



Township of North Kawartha
280 Burleigh Street, PO Box 550, Apsley, ON K0L 1A0
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www.northkawartha.ca

Report to Council

To: Mayor and Members of Council of the Township of North Kawartha
From: Emily Fitzgerald, BES (Hons.)
Junior Planner for the Township of North Kawartha
Reviewed By: Darryl Tighe, M. Sc., RPP
Manager of Planning for the Township of North Kawartha
Date: November 19, 2024
Subject: Report on Zoning By-law Amendment Application #ZA-08-24

Recommendation

That subject to any public or agency comments received, Council approve Zoning By-law Amendment application #ZA-08-24.

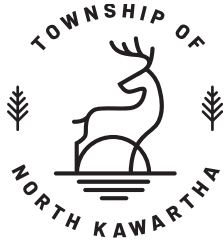
Subject Property

Municipal (911) Address:	778 Northey's Bay Road
Roll Number:	1536-020-001-59900
Property Owners:	Richard and Dorothy Freymond
Applicant:	Property Owners
Lot and Concession:	Part of Lot 2, Concession 6
Ward:	Burleigh
Area:	0.20 hectares (0.51 acres)
Frontage:	53.7 metres (176 feet)
Official Plan Designation:	Seasonal Residential/Environmental Constraint Area
Zoning:	Shoreline Residential (SR)
Access:	Northey's Bay Road (County Road)

Background

Zoning By-law Amendment application #ZA-08-24 has been submitted by the property owners, Richard and Dorothy Freymond, for the property located in Part of Lot 2, Concession 6, in the Burleigh ward, municipally known as 778 Northey's Bay Road.

Based on information provided in the application, the subject property is approximately 0.20 hectares (0.51 acres) in area and has approximately 53.7 metres (176 feet) of shoreline frontage on Stony Lake. The property is accessed from Northey's Bay Road via an easement over the adjacent property at 794 Northey's Bay Road. At present, the property is serviced by a

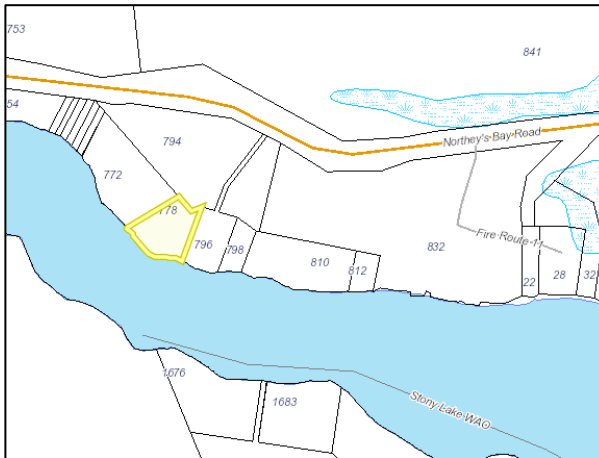


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private individual septic system and water supply is drawn from Stony Lake. The property is well vegetated throughout and is characterized by variable topography and rocky terrain.

Location Map



2023 Aerial Imagery



Existing development on the subject property includes a one-storey dwelling, having an area of 28.2 square metres (303.5 square feet) and a height of 4.57 metres (15 feet) together with 26 square metres of attached decks. The existing water yards are 26.7 metres (87.6 feet) to the dwelling and 24.1 metres (79.1 feet) to the attached deck, respectively. Other development on the property includes one storage shed, one wood shed, and one pumphouse.

Proposed Redevelopment

The purpose of application #ZA-08-24 is to allow for permanent occupation of the subject property and facilitate the redevelopment of the property through the reconstruction and enlargement of the existing legal non-complying dwelling. The proposed two-storey dwelling would be reconstructed at the existing deficient setback from the high-water mark being 26.7 metres (87.6 feet) and would have an area of 90.1 square metres (980 square feet) and a maximum height of 9.1 metres (30 feet).

The applicant proposes to install a new private individual septic system to service the new dwelling. The proposed septic system would achieve the required 30-metre setback from the high-water mark. A new drilled well for water supply is also proposed at the northwest corner of the lot.

To permit the redevelopment as proposed, application #ZA-08-24 would serve to amend the Township's Comprehensive Zoning By-law #26-2013, as amended, in the following respects:

1. Sections 6.2 (k) and 3.30 (c) to permit the reconstruction and expansion of a legal non-complying dwelling at a high-water mark setback of 26.7 metres (87.6 feet).
2. Section 3.18 (b) (iv) to permit the main dwelling to have a maximum height of 9.1 metres (30 feet).



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3. Section 3.18 (c) to permit development which contravenes applicable provisions of the Zoning By-law on an existing undersized lot.

Planning Analysis

The Planning Act stipulates that decisions on planning matters, including zoning by-law amendments, must be consistent with the Provincial Planning Statement (PPS) and conform to the Official Plan.

Provincial Planning Statement, 2024

Under the policies of the Provincial Policy Statement (PPS), the subject property is considered rural lands. The PPS directs that residential development is permitted on rural lands where site conditions are suitable for the provision of appropriate sewage and water services. Staff anticipate that the proposed private individual septic system and well will provide adequate sewage and water servicing to the proposed dwelling for permanent occupancy. The application is therefore consistent with the PPS.

County of Peterborough Official Plan

Local Component for the Township of North Kawartha

The subject property is within the Shoreland Areas and the Waterfront designation in the County of Peterborough Official Plan, as well as the Seasonal Residential designation in the Local Component for the Township of North Kawartha. Both designations permit residential development on waterfront lots.

Policies of the County and Local Component Official Plans encourage an appropriate balance between natural and built form on waterfront lots and impose a minimum 30-metre high-water mark setback for new development to protect the key ecological functions of the shoreline area. The reconstruction and enlargement of existing dwellings within the required 30-metre high-water mark setback is permitted, provided that said redevelopment does not result in further encroachment towards the waterbody. The proposed dwelling would maintain the existing deficient high-water mark setback of 26.7 metres (87.6 feet). The proposed redevelopment would utilize the building footprint of the existing dwelling; therefore, no impacts to the balance of natural and built form on the property are anticipated.

Local Component Official Plan policies provide that the predominant use of lands in the Seasonal Residential designation is to be for seasonal cottages. Conversion of seasonal cottages to permanent residences may be permitted, provided that several criteria are met. Suitability of the proposed dwelling for permanent residency will be ensured through the building permit application process. Northey's Bay Road is a publicly owned and year-round maintained road; therefore, no access issues are anticipated. Solid waste disposal is already provided along publicly owned roads throughout the Township and the property will be self-sufficient in terms of water and sewage servicing. For these reasons, the proposed conversion is not anticipated to result in any financial burden to the Township.



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Policies of the County Official Plan further require the appropriate conservation of archaeological resources. In anticipation of the proposed redevelopment, the applicant retained a qualified professional to complete an archaeological assessment prior to the submission of application #ZA-08-24. Stage one of the archaeological assessment identified that the property is located within an area of archaeological potential; however, no archaeological resources were observed during stage two of the archaeological assessment.

Based on the foregoing, the application does not conflict with the general intent of the Official Plan.

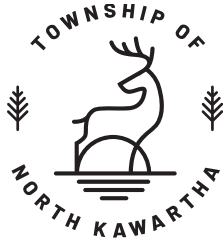
Township of North Kawartha Comprehensive Zoning By-law #26-2013

The subject property is currently zoned 'Shoreline Residential (SR)' in the Township's Zoning By-law. Application #ZA-08-24 seeks to change the zoning of the property from SR to Shoreline-Residential-Permanent (SR-P) together with relief from Sections 3.18 (b) (iv) and (c), 3.30 (c) and 6.2 (k) to allow for the reconstruction and expansion of the existing legal non-complying dwelling. As stipulated in the Zoning By-law, the SR zone regulations provided in Section 6.2 also apply to properties zoned SR-P. Outside of the relief requested, the proposed dwelling is otherwise compliant with the provisions of the Zoning By-law.

Section 3.30 (c) of the Zoning By-law provides that legal non-complying dwellings within the required water yard may be reconstructed and expanded in conformity with Section 3.18 of the Zoning By-law, provided that no further reduction to the high-water mark results. As noted previously, the proposed dwelling would maintain the existing deficient high-water mark setback of 26.7 metres (87.6 feet).

The proposed dwelling requires relief in respect of the permitted height increase for a legal non-complying dwelling located between 15 and 30 metres (50 and 100 feet) of the high-water mark. As proposed, the new dwelling would result in a maximum height increase of 4.5 metres (15 feet) whereas a maximum height increase of 2.4 metres (8 feet) is otherwise permitted. The proposed dwelling would not exceed the maximum building height otherwise permitted within the SR-P Zone, being 10 metres (33 feet). It is worth noting that the proposed dwelling is only slightly (3.3 metres/10.8 feet) deficient from the required water yard of 30 metres, beyond which a replacement dwelling would be permitted to have a height of 10 metres (33 feet) as of right. Any visual impacts associated with the proposed height increase for the dwelling are anticipated to be minimal and appropriately mitigated by rises in topography along the side lot lines and mature vegetation throughout the property. For these reasons, the requested height increase is considered reasonable.

The subject property, being 0.20 hectares (0.51 acres) in area is considered an existing undersized or non-complying lot as the minimum lot area for properties zoned SR-P is 0.5 hectares (1.2 acres). Despite the lot being undersized, the proposed dwelling would meet Zoning By-law requirements for minimum side yards, maximum lateral width, and maximum main dwelling unit lot coverage. The property likewise maintains a sufficient area and



configuration to allow for the installation of the proposed private individual septic system at a minimum setback of 30 metres (100 feet) from the high-water mark.

Based on the foregoing, the application is considered to uphold the general intent and purpose of the Zoning By-law.

Public and Agency Comments

Notice of application #ZA-08-24 was circulated to neighbouring property owners and commenting agencies in accordance with the statutory requirements of the Planning Act on October 30, 2024. A notice was posted on the property on the same day.

Circulation responses were received from Crowe Valley Conservation Authority (CVCA) and the Ministry of Transportation of Ontario (MTO). The subject property is outside of the jurisdictions of both agencies; therefore, neither had comments to offer on the application.

At the time of writing this report, no public or agency comments were received, other than those discussed above. Any comments received will be provided to the Committee prior to or during the public hearing.

Financial Implications

No financial implications are anticipated as a result of approval of application #ZA-08-24.

Concluding Comments

Based on the foregoing analysis, Staff are of the opinion that the proposed redevelopment represents good planning. It is therefore recommended that application #ZA-08-24 as currently proposed be approved.

All of which is respectfully submitted,

Emily Fitzgerald, BES (Hons.)
Junior Planner
Township of North Kawartha

Darryl Tighe, M.Sc., RPP
Manager of Planning
Township of North Kawartha

Attachments

Attachment #1 – Notice of Public Meeting

Attachment #2 – Site Plan

Attachment #3 – Photographic Log

Attachment #4 – Draft Amendment to Zoning By-law