

## 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: Forbes Symon, RPP, MCIP  
Senior Planner, Jp2g Consultants Inc.  
Date: February 18, 2025  
Subject: Report on Zoning By-law Amendment Application ZA-12-24

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### Recommendation

That subject to any public or agency comments received, Council approve Zoning By-law Amendment application ZA-12-24.

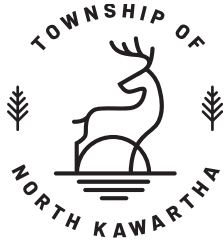
### Subject Property

Municipal (911) Address:	77 Potter Road
Roll Number:	1536-010-003-30320
Property Owners:	Ricardo Chirinos-Fernandez and Hayley Angus
Applicant:	Owners
Lot and Concession:	Part of Lot 32, Concession 10
Ward:	Chandos
Area:	19 hectares (47 acres)
Frontage:	395 metres (1,295 feet)
Official Plan Designation:	Rural/Environmental Constraint
Zoning:	Rural (RU)/Environmental Constraint (EC)
Access:	Potter Road (Municipal Road)

### Background

Zoning By-law Amendment application ZA-12-24 has been submitted by Ricardo Chirinos-Fernandez for the property located in Part of Lot 32, Concession 10, in the Chandos ward, having civic address 77 Potter Road.

The subject property is approximately 19 hectares (47 acres) in area and has approximately 395 metres (1,295 feet) of frontage. The property is bound to the north, west, and south by the Crowe River and is accessed from Potter Road, being a municipally owned and year-round maintained road located in the geographic area of Wollaston in the County of Hastings. Based

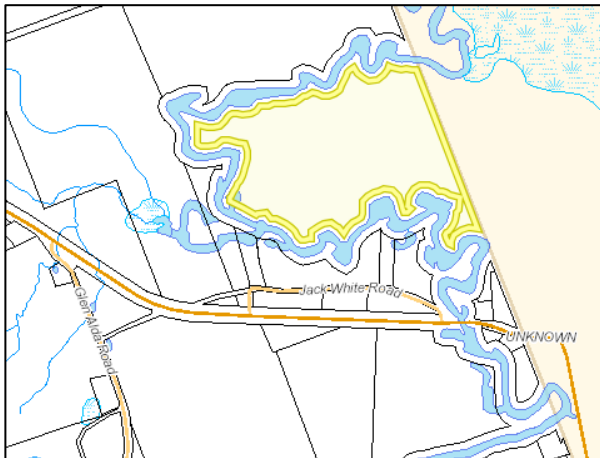


## Township of North Kawartha

280 Burleigh Street, PO Box 550, Apsley, ON K0L 1A0  
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on available aerial imagery and GIS information, the property is densely vegetated and variable in topography.

### Location Map



### 2023 Aerial Imagery



Existing structures on the property include a trailer, outhouse, and storage shed, all of which are to be removed in spring of 2025 as site preparation for new development begins. A building permit has been issued for the construction of a one-storey modular home, having an area of 66.4 square metres (715 square feet) and a height of 3.96 metres (13 feet). A private individual well and private individual septic system, for which a permit has been issued, are proposed to be installed in spring of 2025.

### Proposed Amendment

Application ZA-12-24 seeks to expand the permitted uses of the property to include a bunkhouse as a permitted accessory use to a dwelling house. The proposed bunkhouse would have an area of 22.3 square metres (240 square feet) and a height of 3.3 metres (11 feet) together with 11.1 square metres (120 square feet) of attached decks. The application also seeks to recognize the lot area of the property, which is deficient from the requirements of the RU zone.

As proposed, the application seeks relief from the following sections of the Township's Zoning By-law:

1. Section 17.1 to include "a bunkhouse" as a permitted accessory use;
2. Section 17.2 (a) to permit a minimum lot area of 5.8 hectares (14.3 acres); and,
3. Section 2.19 to allow a bunkhouse as an accessory use to a "dwelling house".

### 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.



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### **Provincial Planning Statement, 2024**

Under the policies of the Provincial Policy Statement (PPS), the subject property is considered rural lands. The PPS directs that resource-based recreational uses, including recreational dwellings for seasonal accommodation together with related accessory uses and buildings, are permitted on rural lands. Development is to be sustained by rural service levels and appropriate to existing or planned infrastructure.

Given that the application would serve to facilitate the continuation of the existing recreational residential use of the property, and the property can be adequately serviced by private individual water and sewage systems, the application is not anticipated to result in a strain on rural service levels and infrastructure. The application is considered consistent with the PPS.

### **County of Peterborough Official Plan**

#### **Local Component for the Township of North Kawartha**

The subject property is designated Rural and Environmental Constraint under the Local Component for the Township of North Kawartha within the County of Peterborough Official Plan. Both designations permit residential development on waterfront lots. Policies of the Official Plan generally directs that residential growth and development be located within designated growth centres and hamlets. However, low-density residential development in the form of a single detached dwelling, together with related accessory structures, is a permitted use in the Rural designation. Given that there appear to be no farm operations in proximity to the subject property, the Minimum Distance Separation requirements are not applicable.

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 zoned Rural (RU) and Environmental Constraint (EC) in the Township's Zoning By-law. Application ZA-12-24 seeks to permit a bunkhouse as an accessory use to a dwelling house on the portion of the property zoned RU, whereas Section 17.1 otherwise excludes a bunkhouse from the permitted uses.

The proposed bunkhouse would enhance the functionality of the property for residential use and would be constructed and used in compliance with all applicable provisions of the Zoning By-law. The structure is minor in scale and is proposed to be in proximity to the dwelling to be constructed; therefore, necessary site alteration and vegetation removal are anticipated to be minimal. Based on the foregoing, the proposed bunkhouse is considered an appropriate accessory use for the subject property. The construction of the dwelling is required to be completed prior to issuance of a building permit for the proposed bunkhouse.

The application further seeks to recognize a deficient lot area for the property. As per Section 3.16 of the Zoning By-law, as amended, lands zoned Environmental Constraint (EC) are not considered towards the lot area. The remainder of the lot is zoned Rural (RU) and is



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approximately 5.8 hectares (14.3 acres) in area, whereas the minimum lot area in the RU zone is 10 hectares (25 acres). Due to the path of the Crowe River, many surrounding properties are similarly comprised of both the RU and EC zones with a similar proportion of their area zoned RU. Despite the lot being undersized from the requirements of the RU zone, the portion of the lot zoned RU is of sufficient size and configuration to allow for the intended main and accessory residential uses, evidenced by a lot coverage of 0.17% which is well within the maximum permitted lot coverage of 15%.

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-12-24 was circulated to neighbouring property owners and commenting agencies in accordance with the statutory requirements of the Planning Act on January 29, 2025. A notice was posted on the property the day prior.

Comments have been received from the Ministry of Transportation (MTO). MTO has no comments to offer on the application as the property is not located within its permit control area.

At the time of writing this report, no public or agency comments were received, other than those discussed above, have been received. 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-12-24.

### **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-12-24 as proposed be approved.

All of which is respectfully submitted,

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

### **Attachments**

- Attachment #1 – Notice of Public Meeting
- Attachment #2 – Site Plan
- Attachment #3 – Draft Amendment to Zoning By-law