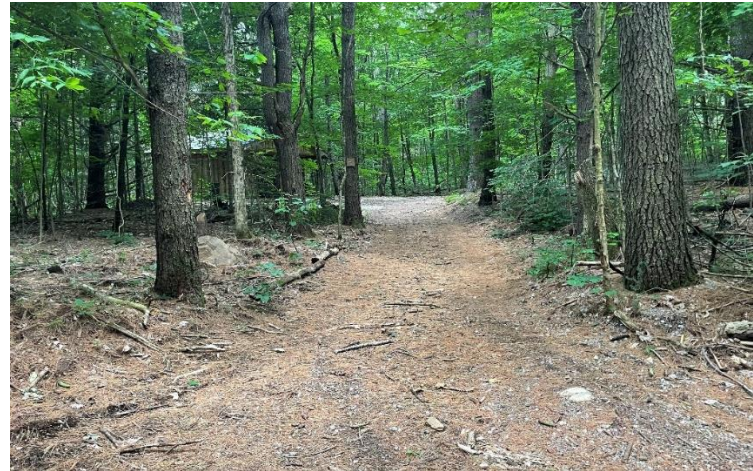


Planning Justification Report

148 Fire Route 320
Municipality of Trent Lakes
County of Peterborough

Zoning By-law Amendment
Application

D.M. Wills Project Number 22-85283



D.M. Wills Associates Limited

Partners in Engineering,
Planning & Environmental Services

Peterborough

May 2024

Prepared for:
Matthew Rivard



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Appendix A – Photographic Log

1.0 Introduction and Objectives

D.M. Wills Associates Limited (Wills) has been retained by Matthew Rivard (Owner) to prepare this Planning Justification Report (Report) in support of a Zoning By-law Amendment (ZBA) application to facilitate expansions to the existing seasonal dwelling and to recognize the legal noncomplying status of several existing structures. The proposed ZBA will apply to the lands municipally known as 148 Fire Route 320 (Subject Property) in the Municipality of Trent Lakes (Municipality), County of Peterborough (County).

1.1 Project Objectives

The ZBA will facilitate expansions to the existing dwelling and will recognize the legal noncomplying status of several existing structures on the Subject Property, including the existing dwelling proposed to be enlarged. The proposed expansions are intended to enhance the functionality and enjoyment of the dwelling and Subject Property for the continuation of seasonal residential uses. The ZBA will also permit plumbing facilities in one of the accessory structures (workshop).

1.2 Purpose of Planning Justification Report

The purpose of this report is to outline the nature of the proposed ZBA and evaluate the application in the context of provincial and municipal policy including the Provincial Policy Statement, 2020 (PPS), the Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan), the County of Peterborough Official Plan, 1994 (COP), the Municipality of Trent Lakes Official Plan, 2011 (TLOP) and the Municipality of Trent Lakes Comprehensive Zoning By-law 2014-070 (TLZB).

2.0 Property Description

2.1 Site Location

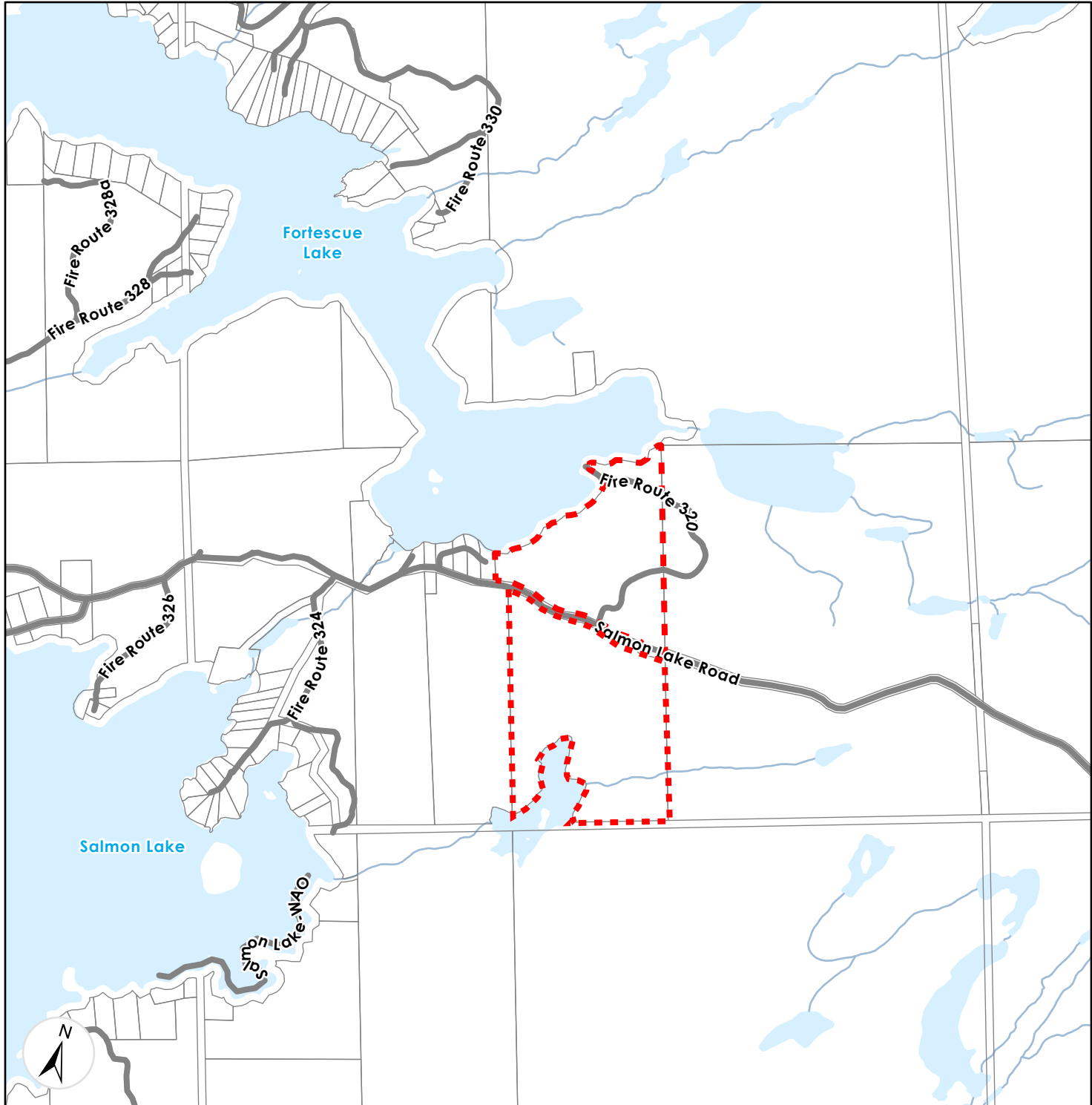
The lands subject to this application are located at 148 Fire Route 320 and are legally described as Part of Lot 8, Concession 17, former geographic Township of Cavendish, now in the Municipality of Trent Lakes, County of Peterborough, herein referred to as the Subject Property. The Subject Property is located along the southwestern shore of Fortescue Lake and is tied to a parcel located on the opposite side of Salmon Lake Road to the south.

The Subject Property is comprised of approximately 33.02 hectares of forested land with approximately 450 m of frontage along the shoreline of Fortescue Lake to the north and 450 m of frontage on Salmon Lake Road to the south. The Subject Property is currently developed for seasonal residential use in the form of an existing seasonal dwelling, boathouse, and several other accessory structures. The property accesses Salmon Lake Road via a private road (Fire Route 320) that traverses the Subject Property as well as

the Crown Land parcel to the east. The Subject Property is the only property with access granted over the right-of-way. Refer to **Figure 1 – Key Map**.

2.2 Surrounding Land Uses

The surrounding land uses include primarily vacant rural lands and sparsely developed recreational residential lands. To the west there are seven properties developed with seasonal and permanent residential dwellings having frontage on Fortescue Lake. These properties are generally much smaller in area and frontage than the Subject Property. To the east and south of the property are vacant Crown Lands and Fortescue Lake is located to the north. Refer to **Figure 2 – Surrounding Land Uses**.



KEY MAP

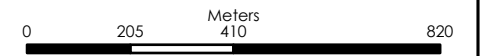
148 Fire Route 320
 Lot 8, Concession 17 (Cavendish)
 Municipality of Trent Lakes
 County of Peterborough

Figure 1

Legend

 Subject Property

Data Sources
 County of Peterborough



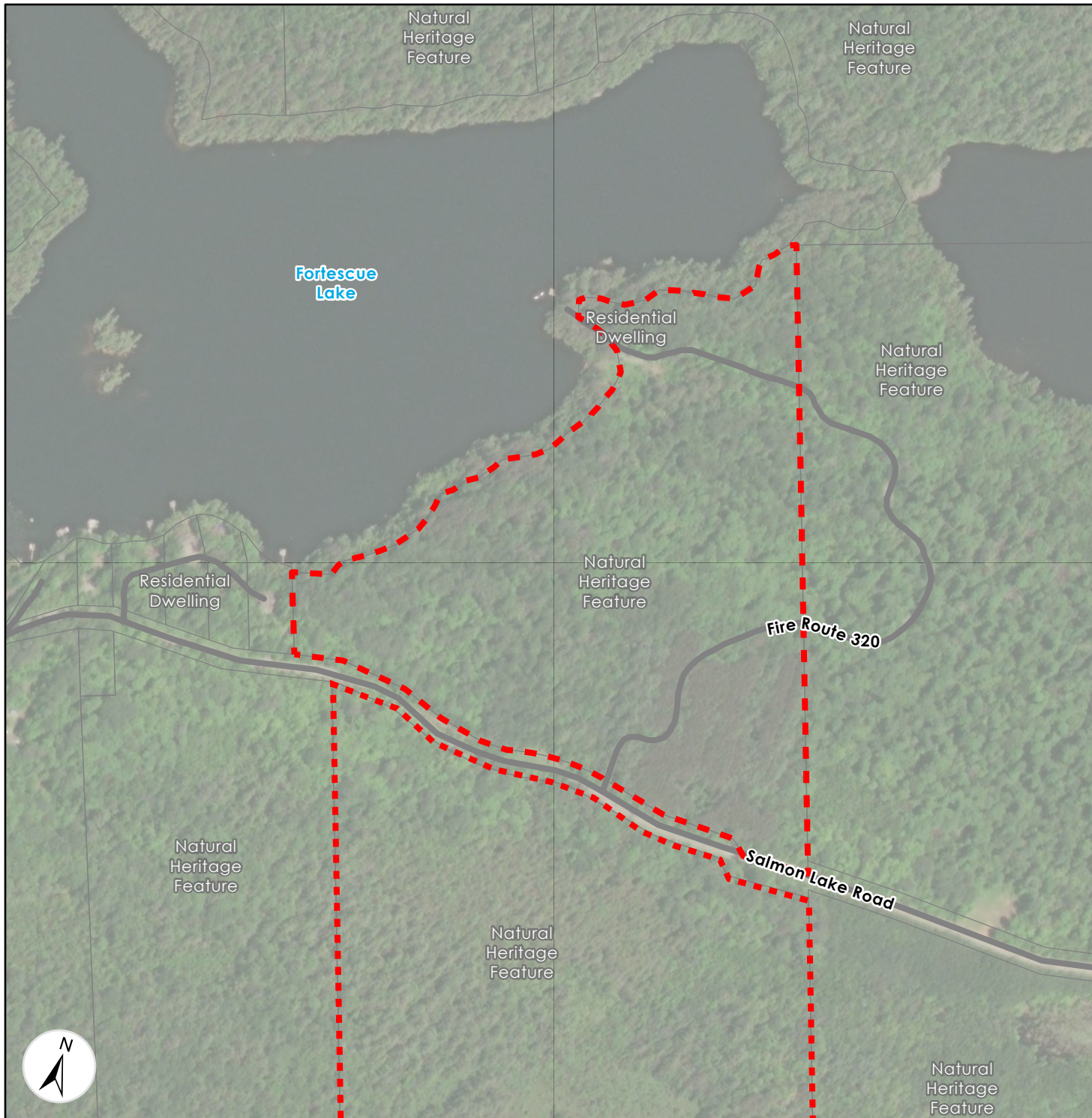
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Created In:	ArcGIS Pro
Drawn By:	Ash More
Checked By:	Amanda Timmermans
Map Date:	9/19/23
Project Number:	85283



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SURROUNDING LAND USES

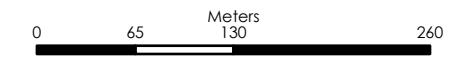
148 Fire Route 320
 Lot 8, Concession 17 (Cavendish)
 Municipality of Trent Lakes
 County of Peterborough

Figure 2

Legend

 Subject Property

Data Sources
 County of Peterborough, Maxar



PCS: NAD83 CSRS98 UTM zone 17N Scale: 1:5,000

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3.0 Policy Framework

The following provincial and municipal land use policy documents contain policies that relate to the proposed ZBA and future development of the Subject Lands. The policy documents include the Provincial Policy Statement, 2020 (PPS), the Growth Plan for the Greater Golden Horseshoe, Consolidated 2020 (Growth Plan), the County of Peterborough Official Plan, 1994 (COP), the Municipality of Trent Lakes Official Plan, 2011 (TLOP), and the Municipality of Trent Lakes Zoning By-law #2014-070 (CZBL).

3.1 Provincial

3.1.1 Provincial Policy Statement (2020)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. In general, the PPS seeks to promote appropriate development while protecting valuable resources and public health and safety.

Section 1 of the PPS outlines policies associated with future development and land use patterns:

1.1.4 Rural Areas in Municipalities

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;*
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;*

1.1.4.4 Growth and development may be directed to rural lands in accordance with policy 1.1.5, including where a municipality does not have a settlement area.

1.1.5 Rural Lands in Municipalities

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- b) resource-based recreational uses (including recreational dwellings);*

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.”

Sections 2.1 and 2.2 of the PPS establishes policies regarding the protection of Natural Heritage Features and Water, respectively. Sections 2.1.1 through 2.1.8 of the PPS provides the following policy direction regarding development and Natural Heritage Features:

“2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

- 2.1.2 *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*
- 2.1.4 *Development and site alteration shall not be permitted in:*
a) *Significant wetlands in Ecoregions 5E, 6E and 7E¹; ...*
- 2.1.5 *Development and site alteration shall not be permitted in: ...*
d) *significant wildlife habitat; ...*
- unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*
- 2.1.6 *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*
- 2.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- 2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."*

Section 2.2.2 of the PPS provides the following policy direction regarding development and Water Features:

- 2.2.2 *Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.*

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.

3.1.2 Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides additional Provincial policy for lands within one of the fastest growing regions in North America. The Growth Plan policies are intended to support growth and development while ensuring that it occurs in an orderly and well-planned fashion, in order to protect the social, economic, and environmental interests of Ontario and its residents.

The Growth Plan defines Rural Lands as "*lands which are located outside settlement areas, and which are outside prime agricultural areas.*" Accordingly, the Subject Property would be subject to the policies applicable to Rural Areas within the Growth

Plan. The Subject Property is identified as within the provincial Natural Heritage System (NHS) due to the presence of wetlands and woodlands and its proximity to a waterbody.

"2.2.9 Rural Areas

3. *Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:*

a) *resource-based recreational uses; and...*

4. *Where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include:*

b) *where appropriate, resource-based recreational dwellings for seasonal accommodation."*

4.2.3 Key Hydrologic Features, Key Hydrologic Areas and Key Natural Heritage Features

1. *Outside of settlement areas, development or site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System for the Growth Plan or in key hydrologic features, except for:*

e) *expansions to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not expand into the key hydrologic feature or key natural heritage feature or vegetative protection zone unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;*

4.2.4 Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features

1. *Outside settlement areas, a proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System for the Growth Plan or a key hydrologic feature will require a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone, which:*

a) *is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change;*

b) *is established to achieve and be maintained as natural self-sustaining vegetation; and*

c) *for key hydrologic features, fish habitat, and significant woodlands, is no less than 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature."*

3. Development or site alteration is not permitted in the vegetation protection zone, with the exception of that described in policy 4.2.3.1 or shoreline development as permitted in accordance with policy 4.2.4.5."

3.2 Municipal

3.2.1 County of Peterborough Official Plan (1994, Consolidated to 2022)

The County of Peterborough Official Plan (COP) sets the land use and planning framework for local official plans and decision making. The COP outlines a long-term vision for Peterborough's physical form and community character.

The Subject Property is described as 'Shoreland Areas and the Waterfront' and 'Rural' in the COP, with the development and site alteration proposed located entirely within the portion of the property described as 'Shoreland Areas and the Waterfront'. Relevant policies of the 'Shoreland Areas and the Waterfront' destination from the COP are as follows:

"4.4 Shoreland Areas and the Waterfront

4.4.3 *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.*

Tree cover and vegetation is encouraged to be retained along the shoreline to uphold the visual and environmental integrity of waterfront areas.

Local municipalities may authorize minor variances from the 30 metre setback requirement, without the variance being considered to be inconsistent with the general intent and purpose of the local plan, in the following situations:

- *the addition to an existing building.*

The following is a list of highly sensitive and moderately sensitive Lake Trout Lakes within the County:

Highly Sensitive or 'At Capacity' Lake Trout Lakes

<i>Local Municipality</i>	<i>Lake</i>
<i>Trent Lakes</i>	<i>... Fortescue Lake...</i>

The greatest setback achievable is recommended for existing lots of record on highly sensitive lake trout lakes in order to minimize negative impacts on water quality. At a minimum, a 30 metre setback with maintenance of the vegetative cover should be required."

The Subject Property is also identified within the natural heritage system, given the presence of containing an unevaluated wetland and woodland features. Relevant policies pertaining to the natural environment of the COP are as follows:

"4.1 Natural Environment

The County recognizes the important contribution that natural systems, natural heritage features and natural resources make to the social, economic and environmental health of local municipalities. In this regard, the County has identified the following areas to ensure that the appropriate land use and resource management protection policies are applied to them: ...wetlands, wildlife habitat, woodlands, and water resources...

4.1.3.1 ..with the exception of the Oak Ridges Moraine Policy, development or site alteration such as filling, grading and excavating may be permitted within or adjacent to the remaining natural heritages features listed in Section 4.1 if this Plan, provided that it has been demonstrated by an Environmental impact assessment that there will be no negative impacts on the natural features or ecological functions for which the area is identified.

3.2.2 Municipality of Trent Lakes Official Plan (2011)

The Subject Property is designated as 'Recreational Dwelling Area' (RDA) and 'Rural' (RU) on Scheule 'A3' – Land Use and Transportation Plan (Cavendish) in the Municipality of Trent Lakes Official Plan (TLOP). The development and site alteration are proposed to occur wholly within the portion of the property designated RDA. Refer to **Figure 4 – TLOP Official Plan Schedule 'A3' Land Use and Transportation Plan (Cavendish)**. Relevant policies of the 'Residential Dwelling Area' designation from the TLOP are as follows:

"5.4 Recreational Dwelling Area

The Recreational Dwelling Area land use designation primarily applies to those lands along or in close proximity to the shoreline of water bodies used for limited service and seasonal residential purposes, and permanent residential purposes.

The natural recreational resources associated with the shoreline have attracted a significant level of residential development. It is the intent of this Plan to

recognize the development of the shoreline areas for limited service and seasonal residential and permanent residential purposes, while maintaining and/or enhancing the environmental integrity of the waterfront.

5.4.1 Permitted Uses

Permitted uses shall include single unit permanent dwellings, single unit recreational dwellings, ...

5.4.4 Existing Lots

Recreational dwelling development of existing vacant lots within the Recreational Dwelling Area designation may be undertaken on both private and public roads or on a navigable waterway. Such development shall meet the requirements of the Township's Zoning By-law, and shall be serviced by an adequate supply of potable water and an effective method of waste disposal as determined by the Ministry of Environment and/or the Peterborough County/City Health Unit."

The Subject Property also contains an Environmentally Sensitive Area. Fortescue Lake, being a cold-water lake trout lake, is located directly adjacent to the Subject Property. Relevant policies pertaining to Environmentally Sensitive Areas from the TLOP are as follows:

"5.1.10 Protection of the Environment

Environmentally Sensitive Areas include lands that contain such inherent biological values as provincially or locally significant wetlands, cold-water watercourses, Areas of Natural and Scientific Interest (ANSI) and other more locally significant natural areas. ...

Environmentally Sensitive Areas are important elements of the Municipality's ecosystem, which require proper conservation and management in order to maintain the environmental health of the community. ...

Where possible, the approximate extent and location of these environmentally sensitive areas have been identified on Schedules "B1", "B2" and "B3", ...

5.1.10.8 Coldwater Lake Trout Lakes

Highly sensitive lake trout lakes and moderately sensitive lake trout lakes are identified on Schedules "B1", "B2" and "B3" of this Plan. The following policies shall apply to these lakes:

a) Highly Sensitive Lake Trout Lakes

Beaver Lake, Pencil Lake, Fortescue Lake, Crystal Lake, Cavendish Lake, Concession Lake, Salmon Lake, and Bottle Lake within the Township of Galway-Cavendish and Harvey have been designated as highly sensitive or "at capacity" Lake Trout Lakes.

Notwithstanding this policy, Council may consider the creation of new lots in unique or special circumstances where it can be demonstrated, in consultation with the Ministries of Environment and Natural Resources that one or more of the following conditions exist: ...

- vi) Existing lot of record (existing at the date of approval of this Official Plan) may be issued a building permit for uses permitted by the Zoning By-law. The greatest development setback achievable shall be provided for existing lots of record on highly sensitive lake trout lakes in order to minimize negative impacts on water quality. At a minimum, a 30-metre development setback with maintenance of the natural vegetative cover should be provided.*

5.1.10.11 Water Setbacks

New development shall be set back sufficiently from any water body or watercourse to promote the protection of water quality and natural stream and valley lands.

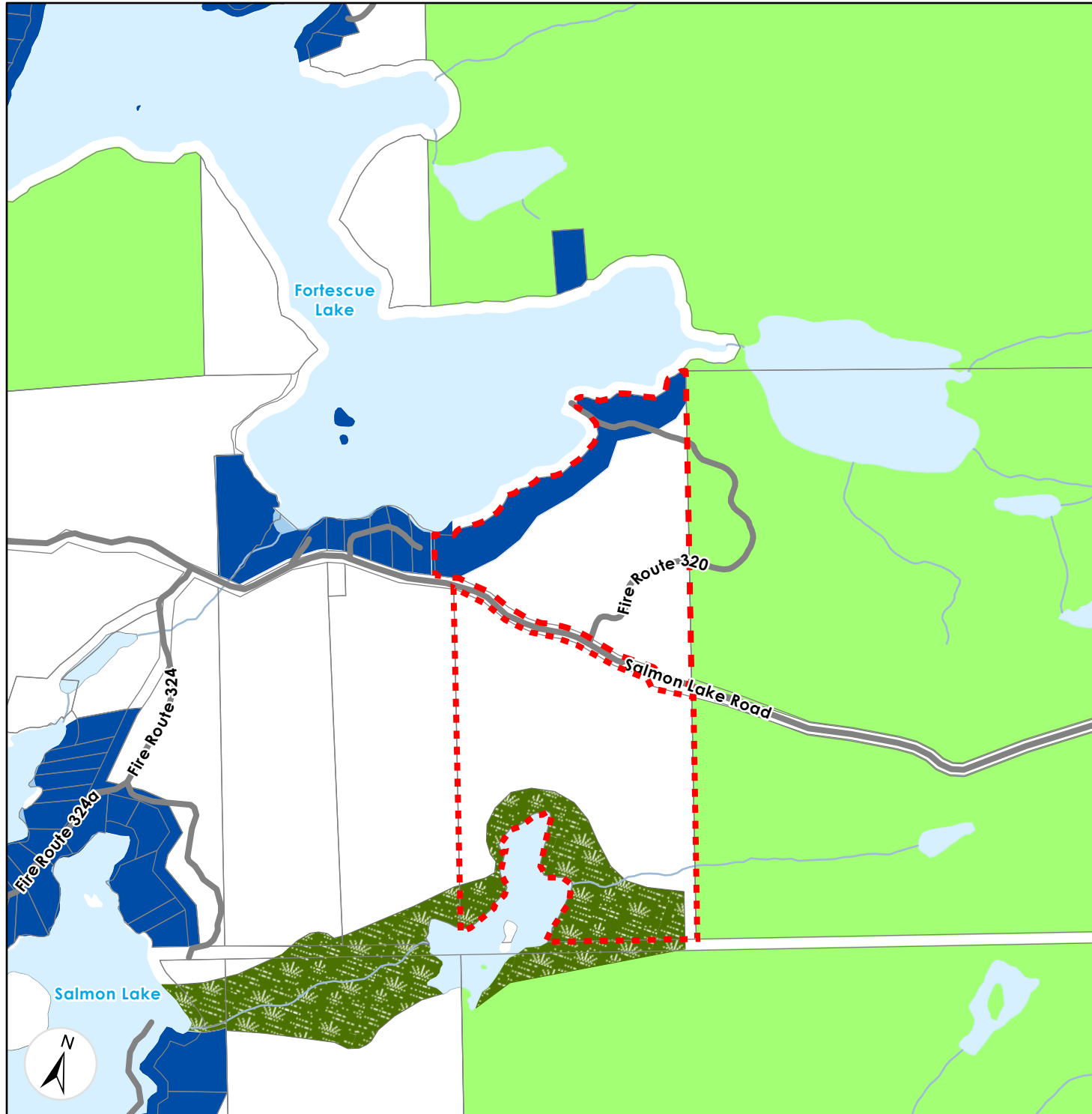
Shoreline development inclusive of sewage system leaching beds shall be set back from the high water mark of water bodies and watercourses to encourage minimal adverse impacts on both the shoreline and water body/watercourse.

For the purpose of this Plan and the implementing Zoning By-law, all new development on a lot shall be set back a minimum of 30 metres from the established high water mark of water bodies and watercourses."

GALWAY-CAVENDISH & HARVEY OFFICIAL PLAN SCHEDULE A3 LAND USE & TRANSPORTATION PLAN

148 Fire Route 320
Lot 8, Concession 17 (Cavendish)
Municipality of Trent Lakes
County of Peterborough

Figure 3



Legend

-  Subject Property
-  Crown Land
-  Environmental Protection
-  Recreational Dwelling Area
-  Rural

Data Sources

County of Peterborough, Municipality of Trent Lakes



PCS: NAD83 CSRS98 UTM zone 17N Scale: 1:10,000

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Drawn By:	Ash More
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3.2.3 Municipality of Trent Lakes Comprehensive Zoning By-law 2014-070

The Subject Property is zoned 'Rural' (RU) in the CZBL. Refer to **Figure 5 – Municipality of Trent Lakes Schedule 'A' Zoning By-law Map 3**. Relevant provisions for lands zoned 'Rural' from the TLZB are as follows:

“5.1 Permitted Uses

- 5.1.1 one single detached dwelling
- 5.1.2 one seasonal (or recreational) dwelling

5.2 Regulations for Uses Permitted in Section 5.1

Type	Single Detached and Seasonal Dwellings
5.2.1 Minimum Lot Area	1.0 ha (2.5 ac)
5.2.2 Minimum Lot Frontage	60.0 m (196.8 ft.)
5.2.3 Minimum Front Yard Depth	15.0 m (49.2 ft.)
5.2.4 Minimum Interior Side Yard Width	4.5 m (14.8 ft.)
5.2.5 Minimum Exterior Side Yard Width	6.09 m (20.0 ft.)
5.2.6 Minimum Rear Yard Depth	4.5 m (14.8 ft.)
5.2.7 Minimum Water Yard	30.0 m (98.4 ft.)
5.2.8 Minimum Floor Area	1 storey: 83.5 sq. m (898.8 sq. ft.) 1.5 or 2 storeys: 116.0 sq. m (1250 sq. ft.)
5.2.10 Maximum Height	11.0 m (36.0 ft.)
5.2.11 Maximum Number of Dwelling Units Per Lot	1 only

5.6 Provisions for Development Adjacent to a Private Road

Where a lot abuts a private road or legal right-of-way, any building or structure may not be located closer than 12.0 metres (39.4 ft.) to such private road or right-of-way and in accordance with Section 4.12 of this By-law.

This setback distance shall be measured from the boundary of the legal right-of-way; or the edge of the travelled portion of the private road where a legal right-of-way does not exist.”

The following general provisions from the Municipality of Trent Lakes TLZB are also applicable:

“4.9.2 Non-Complying Buildings or Structures

Nothing in this By-law shall prevent the enlargement, extension, reconstruction, renovation, repair or alteration of a building or structure, which existed at the date of passing of this By-law, which is used for a purpose specifically permitted within the Zone in which such building or structure is located, where such building

or structure does not comply with the setback of one or more yards that is or are less than required under the provisions of this By-law provided that the setback or yard or yards that is or are less than required are not further reduced and that all other provisions of this By-law are complied with.

4.30.1 General Setback Provisions

Except as otherwise specifically provided for herein, no new building or structure, or new sewage system leaching bed, shall be erected within 30.0 metres (98.4 feet) of the normal high water mark of any water body and/or watercourse. This setback distance shall be applied horizontally from the high water mark.

4.30.3 Expansions to Existing Buildings

Proposed expansions to existing buildings or structures may be permitted within the 30 metre high water mark setback, without a Minor Variance or Zoning By-law Amendment, provided that where:

- the floor area of an existing building or structure is 112 square metres or greater the expansion does not exceed 25% of the existing total floor area,
- the floor area of an existing building or structure is less than 112 square metres the expansion does not exceed 50% of the existing total floor area,

and that the expansion does not further reduce the existing setback from the high water mark. No further enlargements to the building or structure shall be permitted.

Minor variances or amendments to this By-law to accommodate proposed expansions of a structurally-permanent nature to existing buildings or structures that further reduce the 30-metre (98.4 ft.) high water mark setback shall not be permitted unless it is a matter of public health and/or safety."

By-law No. B2015-085, being a by-law to amend the CZBL serves to clarify general provisions with respect to expansions to and the replacement of legal non-complying buildings which do not meet the required 30-metre setback from the high water mark. By-law No. B2015-085 deletes Section 4.30.3 in the TLZBL and replaces it with the following Section:

"4.30.3 Expansions to or Replacement of Existing Buildings

Notwithstanding Section 4.30.1, expansions to or replacement of an existing dwelling located within the required 30 metre setback from high water mark shall be permitted subject to the following provisions:

- a) Where the ground floor area of an existing dwelling is 112 square metres or greater, the expansion or replacement building shall not result in an increase to the existing ground floor area of more than 25%;

- b) *Where the ground floor area of an existing dwelling is less than 112 square metres, the expansion or replacement building shall not result in an increase to the existing ground floor area of more than 50%;*
- c) *In no case shall any expanded or replacement dwelling cause a further reduction to the existing setback from the high water mark. For the purpose of this provision the existing setback shall be the furthest distance between the high water mark and the exterior wall of the dwelling;*
- d) *Where a dwelling is located within 10 metres of the high water mark, the height of the expanded or replacement dwelling shall not increase by more than 1.22 metres;*
- e) *The building footprint of a replacement or relocated dwelling shall occupy the majority of the existing building footprint;*
- f) *This section shall not apply to any other building or structure located within the setback from high water mark, with the exception that any existing dwelling located in the setback from high water mark may be permitted to construct or expand an attached deck provided the entire dwelling is a minimum of 10 metres from the high water mark, the new or expanded attached deck, including any stair does not project more than 3 metres from the exterior wall of the dwelling; and*
- g) *This section shall only accommodate one expansion or replacement to an existing dwelling located in the shoreline setback that existed prior to the passage of this By-law and further such existing dwelling shall not have not have been the subject of any previous variance or zoning bylaw amendment to permit expansion."*

Section 4.2 provides policy direction on Accessory Buildings, Structures and Uses, and states the following:

4.2 Accessory Buildings, Structures And Uses

"4.2.1 Permitted Uses

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include the following:

- a) *any occupation for gain or profit conducted within or accessory to a dwelling unit or on such lot associated therewith, except as is specifically permitted in accordance with this By-law; or*
- b) *any building used for human habitation except in accordance with this By-law, as is specifically permitted"*

Section 3.0 contains terms and definition which shall apply throughout the defined area. The following term and definition are applicable to the proposed ZBA.

3.119 Habitable Room means a room designed for living, sleeping, eating or food preparation, including a den, library, sewing-room or enclosed sunrooms but not including any space in a dwelling used as a lobby, hallway, closet, or bathroom or any room having floor space of less than 4.6 m² (49.5 ft.²)”

**TRENT LAKES - CAVENDISH
ZONING BY-LAW
NO. B2014-070
SCHEDULE A MAP 3**

148 Fire Route 320
Lot 8, Concession 17 (Cavendish)
Municipality of Trent Lakes
County of Peterborough

Figure 4

Legend

-  Subject Property
-  Shoreline Residential Zone
-  Environmental Protection Zone
-  Rural Zone
-  Crown Land
-  Shoreline Residential - Private Access

Data Sources

County of Peterborough, Municipality of Trent Lakes



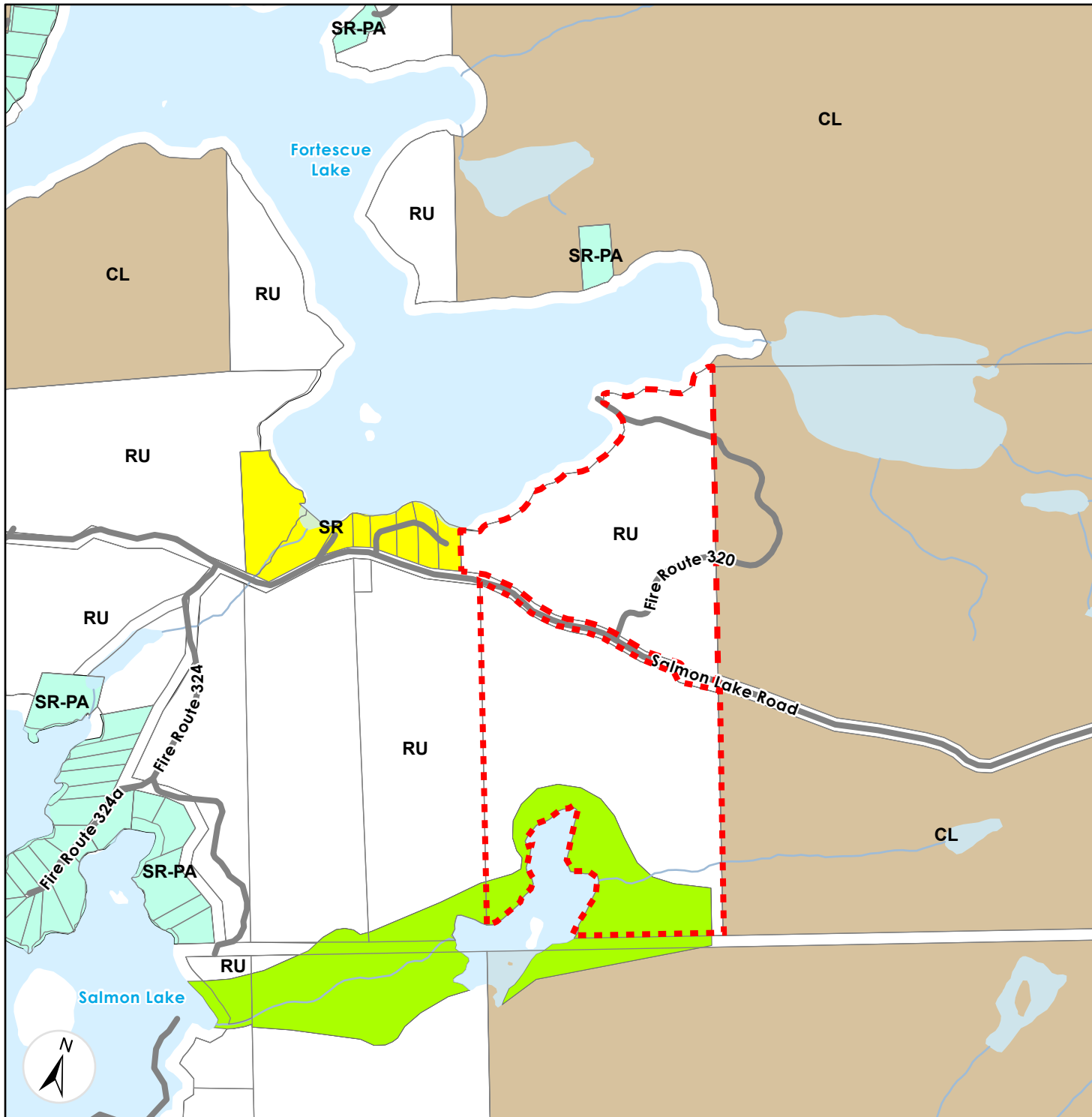
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4.0 Planning Rationale

The proposed ZBA application is consistent with the applicable provincial and municipal policies as outlined above in Section 3.0 of this Report.

Applicable provincial policies permit resource-based recreational uses, including recreational dwellings on rural lands. The proposed ZBA would facilitate additions to the existing seasonal dwelling to provide a reasonable expansion to living space available to the occupants of the dwelling. The proposed additions will be modest in terms of area and height and vegetation surrounding the dwelling will be substantially retained; therefore, the proposed additions will allow the proposed expanded seasonal dwelling to maintain compatibility with the rural landscape.

Policies of the Growth Plan permit expansions to existing buildings and structures provided such expansion does not further encroach into a key natural heritage feature, key hydrologic feature, or associated vegetation protection zone (VPZ). In accordance with Growth Plan policies and the recommendations of the completed EIS, a VPZ 30 m in width has been established along the shoreline to protect Fortescue Lake and any associated fish and wildlife habitat. As existing, the seasonal dwelling is located partially within the 30-metre VPZ; however, the proposed additions, being located to the north side and the rear of the existing seasonal dwelling, would not further encroach into the prescribed VPZ.

The Subject Property is identified as Shoreland Areas and the Waterfront in the COP and is designated 'Recreational Dwelling Area (RDA)' and 'Rural (RU)' in the TLOP. Both Official Plans permit recreation-based residential uses in the form of single unit seasonal dwellings and generally promote development which protects and enhances the character, and supports the environmental integrity, of shorelines. The existing dwelling is used for seasonal, recreational habitation and the proposed additions would allow for the reasonable expansion and continuation of this permitted use. Much of the shoreline area has been maintained in its natural, vegetated state except for limited shoreline activity areas. Minimal site alteration and vegetation removal within the water yards are anticipated to be required to facilitate the construction of the proposed additions.

The COP and TLOP identify Fortescue Lake as being a highly sensitive lake trout lake and encourages that development along the shorelines of such lakes achieve the greatest possible setback to minimize negative impacts to the water quality of the lake. Generally, a minimum 30 metre setback from the high-water mark of waterbodies is required; however, additions to an existing building are exempt from this requirement. The proposed additions will not further reduce the existing deficient setback of 8.91 m from the existing dwelling as the proposed will have a setback of 11.26 m from the high-water mark. Mitigation measures to minimize impacts to Fortescue Lake and any associated fish and wildlife habitat during and after construction of the additions, as recommended by the EIS, will be adhered to. Accordingly, it is anticipated that the resultant impacts to the water quality of Fortescue Lake, if any, will be minimal.

The Subject Property is currently zoned 'Rural (RU)' in the CZBL. Permitted uses in the RU Zone include single detached and seasonal dwellings. In the RU Zone, single detached and seasonal dwellings are required to have a minimum water yard of 30 m. The existing seasonal dwelling and multiple accessory buildings on the Subject Property do not meet this provision of the CZBL; however, the provisions of the CZBL shall not apply to prevent the use of any building or structure for any use prohibited by the CZBL if such building or structure was lawfully used for such purpose on the date of passing of this CZBL. The current CZBL was approved in 2017; the existing structures on the Subject Property were established prior to 2017 and continue to be used for the same purpose and are therefore considered to be legal non-conforming buildings. The proposed ZBA seeks to recognize the deficient water yard setbacks to these buildings. Non-complying buildings may be expanded in accordance with the criteria outlined in Section 4.9.2 of the CZBL which permits the enlargement, extension, reconstruction, renovation, or alteration of a building or structure, which existed at the date of passing of this CZBL. The proposed additions to the existing seasonal dwelling will not further reduce the existing deficient water yard of 8.91 m, and all other applicable provisions of the CZBL will be upheld.

Section 4.30.3 of the CZBL, as amended by By-law B2015-085, contains provisions relating to the expansion of existing buildings located within 30 m of the high-water mark. The existing seasonal dwelling has a footprint of 98.4 m². The proposed additions would result in an enlarged footprint of 135.9 m², representing a 38% increase. The proposed increase does not exceed the maximum permitted increase for existing buildings having a footprint of 112 m², being 50%. The proposed expanded seasonal dwelling will maintain a reasonable footprint and massing. The proposed built form will not dominate over the natural environment and the character of the shoreline will be maintained.

The existing seasonal dwelling is currently located 8.91 m east of the shoreline, the addition is proposed on the north side of the existing dwelling and will not reduce the existing setback from the shoreline. The proposed size of the additional is less than 30% of the existing footprint of the seasonal dwelling and therefore will not significantly increase the footprint or the view of the Subject Property from the shoreline or the lake. There is no proposed alteration to the shoreline or removal of vegetation as part of the proposed development.

Section 4.2 provides provisions related to Accessory Building, Structures and Uses that restrict the use of any accessory building or structure to the use of human habitation except where specifically permitted. The proposed amendment to allow for plumbing to service a bathroom in the accessory structure will permit the approved plumbing and allow for a bathroom within the accessory structure. The existing private septic system will service the proposed bathroom and therefore there will be no impact to the existing private services. No other areas within the accessory structure will be used for human habitation and no additional dwelling units will be contained within any of the accessory structures.

However, for an existing non-complying building to be eligible for expansion in accordance with Section 4.30.3 of the CZBL, the building shall not have been previously

subject to any expansion. In 2019, a building permit was issued to facilitate an addition at the northeast corner of the existing seasonal dwelling for a screen room, being approximately 16.4 m². The screen room complied with all relevant provisions of the CZBL and therefore, did not require any planning approvals. As such, the proposed ZBA seeks to permit a second addition to an existing non-complying building which otherwise complies with the provisions of the CZBL regarding expansions to non-complying buildings. The proposed expansion is modest in nature and is intended to increase the living space available to the occupants of the dwelling while respecting sensitive natural features in the vicinity. Accordingly, the shoreline will be maintained in its current condition.

5.0 Proposed Zoning By-law Amendment

In support of the proposed development, a site specific RU-XX zone is proposed through the ZBA. The proposed ZBA will permit the expansion of the existing seasonal dwelling and recognize the legal non-conforming status of existing accessory structures on the Subject Property, with site specific zoning provisions to support the development. The draft Zoning By-law is provided below with the associated draft Zoning Schedule.

Zoning By-law Amendment

Rural - XX (RU -XX) Zone

By-law 2024-XX

Part of Lot 8, Concession 17 and Part of the Road Allowance in front of Lot 8, Concession 17, geographic Township of Cavendish, in the Municipality of Trent Lakes (County of Peterborough) more particularly described as 148 Fire Route Rd 320, as shown on Schedule "x" attached hereto, and forming part of this Bylaw.

Notwithstanding any other provisions of this By-law to the contrary, within the Rural – XX (RU-XX) zone, the following provisions shall apply:

Regulations for uses permitted under Section 5.1.1;

Provision	Required	Proposed
5.1 Permitted Uses	<i>n/a</i>	<i>Accessory Structure with area of human habitation (bathroom/plumbing)</i>
5.2.7 Minimum Water Yard – Seasonal Dwelling	30m	8.9m

Regulations for Setbacks From Water Bodies, Watercourses And Wetlands requirements under General Provisions Section 4.2 are applicable to the existing accessory structures on the property:

Provision	Required	Proposed
4.30 Except as otherwise specifically provided for herein, no new building or structure, or new sewage system leaching bed, shall be erected within 30.0 metres (98.4 feet) of the normal high water mark of any water body and/or watercourse. This setback distance shall be applied horizontally from the high water mark.	30 m	4.2 m

6.0 Closing

This Report has been prepared in support of the Zoning By-law Amendment to facilitate a second addition to the existing non-complying seasonal dwelling and to recognize the deficient high-water mark setbacks of the existing seasonal dwelling and accessory structures on the Subject Property. The Report provides an analysis of the applicable provincial and local policy documents in the context of the Zoning By-law Amendment.

It is our opinion that the proposed expansion is modest in nature and is intended to improve the functionality of the existing seasonal dwelling to support the continuation of this permitted use. The proposed additions will only reduce the existing deficient high-water mark setback of the existing seasonal dwelling by 0.3 m. The footprint and massing of the proposed enlarged seasonal dwelling would remain reasonable in the context of the Subject Property. The natural environment and the character and environmental integrity of the shoreline will be maintained. Other accessory structures having deficient high-water mark setbacks are not subject to redevelopment through this application and their ongoing use is not anticipated to result in any negative impacts.

Based on the background information, the features on site and the forgoing review of the relevant policies, it is our opinion that the proposed Zoning By-law Amendment is consistent with and conforms to provincial and municipal policies and constitutes as good planning.

Respectfully Submitted,
D.M. Wills Associates Limited



Marnie Saunders, BES
Senior Land Use Planner

Reviewed by:



Diana Keay, MCIP, RPP
Manager, Planning Services

EF/MS/DK/jh

Appendix A

Photographic Log



<p>Client Name: Matthew Rivard</p>	<p>Site Location: 148 Fire Route 320 Lot 8 Concession 17, Cavendish Municipality of Trent Lakes</p>
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<p>Number: 1</p>
<p>Date: July 26, 2023</p>
<p>Direction: West</p>
<p>Description: Driveway entering Subject Property.</p>



<p>Number: 2</p>
<p>Date: July 26, 2023</p>
<p>Direction: Northwest</p>
<p>Description: Existing dwelling and deck on Subject Property.</p>



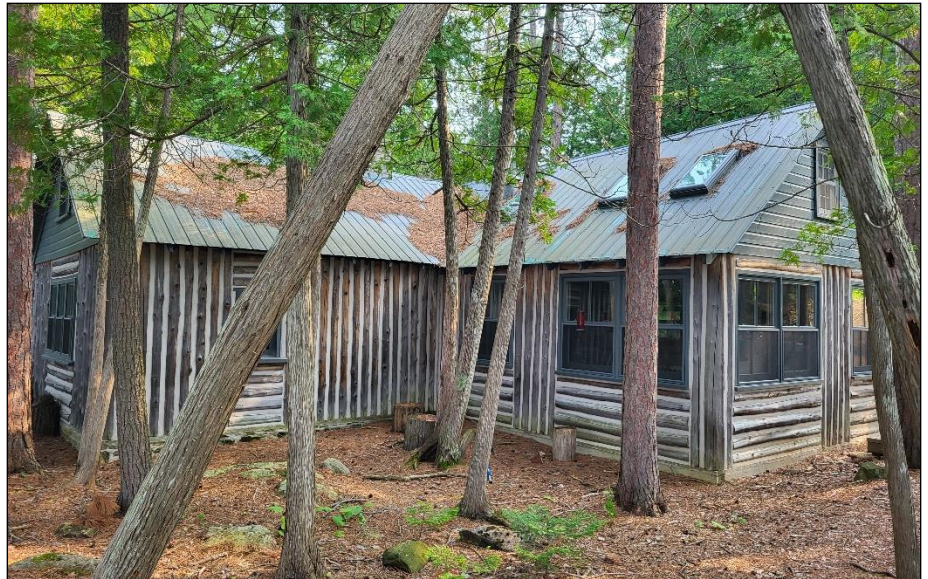
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<p>Client Name: Matthew Rivard</p>	<p>Site Location: 148 Fire Route 320 Lot 8 Concession 17, Cavendish Municipality of Trent Lakes</p>
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<p>Number: 3</p>
<p>Date: July 26, 2023</p>
<p>Direction: Northeast</p>
<p>Description: Existing dwelling and surrounding vegetation.</p>



<p>Number: 4</p>
<p>Date: July 26, 2023</p>
<p>Direction: West</p>
<p>Description: Screened sunroom attached to northern side of existing dwelling.</p>



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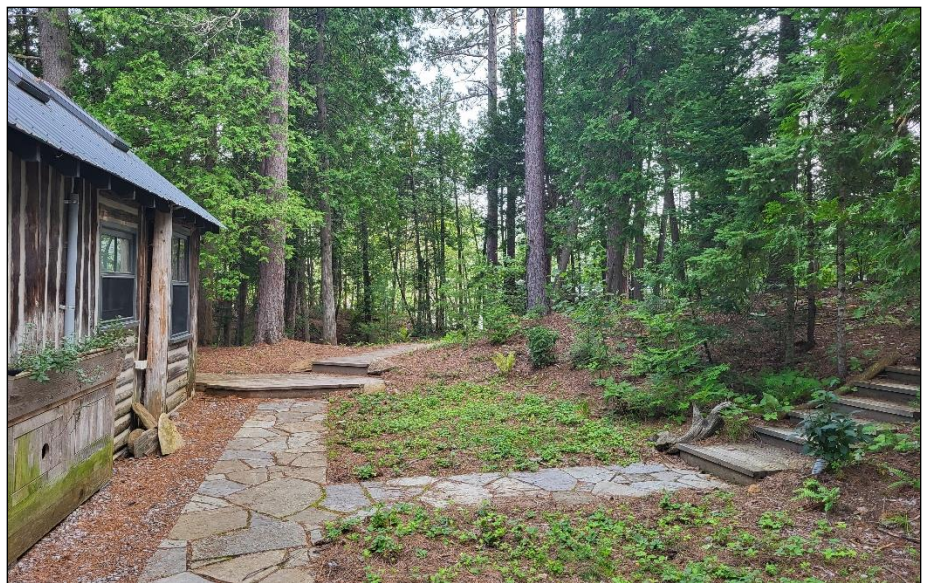
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<p>Client Name: Matthew Rivard</p>	<p>Site Location: 148 Fire Route 320 Lot 8 Concession 17, Cavendish Municipality of Trent Lakes</p>
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<p>Number: 5</p>
<p>Date: July 26, 2023</p>
<p>Direction: Southwest</p>
<p>Description: Existing dwelling and surrounding vegetation.</p>



<p>Number: 6</p>
<p>Date: July 26, 2023</p>
<p>Direction: North</p>
<p>Description: South side of existing dwelling and pathways leading to accessory buildings and activity areas.</p>



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<p>Number: 7</p>
<p>Date: July 26, 2023</p>
<p>Direction: Southwest</p>
<p>Description: Existing deck and vegetation at Southeast corner of existing dwelling.</p>



<p>Number: 8</p>
<p>Date: July 26, 2023</p>
<p>Direction: West</p>
<p>Description: Vegetation along western shoreline at front of existing dwelling.</p>



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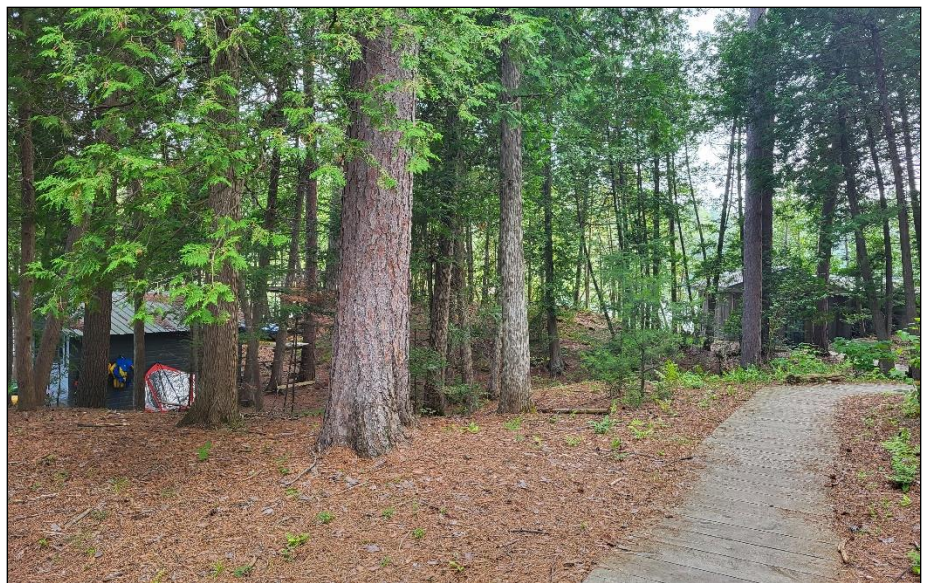
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<p>Client Name: Matthew Rivard</p>	<p>Site Location: 148 Fire Route 320 Lot 8 Concession 17, Cavendish Municipality of Trent Lakes</p>
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<p>Number: 9</p>
<p>Date: July 26, 2023</p>
<p>Direction: South</p>
<p>Description: Front of screened sunroom and vegetation along western shoreline at front of existing dwelling.</p>



<p>Number: 10</p>
<p>Date: July 26, 2023</p>
<p>Direction: Northwest</p>
<p>Description: Vegetation, pathway, and accessory buildings.</p>



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<p>Number: 11</p>
<p>Date: July 26, 2023</p>
<p>Direction: North</p>
<p>Description: Shed used for storage of marine equipment.</p>



<p>Number: 12</p>
<p>Date: July 26, 2023</p>
<p>Direction: West</p>
<p>Description: Shoreline activity area to South of shed pictured in photo 11.</p>



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<p>Number: 13</p>
<p>Date: July 26, 2023</p>
<p>Direction: North</p>
<p>Description: Rear of existing boathouse.</p>



<p>Number: 14</p>
<p>Date: July 26, 2023</p>
<p>Direction: South</p>
<p>Description: Front of existing boathouse.</p>



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<p>Number: 15</p>
<p>Date: July 26, 2023</p>
<p>Direction: South</p>
<p>Description: Existing dock, front of existing boathouse and vegetation at northern shoreline.</p>



<p>Number: 16</p>
<p>Date: July 26, 2023</p>
<p>Direction: North</p>
<p>Description: Existing dock on northern shoreline.</p>



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<p>Number: 17</p>
<p>Date: July 26, 2023</p>
<p>Direction: Northeast</p>
<p>Description: Existing privy and surrounding vegetation.</p>



<p>Number: 18</p>
<p>Date: July 26, 2023</p>
<p>Direction: Southeast</p>
<p>Description: Northwest face of existing accessory structure.</p>



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<p>Number: 19</p>
<p>Date: July 26, 2023</p>
<p>Direction: East</p>
<p>Description: Southwest side of existing accessory structure and existing driveway.</p>



<p>Number: 20</p>
<p>Date: July 26, 2023</p>
<p>Direction: North</p>
<p>Description: Southwest corner of existing accessory structure.</p>



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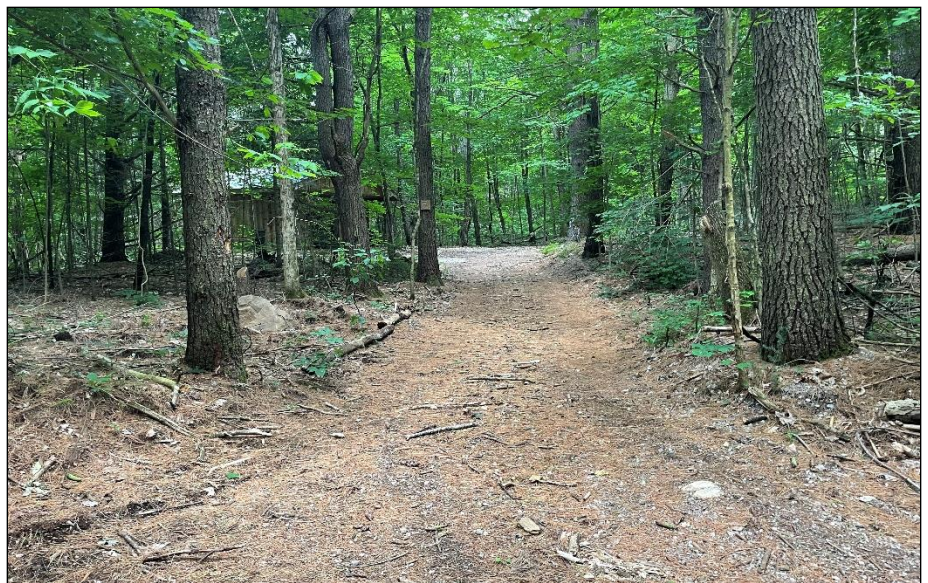
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<p>Number: 21</p>
<p>Date: July 26, 2023</p>
<p>Direction: East</p>
<p>Description: Driveway exiting Subject Property.</p>



<p>Number: 22</p>
<p>Date: July 26, 2023</p>
<p>Direction: West</p>
<p>Description: Driveway to drive shed near entrance to Subject Property from Salmon Lake Road.</p>



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