

Recommendation:

That the Planning-2022-04 Report, dated October 4, 2022, regarding Zoning By-law Amendment – File: R-04-22 be received; and
That Council receive all comments related to Zoning By-law Amendment – File: R-04-22 (Clark); and
That the By-law to enact the amendment be passed at the appropriate time in the meeting.

Overview:

On behalf of the Owner Charlotte S. Clark, her Agent, Holly Richards-Conley, has applied to amend the existing zoning on the property located at 972 Stony Lake – Dodworth Island, being Roll No. 1522-020-005-72000.

The subject property is currently zoned the Special District 242 Zone (S.D. 242). The Application seeks to permit the redevelopment of an existing on-water boathouse. The footprint/foundation of the existing boathouse is not proposed to change, however, the walls of the proposed boathouse will be flush with the foundation which will create a larger structure.

The effect of the Zoning By-law Amendment is to amend the Special District 242 Zone (S.D. 242) to permit the redevelopment of an existing boathouse on the existing footprint/foundation with a maximum length of 9.55 metres, a maximum width of 8.84 metres and a maximum height of 4.57 metres.

A copy of the draft By-law is attached to this Report.

Conformity to Provincial Policy Statement (PPS) and A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan):

In correspondence dated September 22, 2022, ORCA indicated that the application is consistent with the applicable sections of the PPS and Growth Plan. A copy of the ORCA correspondence is attached to this Report and summarized in the Comments section.

Conformity to Official Plan:

The subject property is designated Seasonal Residential and Environmental Constraint as illustrated on Schedule 'A4-3' to the Official Plan. The existing boathouse is located over the bed of Stony Lake, however, the following policies are applicable in the review of this application.

Section 6.2.15.3(h) states that existing uses, together with an amount of land sufficient for the siting of those uses at their present location, shall be recognized as conforming uses despite being designated Environmental Constraint. The Township shall discourage the expansion of any existing use beyond the limits recognized in the Zoning By-law.

Section 6.2.5.3 (h) encourages the preservation of the naturally-vegetated shoreline in order to minimize destruction to the shoreline and wetbeach habitat, minimize visual impact on the waterbody, maintain wildlife habitats and corridors and improve water quality.

A boathouse is a permitted use and may encroach into the 30 metre setback provided that the property owner can demonstrate to the Township and the authority having jurisdiction over the waterway (i.e. Parks Canada/Trent Severn Waterway (TSW)), that it will not negatively affect the waterfront environment (S. 6.2.5.3 (h)).

A TSW permit was obtained and a copy is attached to this Report.

Structures legally existing as of October 22, 2008, that do not comply with the required setback provision that require replacement due to structural defects, other natural causes or by permission of the Township are permitted to be replaced on the same footprint and may only be enlarged in accordance with the provisions of the Zoning By-law, and where the enlargement does not further encroach into the 30 metre setback (S. 6.2.5.3 (h)).

A Pre-consultation meeting was held on March 3, 2022. The pre-consultation meeting indicated that the existing boathouse is compromised. The owners request, to rebuild the boathouse on the existing foundation but with the walls flush with the outside edge of the foundation, triggered the need for a zoning by-law amendment since the Township Zoning By-law does not permit the enlargement of the boathouse.

In support of the zoning by-law amendment application, a Planning Justification Report was requested and the need for ORCA and TSW permits were identified. A natural heritage evaluation/hydrological evaluation was not requested since the existing foundation is not changing and will not further encroach into the natural features present on the property.

A Planning Justification Report was prepared by Kevin M. Duguay Community Planning and Consulting Inc., dated June 27, 2022 and a copy is attached to this Report. The Planning Justification Report concluded that the proposed Zoning By-law Amendment is consistent with the PPS, conforms to the Growth Plan, and is in keeping with the general purpose and intent of the policies of the Township Official Plan.

The proposed Zoning By-law Amendment appears to conform to the Official Plan.

Comments:

- Enbridge Gas Inc.: No objections to the application.

- Curve Lake First Nation (CLFN): Questions concerning the enlargement of the boathouse, whether a Parks Canada permit was applied for and the nature thereof and whether the shoreline will be impacted.
- Kawartha Pine Ridge District School Board (KPRDSB): KPRDSB has reviewed the application and has not identified any concerns or issues related to their mandate.
- Otonabee Region Conservation Authority (ORCA): The application is consistent with PPS Section 3.1.4 b) regarding natural hazards (development within a floodway). The application conforms to Growth Plan Section 4.2.3.1 e) regarding key hydrologic features, key hydrologic areas and key natural heritage features. The site is regulated by ORCA and permits from their agency will be required prior to any construction, site alteration or further development. The subject property is not located within an area that is subject to the policies contained in the Source Protection Plan.
- At the time of writing this report, no comments had been received from the public.

Conclusion:

The questions from Curve Lake First Nation were addressed by Township Staff and the Agent for the Owner. In correspondence dated September 16, 2022, CLFN accepted the responses and offered no further questions or concerns. A copy of the correspondence is attached to this Report.

The proposed Zoning By-law Amendment appears to conform to the Official Plan, is consistent with the PPS and conforms to the Growth Plan.

Financial Impact:

All costs related to the application for a Zoning By-law Amendment are the responsibility of the owner.

Strategic Plan Applicability: N/A

Sustainability Plan Applicability: N/A

Report Approval Details

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| Document Title: | Staff Report regarding Zoning By-law Amendment R-04-22 - Clark.docx |
| Attachments: | <ul style="list-style-type: none">- R-04-22 - Draft By-law.pdf- ORCA R-04-22; Clark 972 Stoney Lake Dodsworth Island; PPLD-2244.pdf- R-04-22 TSW Permit.pdf- KMD Planning Justification Dodsworth-For Submission.pdf |
| Final Approval Date: | Sep 28, 2022 |

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs