



**Township of North Kawartha**  
280 Burleigh Street, PO Box 550, Apsley, ON K0L 1A0  
Tel: 705-656-4445 | 1-800-755-6931 | Fax: 705-656-4446  
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## Report to Council

To: Mayor and Members of Council of the Township of North Kawartha  
From: Emily Fitzgerald, BES (Hons.)  
Junior Planner, Township of North Kawartha  
Reviewed by: Forbes Symon, RRP, MCIP  
Senior Planner, Jp2g Consultants Inc.  
Date: February 18, 2025  
Subject: Report on Zoning By-law Amendment Application ZA-10-24

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### Recommendation

That subject to any public or agency comments received, Council approve Zoning By-law Amendment application ZA-10-24.

### Subject Property

Municipal (911) Address:	20 Hawk's Bay Lane
Roll Number:	1536-010-100-07500
Property Owners:	Greg Gilmour, Ryan Gilmour, Jodi Gilmour-Penelas
Applicant:	TD Consulting Ltd. c/o Vanessa Archer
Lot and Concession:	Part of Lot 9, Concession 10
Ward:	Chandos
Area:	0.29 hectares (0.72 acres)
Frontage:	36.9 metres (121 feet)
Official Plan Designation:	Seasonal Residential
Zoning:	Shoreline Residential (SR)
Access:	Hawk's Bay Lane (Private Road)

### Background

Zoning By-law Amendment application ZA-10-24 has been submitted by Vanessa Archer on behalf of the property owners for the property located in Part of Lot 9, Concession 10, in the Chandos ward, municipally known as 20 Hawk's Bay Lane.

Based on information provided in the application, the subject property is approximately 0.29 hectares (0.72 acres) in area and has approximately 36.9 metres (121 feet) of shoreline frontage on Chandos Lake. The property is accessed from a private road known as Hawk's Bay Lane and is serviced by a private individual septic system. Water supply is drawn from Chandos Lake. The property is densely vegetated towards the rear; however, much of the water yard has

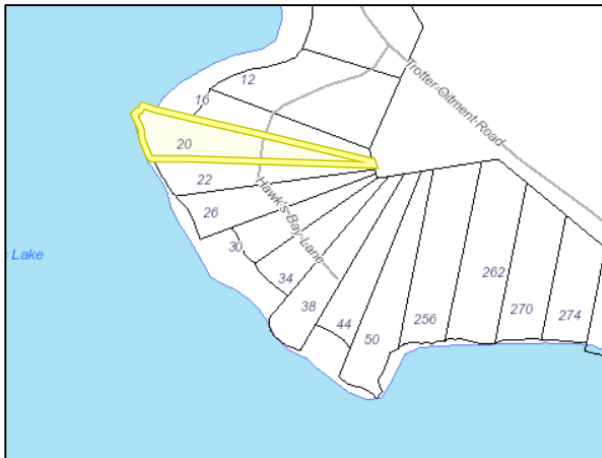


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been cleared of vegetation and is comprised primarily of maintained lawn. The property slopes steadily from the rear to the front, with the water yard being relatively level.

### Location Map



### 2023 Aerial Imagery



Existing development on the subject property includes a one-storey dwelling, having an area of 85.5 square metres (920 square feet) and a height of approximately 5 metres (16.4 feet) together with 33.1 square metres (356 square feet) of attached decks. The existing water yards are 18.3 metres (60 feet) to the dwelling and 15.8 metres (51.8 feet) to the attached deck, respectively. Other development on the property includes a boathouse with attached decks, a dock, and one storage shed to the rear of the existing dwelling. The existing storage shed is proposed to be removed.

### Proposed Redevelopment

The purpose of application ZA-10-24 is to facilitate the redevelopment of the property through the reconstruction and enlargement of the existing legal non-complying dwelling and the construction of a new detached garage.

The new two-storey dwelling is proposed to have a ground floor area of 135 square metres (1,435 square feet) and a height of 9.2 metres (30.2 feet). An attached deck at the lakeside and a porch at the rear, having areas of 55 square metres (592 square feet) and 7.4 square metres (79.7 square feet), respectively, are also proposed to be constructed. The proposed dwelling and attached deck would be located at improved high-water mark setbacks of 26.7 metres (87.6 feet) and 22.4 metres (73.5 feet), respectively.

The proposed one and one-half storey garage would have a ground floor area of 75.8 square metres (816 square feet) and a height of 7.2 metres (23.6 feet). The proposed garage would be located to the rear of the dwelling and would exceed the required 30-metre (98.5-foot) water setback.



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The applicant also proposes to decommission the existing septic system located within the water yard and install a new septic system. The new septic system would exceed the required 30-metre (98.5-foot) setback from the high-water mark.

To permit the redevelopment as proposed, application ZA-10-24 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 height of 9.2 metres (30.2 feet).
3. Section 3.30 (g) to permit a maximum deck depth of 4.3 metres (14.1 feet) from the main dwelling.
4. Sections 3.1 (d) (i) and 6.2 (f) (i) to permit a maximum accessory lot coverage of 5.7%.
5. Section 3.1 (h) (vi) to permit a minimum northern interior side yard of 4.0 metres (13.1 feet) for a detached garage.
6. 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 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 proposes the replacement of an existing recreational dwelling, and that 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 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



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Component for the Township of North Kawartha. Both designations permit recreational residential development on waterfront lots.

A minimum 30-metre high-water mark setback for new development is established by the Official Plan. However, 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. As proposed, the existing deficient high-water mark setbacks to the dwelling and attached deck would be improved by 8.4 metres (27.6 feet) and 6.6 metres (21.7 feet), respectively.

Official Plan policy further encourages an appropriate balance between natural and built form on waterfront lots. It is anticipated that the establishment of two new building envelopes to the rear of the existing dwelling will require a considerable degree of vegetation removal and site alteration. Given the minimal degree of existing mature vegetation within the water yard, the proposed redevelopment is likely to result in an increase of the prominence of built form on the property. As discussed in the Planning Justification Report (PJR) submitted in support of the application, the improved water setbacks are expected to offer some mitigation of visual impacts. During the pre-consultation phase, Staff recommended to the applicant that the degree of vegetation removal be limited to that which is necessary for the construction of the new dwelling and garage and that the property owners engage in revegetation of the water yard following the completion of construction to further minimize visual impacts from the shoreline.

Official Plan policy also requires the appropriate conservation of archaeological resources. An archaeological assessment, prepared by a qualified professional, was submitted in support of the application. 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-10-24 seeks relief from various sections of the Zoning By-law, as noted above, to allow for the reconstruction and expansion of the existing legal non-complying dwelling and the construction of a new detached garage.

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 discussed above, the proposed dwelling and attached deck are to be located at water setbacks of 26.7 metres (87.6 feet) and 22.4 metres (73.5 feet), respectively, offering considerable improvement to the deficient water setbacks for the existing dwelling and attached deck.



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The proposed dwelling requires relief from the permitted maximum 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 height increase of 4.2 metres (13.8 feet) whereas a maximum height increase of 2.4 metres (8 feet) is otherwise permitted under Section 3.18 (b) (iv). The proposed dwelling would not exceed the maximum building height otherwise permitted within the SR Zone, being 10 metres (33 feet), and nearly achieves a water setback of 30 metres, at which a replacement dwelling would be permitted a height of 10 metres (33 feet) as of right. Additionally, the new dwelling will be compliant with the minimum interior side yard of 4.5 metres (15 feet) to the south whereas the existing dwelling and attached deck are located at deficient setbacks of 3.67 metres (12 feet) and 1.47 metres (4.8 feet) from the southern interior lot line. The improved water setbacks and southern interior side yard are anticipated to reduce visual impacts associated with the proposed height increase for the dwelling from the shoreline and southern-adjacent property.

The application seeks relief from Section 3.30 (g) to allow a maximum deck depth of 4.3 metres (14.1 feet) from the main dwelling. A maximum deck depth of 3.7 metres (12 feet) is otherwise permitted for an attached deck appurtenant to a dwelling located within the required water yard. Additional deck depth is requested due to portions of the proposed dwelling being recessed on the lakeside, resulting in variable deck depths. Much of the proposed deck would have a depth of 3.5 metres (11.5 feet), compliant with this regulation of the Zoning By-law. The requested additional deck depth would not result in a further encroachment towards the waterbody or exceedance of the permitted main dwelling unit lot coverage.

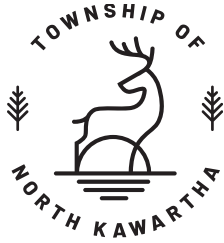
The proposed detached garage would result in an accessory lot coverage of 5.7% whereas a maximum accessory lot coverage of 5% is otherwise permitted under Sections 3.1 (d) (i) and 6.2 (f) (i). The accessory lot coverage includes the existing boathouse with attached decks (3.1%) and the proposed detached garage (2.6%). Although accessory lot coverage would be exceeded, the proposed garage would not exceed the maximum lot coverage permitted for an individual accessory building, being 5%. All existing and proposed development would result in a lot coverage of 12.5% which is within the 15% contemplated as acceptable for properties zoned SR.

The application also seeks to permit a minimum northern interior side yard of 4.0 metres for the proposed detached garage, whereas an interior side yard of 4.5 metres (15 feet) is otherwise required under Section 3.1 (h) (vi). Dense vegetation at the northern interior side lot line is anticipated to effectively screen the structure from view from the north-adjacent property.

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-10-24 was circulated in accordance with the statutory requirements of the Planning Act on January 29, 2025. A notice was posted on the property the day prior.



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Comments have been received from Crowe Valley Conservation Authority (CVCA) and Enbridge Gas. Neither agency opposes the application; however, CVCA has noted that a work permit will be required for the proposed dwelling and attached deck and may be required for the proposed detached garage.

At the time of writing this report, no public or agency comments, other than those discussed above, were 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-10-24.

### **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-10-24 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 – Photographic Log
- Attachment #4 – Draft Amendment to Zoning By-law