instructions below for further information.

#### Lands Affected

Application #ZA-17-22  
Concession 10  
Part Lot 10  
Chandos Ward  
328 Trotter-Oitment Road  
Roll #010-100-09500

1536.

The Corporation of the Township of North Kawartha being in receipt of a complete Application for an Amendment to the Comprehensive Zoning By-Law No. 26-2013, as set out in Subsection 34 (10.4) of the Planning Act as amended by Bill 51 thereby advise of the following:

**Take Notice** that the Council of the Corporation of the Township of North Kawartha shall hold a public meeting for the purpose of informing the public in respect of the proposed amendment to the comprehensive zoning by-law. A decision by Council to grant, deny or defer the amendment will take place at this public meeting.

Date: Tuesday, June 7<sup>th</sup>, 2022  
Time: 9:30 a.m.  
Location: During the COVID-19 pandemic, regular meetings of Council are being held electronically

If you wish to participate in the electronic meeting in real time, please contact the [Deputy Clerk](#) by email [k.picken@northkawartha.ca](mailto:k.picken@northkawartha.ca) no later than 4:00 p.m. on the day prior to the scheduled meeting and you will be provided with an invitation to join the meeting using your computer or phone. Although possible for members of the public to "attend" a meeting electronically, and provide verbal submissions, we would encourage you to communicate with Council by forwarding written comments in support or opposition to [planning@northkawartha.ca](mailto:planning@northkawartha.ca).

The Township is using Zoom for electronic meetings. Recorded meetings will be posted on the Township [YouTube](#) channel as soon as possible after the meeting for public viewing.

**An explanation** of the purpose and effect of the proposed by-law amendment describing the lands to which the proposed by-law amendment will apply and a **key map** showing the location of the lands to which the proposed by-law amendment will apply are attached.

### **The Right to Appeal**

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the Township of North Kawartha to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Township of North Kawartha before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or a public body does not make oral submissions at a public meeting, or make written submissions to the Township of North Kawartha before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

A submission form is available on our website: [Planning Public Notices](#) and can be returned to the Township office by email: [planning@northkawartha.ca](mailto:planning@northkawartha.ca) or by fax (705) 656-4446 or hand delivered to the dropbox to the right of the front entrance to the Municipal Office.

**To be Notified** If you wish to be notified of the decision of The Township of North Kawartha on the proposed zoning by-law amendment, send a written request to Janet Woodbeck, Planning Assistant at [j.woodbeck@northkawartha.ca](mailto:j.woodbeck@northkawartha.ca) or Fax: 705-656-4446 or in person or by mail to PO Box 550, 280 Burleigh Street, Apsley, Ontario

**Information** pertaining to this application can be made available by contacting Travis Toms, Chief Building Official at [t.toms@northkawartha.ca](mailto:t.toms@northkawartha.ca) / 705-656-4445 (ext. 237).

### **Purpose and Effect**

The proposed amendment will upon coming into force and effect, serve to amend By-Law #26-2013 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.

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.

Dated at the Township of North Kawartha this 18<sup>th</sup> day of May, 2022.

Connie Parent, Clerk  
Township of North Kawartha

280 Burleigh Street, P.O. Box 550  
Apsley, ON K0L 1A0  
c.parent@northkawartha.ca

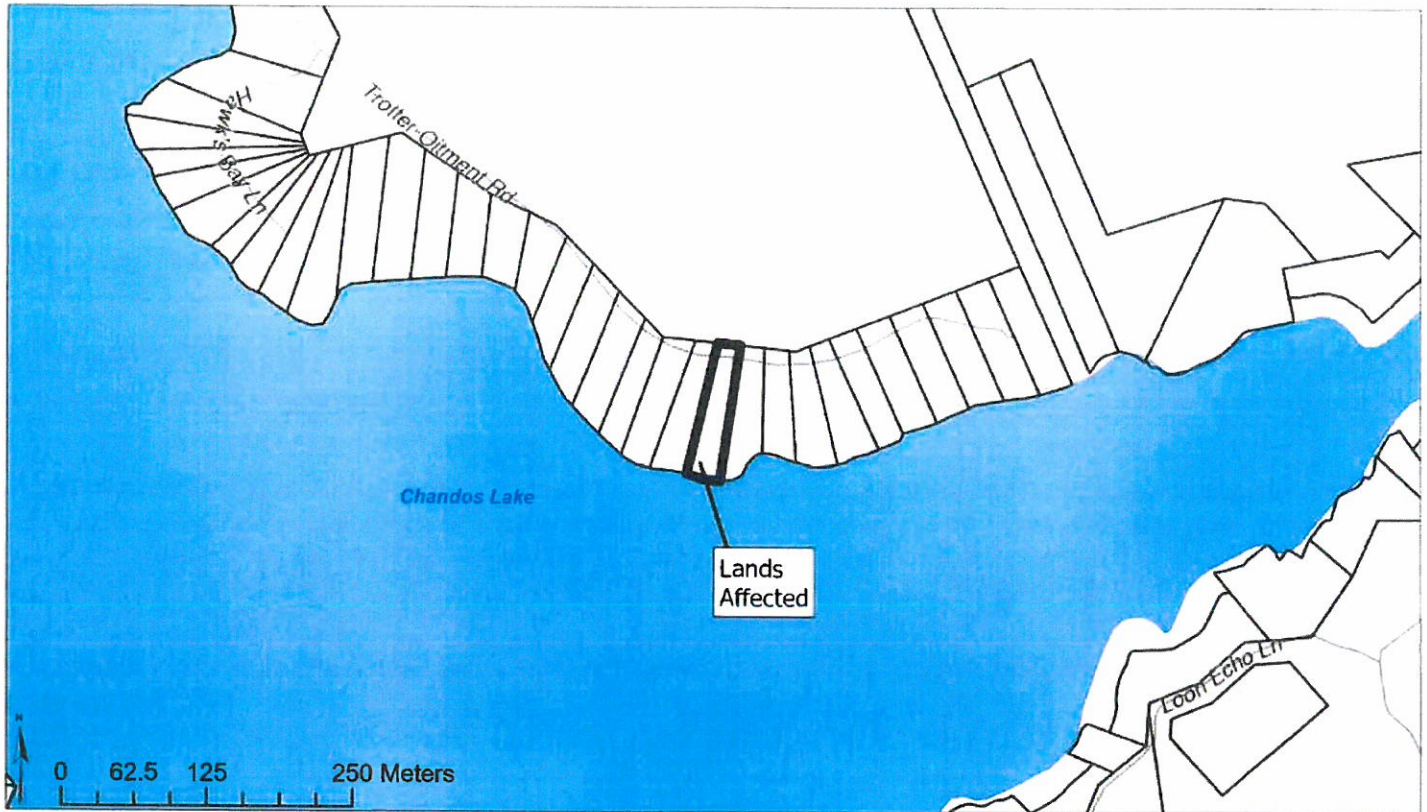
**Personal Information** is collected under the authority of the *Planning Act* and will become part of the public record and may be made available for public viewing or distribution.

If you have accessibility needs and require alternate formats or other accommodations, please contact the Clerk at (705) 656-4445 (ext. 234) or by email to [c.parent@northkawartha.ca](mailto:c.parent@northkawartha.ca)



## Lands Affected

Application #ZA-17-22  
Concession 10  
Part Lot 10  
Chandos Ward  
328 Trotter-Oitment Road  
Roll #010-100-09500



## Purpose and Effect

The proposed amendment will upon coming into force and effect, serve to amend By-Law #26-2013 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.

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.





Trotter Oitment

LOT 10

CON 10

Chandos Lake



31 May 2022



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

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

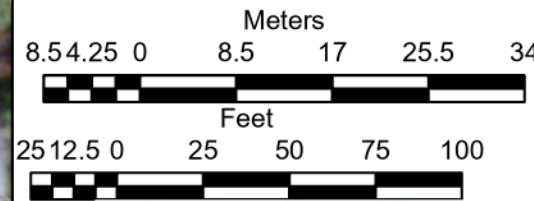




ZBA 021/22  
328 Trotter Oitment Road  
Grieve & Verduyn  
Part of Lot 10, Con 10  
North Kawartha  
1536 010 100 09500

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.

## Appendix E – Photographs of Property

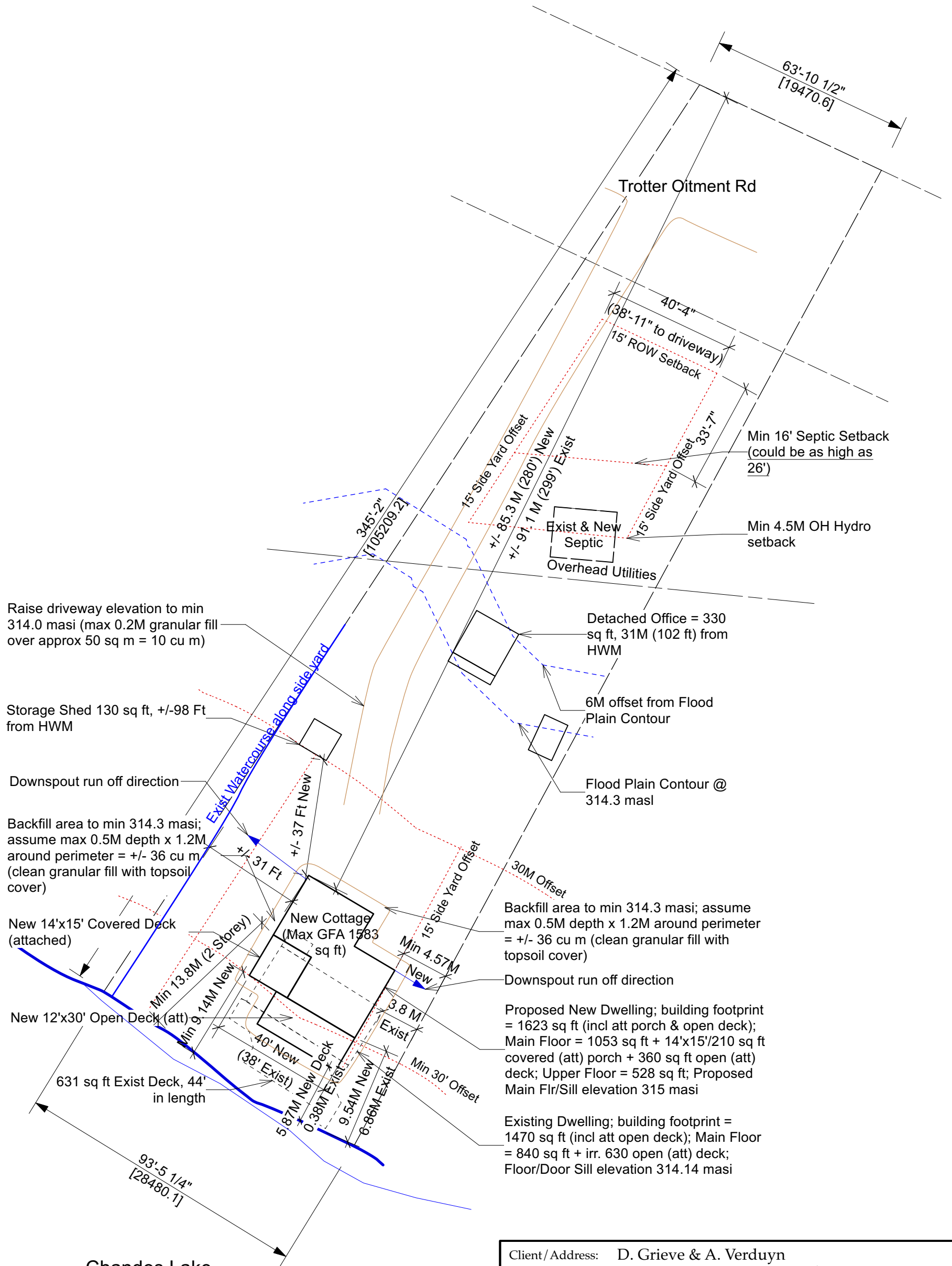
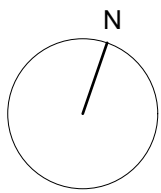








**Appendix F – Site Plan**



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

New Cottage (Max GFA 1583 sq ft)

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. Verduyn  
 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:	Date :	Rev On:	Sheet #	Project
1/32"=1'	15/12/22	16/12/22		09/21