



## Pre-Consultation Comments

### Township of North Kawartha

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To: Kevin Duguay, MCIP, RPP  
KMD Planning Inc.

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

Reviewed By: Darryl Tighe, M. Sc., RPP  
Manager of Planning, Township of North Kawartha

Date: December 5, 2024

RE: 319 Walkes Road Request for Pre-Consultation Application

Staff of the Township of North Kawartha Planning Department have now completed a review of the Request for Pre-Consultation Application submitted by Kevin Duguay on behalf of the property owner, 2684536 Ontario Inc., for the property located in Part of Lot 25, Concession 7, Chandos Ward, municipally known as 319 Walkes Road.

This memo represents our understanding of the subject property and proposed redevelopment in the context of applicable planning policies and regulations. We encourage you to consider our comments provided herein in moving forward with submitting a formal planning application to facilitate the proposed redevelopment.

## Property Information

Municipal Address:	319 Walkes Road
Roll Number:	1536-010-003-10300
Lot/Concession/Ward:	Part of Lot 25, Concession 7, Chandos Ward
Owner(s):	2684536 Ontario Inc.
Area:	0.33 hectares (0.81 acres)
Frontage:	112 metres (367 feet)
County Land Use Designation:	Shoreland Areas and the Waterfront
Township Land Use Designation:	Seasonal Residential/Rural
Zoning:	Shoreline Residential (SR)

## **Development Proposal**

The pre-consultation application proposes the following to redevelop the subject property:

- Demolish the existing one-storey dwelling having an area of 118 square metres. The existing dwelling is located at high-water mark (HWM) setbacks of 12.8 metres to the west and unspecified to the south.
- Construct a new two-storey dwelling, having an area of 482 square metres together with 78.2 square metres of attached decks. The proposed dwelling would have HWM setbacks of 13.04 metres to the west and 13.00 metres to the south.

## **Policy Review**

The subject property is located within the Shoreland Areas and the Waterfront designation of the County of Peterborough Official Plan, 1990 and the Seasonal Residential and Rural designations under the Local Component for the Township of North Kawartha. The portion of the property designated Rural represents the portion of the Municipal Road Allowance which was recently added to the property. The following Official Plan policies apply to the proposed redevelopment:

### **County of Peterborough Official Plan, 1990**

#### **4.4 SHORELAND AREAS AND THE WATERFRONT**

##### **4.4.3 Policies**

- The character of Shoreland Areas is linked to the natural and built form associated with the lakes and rivers in the County. For the most part, the natural form includes vegetated shorelines with thin soils over bedrock. The built form includes predominantly residential development interspersed with some commercial developments including resorts and marinas. The Shoreland Areas are generally associated with leisure, recreation, water supply, support for fisheries and wildlife habitat. As such, development occurring in the Shoreland Areas should enhance and protect, where possible, those qualities that contribute to the area's character.
- When undertaking a review of development applications, the County or the Township where appropriate will determine the potential of the need for the conservation of archaeological resources. As a result of the review, the County or Township may require the applicant to submit an archaeological assessment carried out by a licensed archaeologist. Generally, studies may be required based on archaeological potential when any of the following occur: 3 or more new lots are being created (3 lots plus the retained lot), development by plan of subdivision or condominium, official plan amendment to County or Township official plan involving non-residential or non-agricultural/open space uses, re-zoning of a property involving non-residential or non-agricultural/open space uses.

## **Township of North Kawartha Local Component of County of Peterborough Official Plan, 1990**

### **6.2 LOCAL PLANNING POLICIES – RURAL COMPONENT**

#### **6.2.5 Seasonal Residential**

##### **6.2.5.2 Permitted Uses**

The predominant use of land within the Seasonal Residential designation shall be for seasonal cottages. This category may include retail and service commercial uses of limited extent which provide primarily for the day-to-day commercial needs of cottage residents.

##### **6.2.5.3 Seasonal Residential Policies**

###### **h) General**

The preservation of naturally-vegetated shoreline is encouraged 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.

In this regard, structures permitted in the Seasonal Residential designation, including leaching beds of septic systems, on lots created by consent or plan of subdivision after the date Official Plan Amendment No.3 comes into effect, shall be set back a minimum of 30 metres from the shoreline of any lake or major watercourse (i.e. Trent River, Eels Creek, Otonabee River, Rice Lake, Crowe River) in order to ensure adequate protection from changes in water level and flooding and to ensure maintenance of water quality and the protection of fish and wildlife habitats.

###### **Permitted Exceptions**

Structures legally existing as of the date Official Plan Amendment No.3 comes into effect (October 22, 2008) that do not comply with the required setback provision that require replacement due to structural defects or destruction by fire or other natural causes or by permission of the Township will be 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.

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

The subject property is zoned Shoreline Residential (SR) under the Township of North Kawartha Comprehensive Zoning By-law # 26-2013, as amended. The following Zoning By-law regulations apply to the proposed redevelopment:

### **Section 3 – General Provisions**

#### **3.18 Non-Complying Buildings, Structures and Lots**

- b) Alterations to Non-Complying Dwellings Located within the Water Yard

Notwithstanding Section 3.18 (a) or 3.30 (a), the replacement and enlargement of a legally existing non-complying dwelling within the required 30-metre (100 foot) water yard may be permitted, subject to the following:

- i. The replacement or enlargement of dwelling into or further into the water setback, and towards the waterbody, than that which already exists shall not be permitted.
- iii. Where a dwelling is located at least 9 metres (30 feet) from the high water mark, but less than 15 metres (50 feet) from the high water mark, such dwelling may be replaced and enlarged towards the side lot lines provided the final building, including decks, is not wider across the front than 40% of the existing shoreline frontage to a maximum of 18.3 metres (60 feet), whichever is less, and provided all required side yard setbacks are adhered to. Any increase in height shall not exceed 1.2 metres (4 feet).

c) Existing Undersize Lots

Notwithstanding anything to the contrary in this By-Law, where a lot having a lesser lot area and/or lot frontage than that required herein is held under distinct and separate ownership from abutting lots, as shown by a registered conveyance in the records of the Registry of Land Titles Office on the date of the passing of this By-law, or where such a lot is created as a result of an expropriation, the smaller lot may be used for a purpose permitted in the zone and a building or structure may be erected, altered or used on the smaller lot, provided such erection, alteration or use does not contravene any other provisions of this By-Law.

### **3.30 Water Setbacks**

- a) Except as otherwise specifically provided for herein, all new buildings and structures, including sewage system leaching beds, shall be setback a minimum of 30 metres (100 feet) from the ordinary high water mark.

c) Expansions and Replacement of Existing Buildings and Structures

Buildings and structures that are legally existing that do not comply with the required setback provisions that require replacement due to structural defects or destruction by fire or other natural causes or by permitted demolitions will be permitted to be replaced on the same footprint and to the same height.

Expansions and enlargements to legally existing non-complying dwellings that do not comply with the required setback provision of Section 3.30 (a) shall only be permitted where the enlargement does not further encroach into the 30 metre setback, and the proposed expansion/enlargement conforms with the provisions of Section 3.18.

g) Attached Decks

New, open, attached decks and enlargements to existing decks attached to a dwelling shall be permitted within the water setback up to a total finished maximum of 3.7 metres (12 feet) in depth from the main dwelling provided

however no new decks or enlargements shall be permitted within 9 metres (30 feet) of the high water mark. Open decks located within the water setback shall not be supported by permanent walls or a perimeter foundation, nor shall they have a permanent roof, save and except for as permitted in Section 3.1 (i). This section shall not apply to existing boathouses.

## **Section 6 – Shoreline Residential Zone (SR)**

### **6.1 Uses Permitted**

No person shall within any SR zone use any lot or erect, alter, locate or use any building or structure for any purpose except one or more of the following SR uses, namely:

- a) Residential Uses:
  - a recreational dwelling house;

### **6.2 Zone Provisions**

No person shall within any SR zone use any lot or erect, alter, locate or use any building or structure except in accordance with the following provisions:

- a) Lot area (minimum):
  - 0.5 hectares (1.2 acres)
- b) Lot frontage (minimum):
  - 46 metres (150 feet)
- c) Recreational Dwelling Houses per lot (maximum):
  - 1 only
- f) Building area and Floor area
  - i. Building area (maximum):
    - Main dwelling unit: 10% of lot area
  - ii. Floor area (minimum):
    - 1-1/2, split or 2 storey: 55 square metres (600 square feet) of ground floor area
- h) Interior side yard (minimum):
  - 4.5 metres (15 feet)
- j) Rear yard (minimum):
  - 9 metres (30 feet)
- k) Water setback (minimum):
  - Except as otherwise provided in Section 3.30, a water setback of at least 30 metres (100 feet) shall be required from the high water mark of a waterbody.
- m) Building height (maximum):
  - 10 metres (33 feet)

Criteria	Zoning By-law Requirement	Existing	Proposed
Minimum Lot Area	0.5 ha (1.2 ac)	0.33 ha (0.81 ac)	0.33 ha (0.81 ac)
Minimum Lot Frontage	46 m (150 ft)	112 m (367 ft)	112 m (367 ft)
Maximum Main Dwelling Unit Lot Coverage	10%	3.6%	17.1%
Minimum Water Yard (W)	30 m (98.5 ft)	12.8 m (42 ft)	13.04 m (42.8 ft)
Minimum Water Yard (S)	30 m (98.5 ft)	Not provided	13.00 m (42.7 ft)
Minimum Interior Side Yard (N)	4.5 m (15 ft)	Exceeds	Exceeds
Minimum Interior Side Yard (E)	4.5 m (15 ft)	Exceeds	Exceeds
Minimum Rear Yard (E)	9.0 m (30 ft)	13.8 m (45.3 ft)	6.0 m (19.7 ft)
Maximum Building Height	10.0 m (33 ft)	Not provided	Not provided
Maximum Lateral Width	Lesser of 40% of shoreline frontage or 18.3 metres	N/A	30% (33.6 metres)
Maximum Height Increase	1.2 m (4 ft)	N/A	Insufficient Information
Maximum Deck Depth	3.7 m (12 ft)	Not provided	4.27 m (14 ft)

\* Provisions in red text are deficient from the requirements of the Zoning By-law \*

## Planning Comments

Based on the above review of the submitted pre-consultation application package, we offer the following comments for your consideration in moving forward with making a formal planning application:

The proposed redevelopment of the property is intended to enhance the functionality of its existing seasonal residential use, which is a permitted use within the applicable land use designations and zone. The property is considered an existing undersized or non-complying lot, given that its area, being approximately 0.33 hectares, is deficient from the minimum lot area and frontage requirements of the SR zone. Section 3.18 c)



requires that development on existing undersized lots comply with the applicable regulations of the Zoning By-law or otherwise seek planning relief.

Official Plan policies generally require a 30-metre setback from the high-water mark for new development in order to maintain an appropriate balance between built and natural form and to protect the key ecological functions of the shoreline area. However, the reconstruction and expansion of existing dwellings located within this required setback is a permitted exception, provided that no further encroachment towards the high-water mark results.

In instances where a property is surrounded by water on multiple sides or has an irregular shoreline, shorelines in different cardinal directions from a building are treated independently. The most deficient of the HWM setbacks does not apply in all cardinal directions from building; therefore, the proposed reduction to the southern HWM is considered a further encroachment towards the waterbody.

The proposed dwelling represents an approximate quadrupling of the footprint of the existing dwelling. Given the proposed reduced southern HWM setback and substantially increased building footprint, it is anticipated that, contrary to policy, the built form will become dominant over the natural form. Additionally, it is anticipated that a new and/or enlarged septic system would be required to accommodate the proposed dwelling. Staff are of the opinion that any such system is likely to require planning relief in respect of the HWM setback given the irregular configuration of the property. Any formal planning application must include information regarding the location of the proposed septic system.

The Official Plan further requires the appropriate conservation of archaeological resources and may require an archaeological assessment to accompany a development application to determine such. Provincial Criteria identify lands within 300 metres of a waterbody as having archaeological potential. Lands subject to substantial disturbance since the 1960s may be exempt from the requirement to complete an archaeological assessment. Based on available information, the existing dwelling was constructed prior to the 1960s and aerial imagery shows that the site is generally undisturbed. Given the substantial expansion of the dwelling's footprint into currently undisturbed areas of the property, an archaeological assessment would be required.

The existing dwelling on the property is considered legal non-complying. Section 3.30 of the Zoning By-law authorizes the reconstruction and expansion of legal non-complying dwellings within the water yard provided that the regulations of Section 3.18 are met. Section 3.18 of the Zoning By-law provides that legal non-complying dwellings may be reconstructed and expanded, provided that no further encroachment towards the waterbody occurs. As noted above, the proposed dwelling would encroach closer towards the southern HWM than the existing dwelling.

Section 3.18 further provides that dwellings located between 9 and 15 metres of the HWM may be expanded laterally, up to 40% of the shoreline frontage or a lateral width of 18.3 metres, whichever is less, provided the minimum required side yards are met. The pre-consultation proposal chart indicates that the proposed dwelling would occupy 30% of the shoreline frontage, and the applicant has provided that the shoreline

frontage is 112 metres. The corresponding metric is 33.6 metres, which exceeds the permitted maximum of 18.3 metres.

Similarly, dwellings located beyond 9 metres but within 15 metres of the HWM are permitted a maximum height increase of 1.2 metres (4 feet). The applicant has not provided specific height measurements for the existing and proposed dwelling; however, given that the existing one-storey dwelling would be replaced with a two-storey dwelling, it is anticipated that the permitted height increase would be exceeded. Any formal planning application is required to include measurements for the heights of the existing and proposed dwellings.

Within the SR zone, the maximum permitted main dwelling unit lot coverage is 10% of the lot area. Main dwelling unit lot coverage includes any appurtenances to the dwelling, such as attached garages, decks, and porches. As proposed, the dwelling and its appurtenances would exceed permissions, having a main dwelling unit lot coverage of 17.1%.

Within the SR Zone, the minimum interior side yard is 4.5 metres, and the minimum rear yard is 9.0 metres. It appears that the proposed dwelling would comply with the required side yards; however, this should be confirmed with greater certainty in submitting a formal planning application. The pre-consultation proposal chart notes that the rear yard for the proposed dwelling is 6.0 metres which is deficient from the requirements of the SR zone.

## **Staff Position**

Staff are of the opinion that the proposed dwelling is of an inappropriate scale and configuration for the subject property and Staff would therefore have difficulty offering support for such. The cumulation of the proposed reduction to the southern HWM setback, lot coverage exceedance, and anticipated height increase exceedance would result in considerable visual impact from the shoreline and neighbouring properties, as well as potential environmental impacts on Chandos Lake. Although the lot is considered an existing undersized lot, Staff are of the opinion that any proposed development on such lots should demonstrate a reasonable effort to comply with the regulations of the Zoning By-law.

In order to secure Staff support for the proposed redevelopment and to reiterate the initial comments of the Township's planning consultant, it is recommended that the applicant reduce the footprint of the proposed dwelling in order to limit the cumulative lot coverage of the dwelling (including any appurtenances thereto) and any accessory buildings to 15% of the lot area.

Staff would also recommend that the applicant consider altering the configuration of the proposed dwelling to maintain the existing HWM setback to the south as we would be unable to offer support for reducing such. Staff may be able to support reductions to the interior side and rear yards in favour of maintaining the existing water yards. It is also worth noting that efforts made in maintaining the southern HWM setback may assist in bringing the lateral width of the proposed dwelling closer into compliance with the Zoning By-law.



More information is required regarding the heights of the existing and proposed dwellings to determine whether Staff are able to offer support the proposed height increase. Given that the proposed height increase does not appear to offer benefits in terms of minimizing the footprint of the dwelling, Staff may have difficulty offering support for a height increase which substantially exceeds the permitted.

Given the foregoing planning analysis, it is our position that a Zoning By-law Amendment (ZBA) is the most appropriate planning application to proceed with. It is strongly recommended that the applicant consider revising the development proposal as outlined above. Should the application be pursued as currently proposed, please be advised that Staff would have great difficulty in finding support for the application and would therefore be unable to recommend approval of the application to Council.

The following is required for a complete ZBA application:

- Completed ZBA application form and requisite fee;
- Letter of Authorization signed by all property owners;
- Site Plan prepared in accordance with the requirements outlined under Question 26 of the application form;
- Conceptual building elevations for the proposed dwelling;
- Planning Justification Report (PJR), to be prepared by a qualified professional, unless the development proposal is revised substantially in accordance with the above recommendations. The PJR should provide planning rationale relating to the balance of built and natural form, maintenance of shoreline character, and the nature and extent of relief requested from the Zoning By-law; and,
- Archaeological Assessment, to be prepared by a qualified professional.

We trust that this memo is sufficient for your purposes. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

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

Darryl Tighe, M. Sc., RPP  
Manager of Planning  
Township of North Kawartha