

**Recommendation:**

That Report Planning-2025-12, dated August 5, 2025, regarding Zoning By-law Amendment Application File R-01-25 (Stratton) be received; and

That Council receive all comments related to File R-01-25; and

That Council proceed to enact the amending By-law at the appropriate time in the meeting.

**Overview:**

On behalf of the Owners, Kevin Duguay (KMD Planning Inc.) (Agent) has applied to amend the existing zoning on the property located at 2357 Lakeside Drive, located in Part of Lot 32, Concession 11, in the Dummer Ward, being Roll No. 1522-020-005-63200. The subject property is currently zoned the Limited Service Residential (LSR) Zone and the Environmental Conservation Provincially Significant Wetland (EC(P)) Zone as shown on Schedule B10 to Zoning By-law No. 10-1996, as amended.

The subject property is an existing waterfront lot of record which is 0.18 hectares in area. At present, the property is developed for recreational residential use in the form of a dwelling with sun porches, a detached garage, and a utility shed. The existing dwelling and sun porch are non-complying with water yard setbacks of 8.0 metres and 5.5 metres to the respective closest points. The existing dwelling is serviced by a privately owned and operated well and septic system.

The Owner proposes to demolish the existing one-storey dwelling of 94.1 square metres in area and replace it with a new two-storey dwelling with attached decks, as shown on the attached site plan. The new dwelling will be located in the same general footprint as the existing dwelling with a ground floor area of 98.9 square metres and a gross floor area of 138.9 square metres. Open, attached decks and stairs having an aggregate area of 53.3 square metres are also proposed. The new will be serviced by the existing privately owned and operated well and a new privately owned and operated septic system in the same general location as the existing.

The purpose and effect of the amendment is to rezone a portion of the subject property from the Limited Service Residential (LSR) Zone to the Special District 262 (S.D. 262) Zone to facilitate the proposed development.

As shown on the site plan, the proposed amendment seeks to permit minimum water yard setbacks of 10.2 metres and 8.0 metres to the northeast and southeast corners of the principal dwelling, respectively, whereas the minimum water yard otherwise required is 30 metres (s. 7.2.1 h)).

The proposed amendment further seeks to permit the proposed open, attached decks and stairs to have an area of 53.3 square metres and project into the required water yard to minimum water yard setbacks of 9.1 metres and 5.5 metres to the northeast and southeast corners, respectively. The maximum extent and projection of such

structures are otherwise limited to 3.8 square metres in area and 1.5 metres in depth (s. 3.1.9).

A maximum building height of 9.25 metres for the principal dwelling is also proposed, whereas the maximum building height permitted on properties zoned LSR is 9 metres (s. 7.2.1 l)).

The proposed amendment will also serve to recognize the existing deficient lot area of 0.18 hectares (1,800 square metres). The LSR Zone otherwise requires a minimum lot area of 0.405 hectares (4,050 square metres) (s. 7.2.1 a))

All other applicable zones and provisions of the Township's Zoning By-law No. 10-1996 will continue to apply.

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

Notices of complete application and public meeting were given in accordance with the regulations of the Planning Act. A copy of the Notice of public meeting is attached to this report.

### **Provincial Planning Statement (PPS):**

The PPS is considered a policy statement for the purpose of Section 3 of the Planning Act. All municipal decisions, as well as comments, submissions or advice affecting planning matters are required to be consistent with the PPS pursuant to subsections 3(5) and 3(6) of the Planning Act.

The subject property is considered rural lands as per Section 2.6 of the PPS. Permitted uses on rural lands include resource-based recreational uses, including recreational dwellings not intended as permanent residences. Development that can be sustained by rural service levels shall be promoted and development shall be appropriate to available or planned infrastructure.

Staff agree with the opinion offered in the Planning Justification Report (PJR) prepared by the Agent, dated January 2025, which provides that the proposed recreational dwelling is permitted under the PPS and its replacement and enlargement are not anticipated to overburden existing rural service levels.

A pre-consultation meeting concerning the proposed development was held on April 25, 2024. The pre-consultation notes identify that the subject property is adjacent to a Provincially Significant Wetland, known as the Hull South Bay Wetland, and was flagged for having potential habitat for Species at Risk and adjacent to a Spawning Area. As part of the complete application for the Zoning By-law Amendment, an Environmental Impact Study (EIS) was required to demonstrate consistency with Section 4.1 of the PPS regarding Natural Heritage.

While the application was in process, the EIS was sent for peer review by a third party. The peer reviewer confirmed the purpose and scope of the EIS is appropriate and that the EIS conforms to the applicable federal, provincial, and municipal requirements. The peer reviewer agreed with the author of the report regarding the natural heritage features identified, the assessment of potential impacts, and the mitigation measures recommended. No concerns were noted provided the recommended mitigation measures are adhered to.

Section 4.6 of the PPS speaks to Cultural Heritage and Archaeology. Policy 4.6.2 prohibits planning authorities from permitting development and site alteration on lands having archaeological potential or containing archaeological resources unless significant archaeological resources have been conserved. As part of the complete application for Zoning By-law Amendment, the Owners were required to consult with Curve Lake First Nation (CLFN) regarding the development proposal. CLFN identified the area as having archaeological potential; however, given that additional ground disturbance is anticipated to be minimal, an Archaeological Assessment was not requested.

Otonabee Region Conservation Authority (ORCA) noted that a portion of the property regulated due to the floodplain of Stony Lake. Comments received from ORCA, dated July 2, 2025, and attached hereto note that the contours illustrate the highest recorded water level of Stony Lake, being 235.58 metres CGVD28. All proposed development is outside of this hazard; therefore, the application is consistent with Chapter 5 of the PPS regarding Natural Hazards.

The application is consistent with the PPS.

#### **Official Plan:**

The subject property is designated Lakeshore Residential and Environmental Constraint Area on Schedule 'A4-2' to the Official Plan. The Lakeshore Residential designation permits single detached permanent and recreational dwellings (s. 6.2.6.2). The Environmental Constraint Area designation appears to correspond to the floodplain of Stony Lake. As noted previously, the application has demonstrated that the proposed development is outside of this area. The existing and proposed use of the subject property conforms to the Official Plan.

Policies of the Lakeshore Residential designation require a 30-metre setback from the high-water mark for all new development; however, legally existing buildings which do not meet this setback requirement may be replaced on the same footprint if the replacement is deemed necessary due to structural defect (s. 6.2.6.3 c)). A report prepared by a qualified professional engineer was submitted together with the application which concluded that repair of the existing dwelling is not practical and that replacement is suggested.

The Official Plan further states that such legally existing buildings within 30-metres of the high-water mark may be enlarged in accordance with the Zoning By-law, provided

that no further encroachment towards the waterbody results (s. 6.2.6.3 c)). As noted above, the existing deficient water setbacks are to be maintained, and no further encroachment will result. The Owners are seeking an amendment to the Zoning By-law to permit an expansion of the replacement dwelling beyond the permissions of the Zoning By-law.

The application conforms to the Official Plan.

### **Zoning By-law:**

The subject property is zoned the Limited Service Residential (LSR) Zone and the Environmental Conservation Provincially Significant Wetland (EC(P)) Zone. The LSR Zone permits single detached permanent and recreational dwellings, subject to compliance with the applicable general provisions and zone-specific regulations of the Zoning By-law.

All new development is required to have a water yard of 30 metres (s. 7.2.1 h)). Notwithstanding, structures which are legally existing which do not meet the required setback and/or yard may be enlarged, reconstructed, repaired, altered, or renovated provided that existing deficient setbacks and/or yards are not further reduced (s. 3.28.1 a)) and that all other provisions of the Zoning By-law are complied with (s. 3.28.1 b)).

As discussed in detail at the beginning of this report, relief is required from sections 7.2.1 a), h), and I), and 3.1.9 to facilitate the proposed development. The purpose of the amendment is to permit reduced water yard setbacks and an increased height for the proposed dwelling, as well as additional expanse and depth for an open, attached deck projecting into the required water yard. The amendment will also recognize the existing deficient lot area.

The PJR addendum prepared by the Agent, dated July 2025, provides further rationale for the requested relief from the Zoning By-law. No further encroachment will result from the construction of the proposed dwelling. The built form is in keeping with that of surrounding properties and represents an appropriate balance between built and natural forms. Adherence to the recommendations of the EIS is anticipated to further assist in this manner. Staff concur with the commentary regarding the Township's Zoning By-law provided in the PJR addendum.

Other than the relief described above, the proposed development is compliant with the applicable provisions of the Zoning By-law.

### **Comments:**

At the time of writing this report, no comments were received from members of the public or Senior Staff. Any such comments received will be provided to Council prior to or during the public meeting.

Comments were received from the following agencies:

- Enbridge Gas Inc.: No objections to the application.
- Peterborough County E&C Division: No objections, comments, or concerns with respect to the application.
- Otonabee Region Conservation Authority:

ORCA's review of the application determined that the application is consistent with Chapter 5 of the PPS regarding Natural Hazards, and the development is not anticipated to create new or aggravate existing hazards.

As per Ontario Regulation 41/24, the subject property lies partially within ORCA's regulated area. Permits from ORCA are required prior to any site alteration or construction.

The subject property is not located within a vulnerable area subject to Source Protection Plan (SPP) policies. A Restricted Land Use Notice is not required.

- Curve Lake First Nation:

The Owners consulted with CLFN prior to the circulation of the application. CLFN noted that the proposed construction method of rebuilding over the existing footprint and using post blocks for the deck appears to minimize ground disturbance.

CLFN requested to be notified immediately if remains or archaeological resources are unearthed, or if any new, undisclosed, or unforeseen issues potentially impacting the environment or Treaty and Aboriginal rights arise.

Copies of the agency comments are attached to this report.

### **Conclusion:**

The Zoning By-law Amendment proposes to rezone a portion of the subject property from the Limited Service Residential (LSR) Zone to the Special District 262 (S.D. 262) Zone to permit the construction of the new dwelling as proposed. The application meets the intent of applicable provincial and municipal policies and is recommended for approval.

### **Financial Impact:**

All expenses are incurred by the applicant.

## Township of Douro-Dummer Strategic Plan 2023-2027



### **Service Modernization and Innovation**

Modernizing, refining and innovating services for residents is essential to effectively meet the needs of our community, enhance our operational efficiency, and ensure we remain adaptable in a rapidly changing world.



### **Business Attraction, Expansion, and Retention**

Business attraction, expansion, and retention is vital for the economic health and sustainability of our Township, such as job creation, tax revenue, investing in innovation, maintaining our quality of life, and supporting community stability.



### **Infrastructure Renewal**

Infrastructure renewal is a critical investment for our Township as it will ensure our adherence to health and safety, economic development, investment attraction, environmental sustainability, quality of life, public confidence, and regional competitiveness.

**Report Approval Details**

Document Title:	R-01-25 - Planning-2025-12.docx
Attachments:	<ul style="list-style-type: none"> <li>- R-01-25 Application_Redacted.pdf</li> <li>- R-01-25 Site Plan.pdf</li> <li>- R-01-25 EIS_Redacted.pdf</li> <li>- R-01-25 Engineer Report_Redacted.pdf</li> <li>- R-01-25 Planning Justification Report_Redacted.pdf</li> <li>- R-01-25 PJR Addendum July 2025_Redacted.pdf</li> <li>- R-01-25 - Draft By-law.pdf</li> <li>- CLFN Comments May 29, 2025_Redacted.pdf</li> <li>- Enbridge NPM.pdf</li> <li>- Ptbo County EC.pdf</li> <li>- ORCA-comments.pdf</li> <li>- R-01-25 - ZBA Notice - Public Meeting.pdf</li> </ul>
Final Approval Date:	Jul 31, 2025

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

**No Signature found**

Don Helleman

Martina Chait-Hartwig

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