



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, 2024
Subject: Report on Zoning By-law Amendment Application ZA-11-24

Recommendation

That subject to any public or agency comments received, Council approve Zoning By-law Amendment application ZA-11-24.

Subject Properties

Municipal (911) Address:	772 Northey's Bay Road	794 Northey's Bay Road
Roll Number:	1536-020-001-60000	1536-020-001-59301
Property Owners:	1000722922 Ontario Inc. c/o Christopher Anderson	Dennis Johnson
Lot and Concession:	Part of Lot 2, Concession 6	Part of Lot 2, Concession 6
Ward:	Burleigh	Burleigh
Area:	0.25 hectares (0.62 acres)	0.71 hectares (1.75 acres)
Frontage:	58 metres (190 feet) on Stony Lake	15.3 metres (50.2 feet) on Stony Lake; 148 metres (486 feet) on Northey's Bay Road
Official Plan Designation:	Seasonal Residential/Environmental Constraint	Seasonal Residential
Zoning:	Shoreline Residential (SR)	Shoreline Residential-Permanent (SR-P)
Access:	Northey's Bay Road (County Road)	Northey's Bay Road (County Road)

Background

Zoning By-law Amendment application ZA-11-24 has been submitted by Dennis Johnson, for the properties located in Part of Lot 2, Concession 6, in the Burleigh ward, municipally known as 772 and 794 Northey's Bay Road.



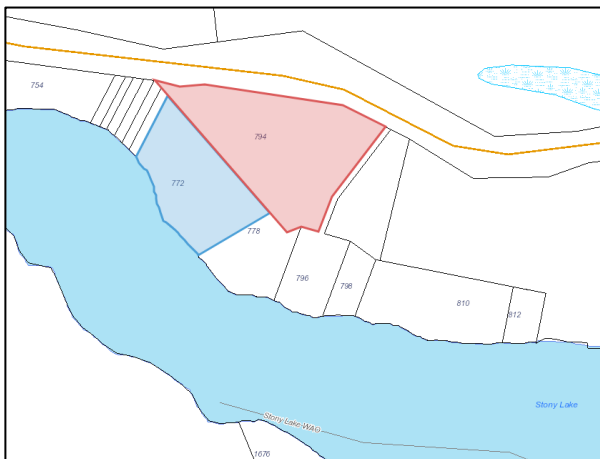
Township of North Kawartha

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The application has been submitted in fulfillment of the conditions imposed on Consent application B-80-24 which was granted provisional approval on November 13, 2024. The purpose of the Consent application is to provide a lot addition of 0.11 hectares (0.27 acres) with 15.3 metres (50.2 feet) of frontage along Stony Lake to the property at 794 Northey's Bay Road from the property located at 772 Northey's Bay Road.

The property at 772 Northey's Bay Road is currently vacant but was formerly developed for recreational residential use, and it is anticipated that such use will be reestablished in future. The property at 794 Northey's Bay Road is currently developed for permanent residential use in the form of a dwelling and is serviced by a private individual septic system and well. Both properties are accessed from Northey's Bay Road, being a County Road, and 772 Northey's Bay Road benefits from an easement over 794 Northey's Bay Road for access purposes. No new development is proposed together with this Zoning By-law Amendment application.

Location Map



2023 Aerial Imagery



Proposed Amendment

The purpose of application ZA-11-24 is to establish uniform zoning for the resultant enlarged parcel and to recognize lot area and lot frontage deficiencies arising from Consent application B-80-24. Specifically, the area of the retained parcel would become further deficient from the minimum lot area requirements of the Zoning By-law. Under the definitions of the Zoning By-law, where a lot has frontage on both a public street and a navigable water way, the frontage on the navigable waterway is deemed to be the lot frontage. As such, the frontage of the resultant enlarged parcel would become deficient from the minimum lot frontage requirements of the Zoning By-law.

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 properties are considered rural lands. On rural lands, permitted uses are resource-based recreational uses including dwellings not intended as permanent residences, as well as residential development where site conditions are suitable for the provision of appropriate sewage and water services. Development is to be sustained by existing rural service levels and shall be appropriate to the existing or planned infrastructure.

The existing and anticipated future uses of the subject properties conform to those permitted under the PPS and no further development is proposed together with this application to amend the Zoning By-law. The application is therefore considered consistent with the PPS.

County of Peterborough Official Plan

Local Component for the Township of North Kawartha

The subject properties are within the Shoreland Areas and the Waterfront designation in the County of Peterborough Official Plan. As existing, 772 Northey's Bay Road is designated Seasonal Residential and Environmental Constraint, and 794 Northey's Bay Road is designated Seasonal Residential under the Local Component of the Official Plan for the Township of North Kawartha. Permitted uses in the Seasonal Residential designation include recreational residential dwellings and permanent dwellings, where authorized by the Zoning By-law.

As noted previously, the proposed amendment would serve to establish uniform zoning on the resultant enlarged parcel and would recognize deficiencies in lot area and frontage for the subject properties. The proposed reduced lot area for the retained parcel appears to be similar to that of surrounding properties. Building Department Staff have confirmed that the reduced lot area would not result in any issues in installing a septic system. Likewise, the proposed reduced lot frontage for the resultant enlarged parcel appears to be in keeping with surrounding properties and would eliminate an existing backlot condition for the property. No new development is proposed together with this application for rezoning; therefore, the existing balance between built and natural form will be maintained.

Based on the foregoing, the application is considered to conform to the general intent of the Official Plan.

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

As existing, 772 Northey's Bay Road is zoned Shoreline Residential (SR), while 794 Northey's Bay Road is zoned Shoreline Residential-Permanent (SR-P). For properties zoned SR and SR-P, the Township's Zoning By-law requires a minimum lot area of 0.5 hectares (1.2 acres) and a minimum lot frontage of 46 metres (150 feet). As shown in the table below, the lot area of the retained parcel would be deficient from the requirements of the Zoning By-law, as would the lot frontage of the resultant enlarged parcel.



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	Zoning By-law Requirement	772 Northey's Bay Road		794 Northey's Bay Road	
		Existing	Proposed	Existing	Proposed
Lot Area	0.5 ha (1.2 ac)	0.36 ha (0.89 ac)	0.25 ha (0.62 ac)	0.6 ha (1.48 ac)	0.71 ha (1.75 ac)
Lot Frontage	46 m (150 ft)	73 m (240 ft) Stony Lake	57.7 m (189 ft) Stony Lake	148 m (486 ft) Northey's Bay Road	15.3 m (50.2 ft) Stony Lake

* Metrics in red text are deficient from the provisions of the Zoning By-law *

While the retained parcel would be deficient from the minimum lot area, it would continue to exceed minimum lot frontage. Despite the lot area deficiency, it is anticipated that the property would maintain sufficient area for a building envelope and a private individual septic system.

Likewise, while the resultant enlarged parcel would be deficient from the minimum lot frontage, it would continue to exceed the minimum lot area. The lot frontage, although deficient from the requirements of the Zoning By-law, would provide the property with frontage on a navigable waterway, thereby improving its conformity with the intended application of the SR-P zone category to waterfront lots.

The proposed amendment would serve to rezone the retained parcel from Shoreline Residential (SR) to Shoreline Residential-Exception (SR-XXX) to recognize its deficient lot area. The amendment would also rezone the severed and benefiting parcels from Shoreline Residential (SR) and Shoreline Residential-Permanent (SR-P), respectively, to Shoreline Residential-Permanent-Exception (SR-P-XXX) to achieve uniform zoning across the resultant enlarged parcel and to recognize its deficient lot frontage.

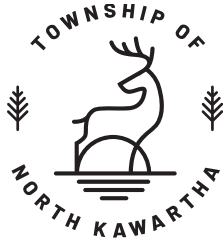
Based on the foregoing, the application is considered to uphold the general intent and purpose of the Zoning By-law.

Public and Agency Comments

Notice of application ZA-11-24 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) and Enbridge Gas. Neither agency opposes the application, and the subject property is outside of the MTO's permit control area.

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 Council prior to or during the public hearing.



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Financial Implications

No financial implications are anticipated as a result of approval of application ZA-11-24.

Concluding Comments

Zoning By-law Amendment ZA-11-24 seeks to rezone the subject properties in fulfillment of conditions associated with Consent application B-80-24. Based on the foregoing analysis, Staff are of the opinion that the application is consistent with the applicable land use planning policies and as such, represents good planning. It is therefore recommended that application ZA-11-24 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