

# The Township of The Archipelago

## Public Meeting Recommendation Report

**Report No.:** Z05-24

**Date:** October 17, 2024

**Originator:** Maria Pinto, Planner

**Subject:** Recommendation Report – Zoning By-law Amendment Z05-24

**Owner:** Nathan Boersma

**Agent:** Peter Boersma

**Location:** 100 Boundary Lake Road, The Archipelago

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### **RECOMMENDATION**

It is recommended that Council approves the Zoning By-law Amendment to permit the reconstruction of a new dwelling having a total floor area of 559.8 m<sup>2</sup> (6025.6 ft<sup>2</sup>), and a maximum permitted Lot Coverage of 755.8 m<sup>2</sup> (8135.4 ft<sup>2</sup>).

### **PROPOSAL**

The purpose of the proposed Zoning By-law Amendment No. Z05-24, is to rezone a portion of 100 Boundary Lake Road, being Part 1, Registered Plan 42R16393, being Parcel 28198 SEC SS, Part Lot 38, Concession 12, in front of the Geographic Township of Conger, The Archipelago, from the 'Inland Lakes Residential (IR)' Zone to the 'Inland Lakes Residential Exception 21 (IR-21)' Zone.

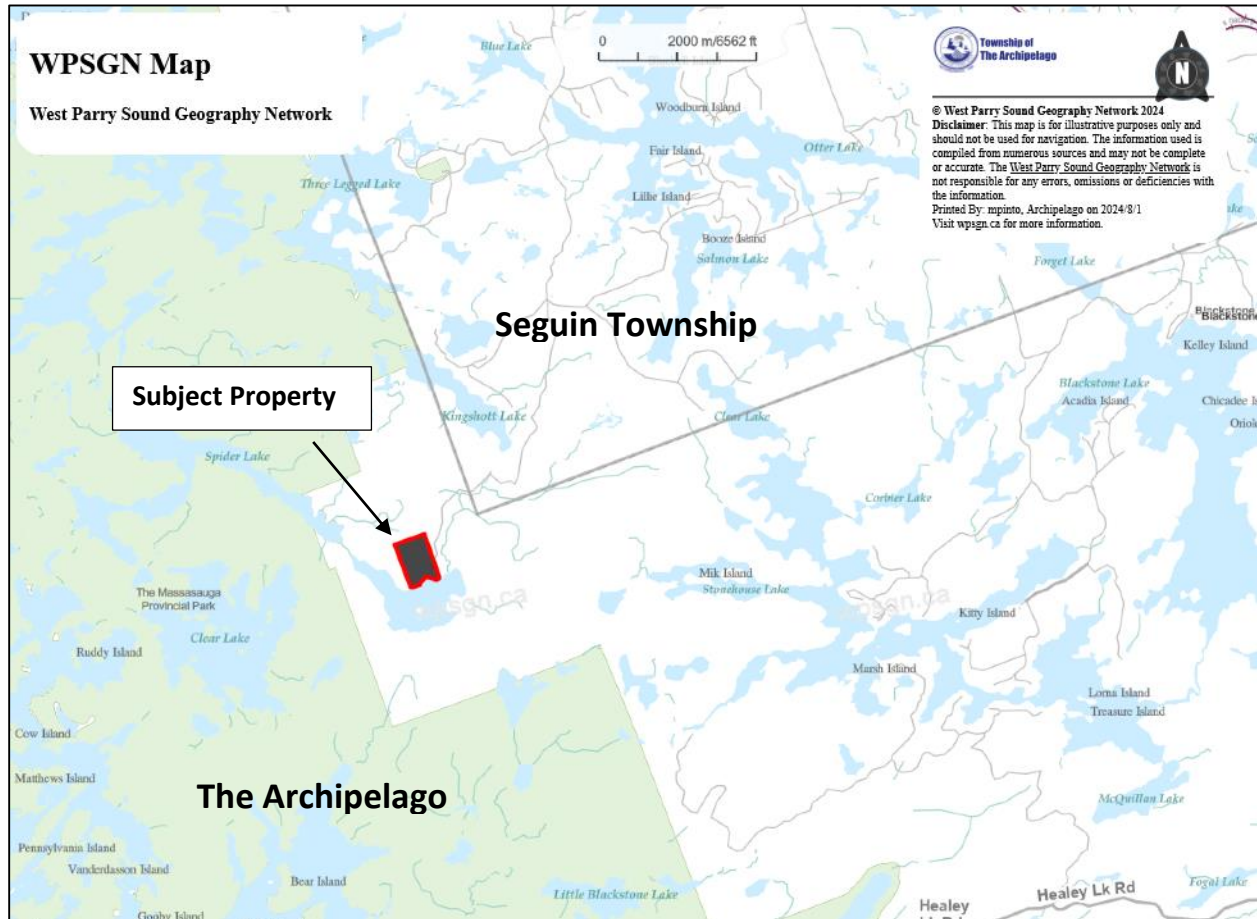
The effect of the proposed Zoning By-law Amendment would be the construction of a 446.1 m<sup>2</sup> (4802.2 ft<sup>2</sup>) main dwelling with a 113.7 m<sup>2</sup> (1223.5 ft<sup>2</sup>) attached garage on the IR zoned portion of the property for a combined Total Floor Area of 559.8m<sup>2</sup> (6025.6ft<sup>2</sup>), as well as the Total Lot Coverage for that portion of the property to be 755.8m<sup>2</sup> (8135.4ft<sup>2</sup>).

Zoning By-law Amendment A2114-24 is attached to this report as Appendix C.

### **PLANNING INFORMATION**

<b>Zoning By-law Amendment Application Z05-24</b>	
Property:	100 Boundary Lake Road
Official Plan Neighbourhood:	Three-Legged Lake
Ward:	4
Existing Zone:	Inland Lakes Residential (IR) and Natural State (NS)
Existing Use:	Residential and natural state
Property Size:	23.4 ha (57.73 ac)

## LOCATION MAP



## BACKGROUND

The subject property is located within the Three-Legged Lake Neighbourhood in the Official Plan. The property is accessed by a private road, Boundary Lake Road located off of the municipal road, Salmon Lake Road within Seguin Township. The subject property fronts onto Boundary Lake, which is connected to Spider Lake. The subject property has a lot area of 23.4 ha (57.73 ac), and an approximate lot frontage of 272 m (892.4 ft). The subject property is zoned Natural State (NS) and Inland Lakes Residential (IR). The surrounding uses include vacant lands zoned Natural State, and the Massasauga Provincial Park. Please see Figure 1- Zoning Map for the zoning of the property and surrounding properties. The property is unique as it is the only development on Boundary Lake. The property is surrounded by vacant land zoned Natural State which is privately owned. Boundary Lake Road, the private road is the only access to the properties.

The property is currently developed with two main cottages, multiple accessory buildings/structures. The applicant is proposing to demolish one of the main cottages and

construct a new main dwelling with an attached garage having a combined Total Floor Area of 559.8 m<sup>2</sup> (6025.6 ft<sup>2</sup>), as well as the Total Lot Coverage for the portion of the property zoned Inland Lakes Residential (IR) to be 755.8 m<sup>2</sup> (8135.4 ft<sup>2</sup>).

Historically, the property consists of a former hunt camp having six or seven acres that was surrounded by Crown Land. In 2002, the applicants purchased Crown Land from the Ministry of Natural Resources. Following that purchase, the zoning of the Crown land remained Natural State. The portion of the of the property that had existing development was zoned Residential under Zoning By-law Amendment Application Z10-00. The Zoning Amendment recognized the existing development on the property. The property has received Minor Variance approval under application A5-01 to recognize the existence of a gazebo that was constructed on the dock fronting the subject property.

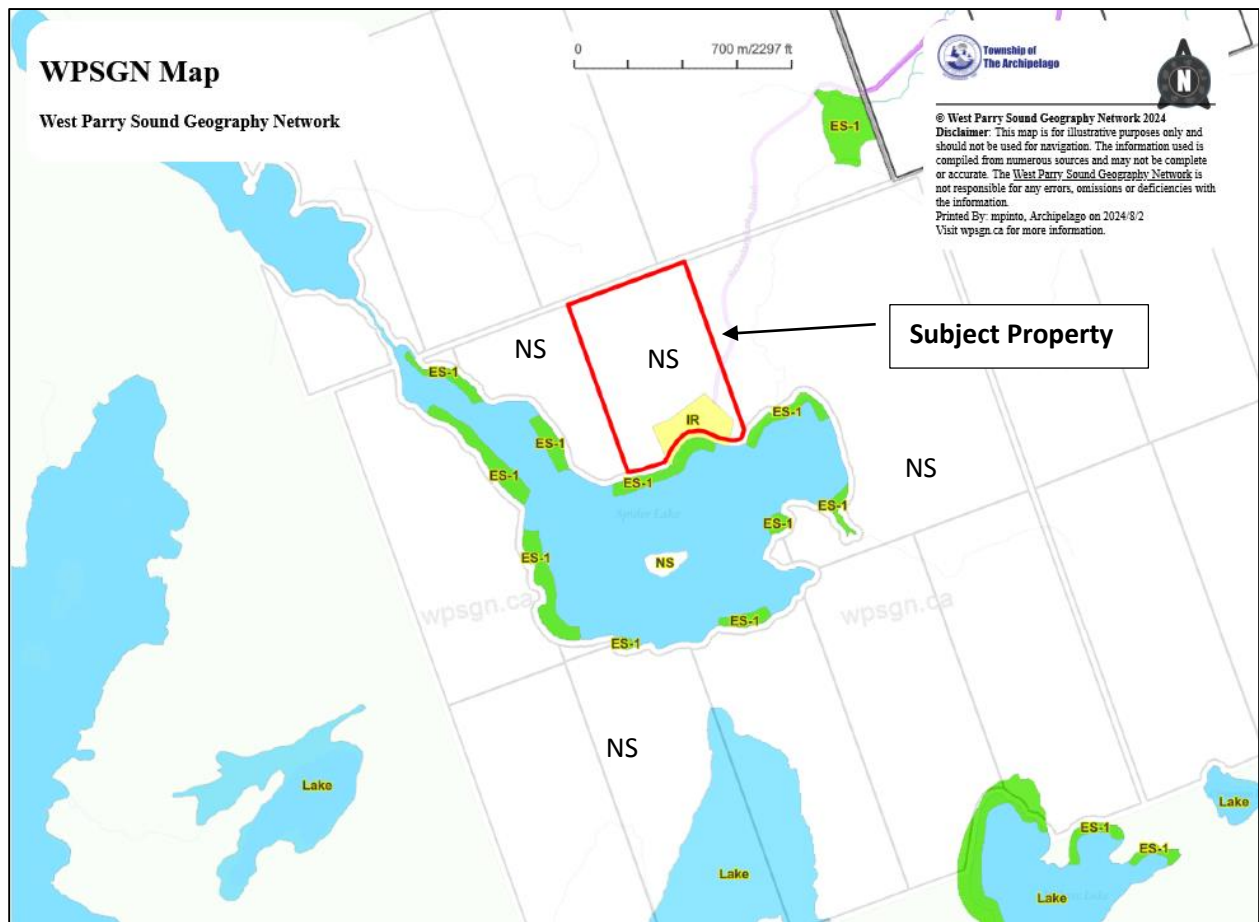
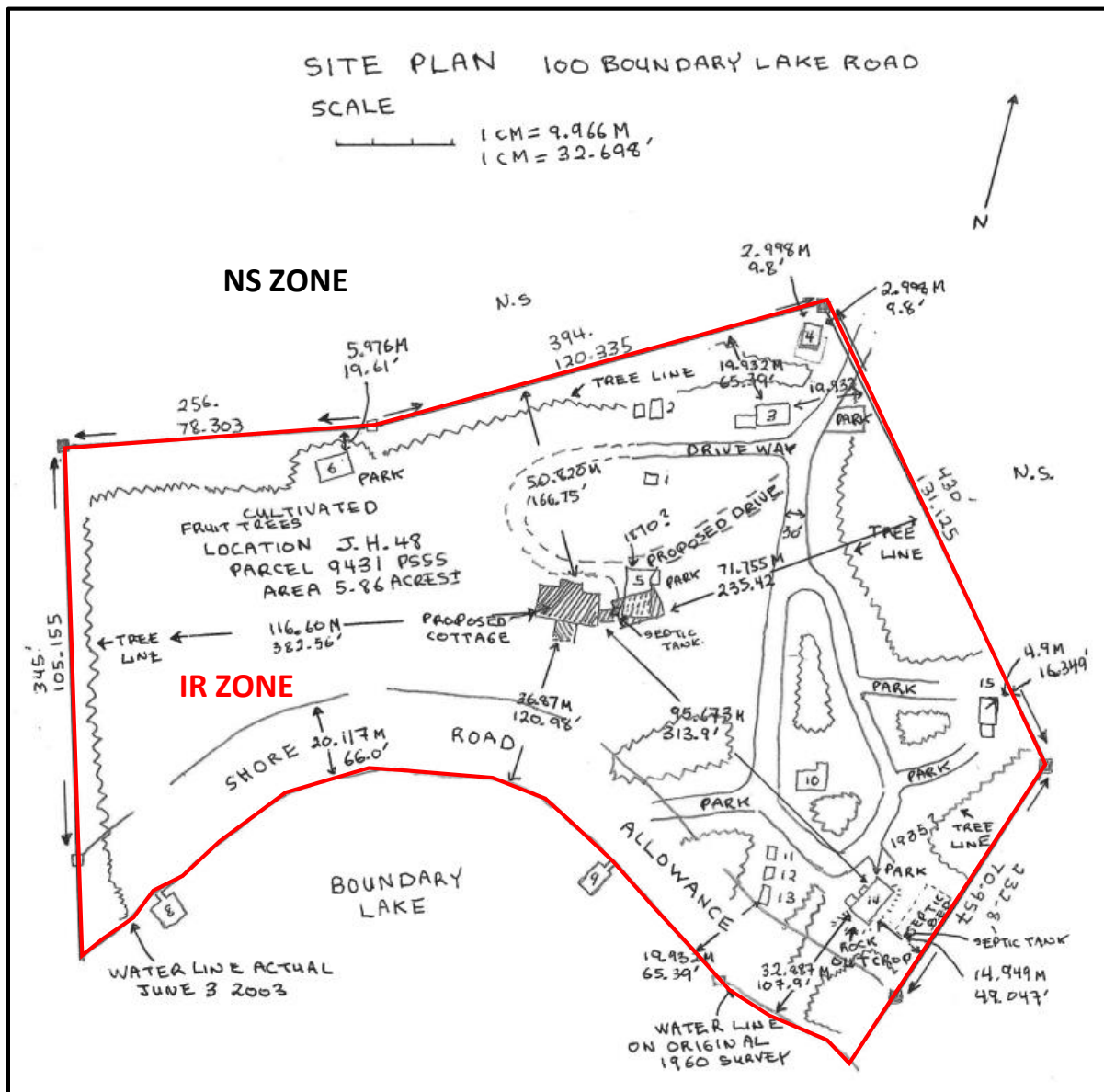


Figure 1- Zoning Map

## SITE PLAN



## PUBLIC MEETING SUMMARY

A public meeting was completed on September 20, 2024. One letter of support was submitted prior to the meeting. Council considered the comments received from the public at the Public Meeting. Members of the public attended the public meeting. Council had general questions regarding the location of the property in proximity to the Massasauga Provincial Park. The Massasauga Provincial Park Management Plan was reviewed and confirms that the subject property is not located within the park boundaries. The WPSGN mapping accurately reflects the park boundary (Figure 2-Map of Park Boundary).

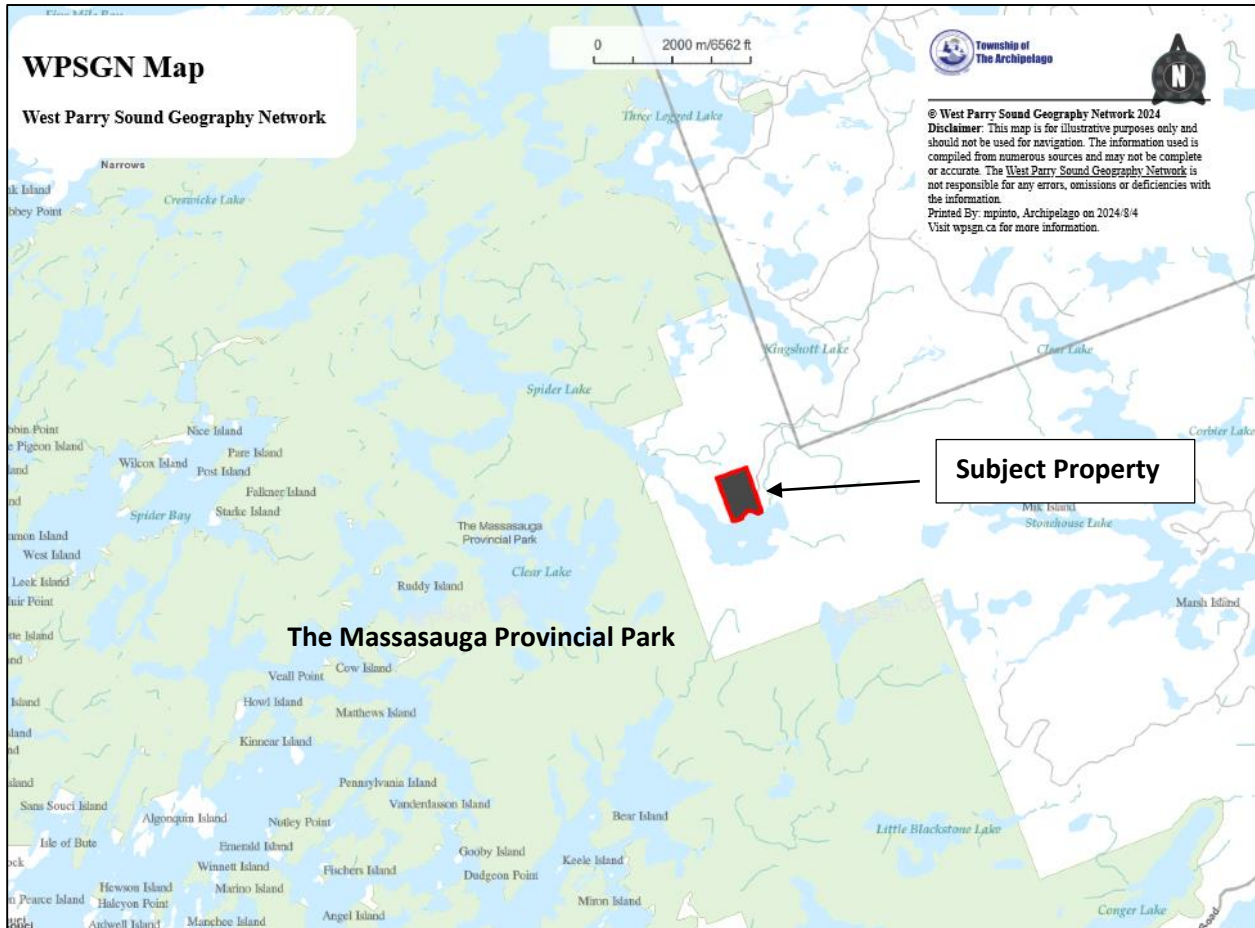


Figure 2- Map of Park Boundary

## **PLANNING ANALYSIS**

### **1. PROVINCIAL POLICY STATEMENT**

The Provincial Policy Statement (2020) issued under the authority of Section 3 of the Planning Act provides policy direction on matters of provincial interest relating to land use planning.

#### Rural lands in Municipalities

The subject property is located within a rural area as per Section 1.1.4 of the Provincial Policy Statement. Section 1.1.5.2 of the Provincial Policy Statement recognizes limited residential development and resource-based recreational activities on the subject property, it states:

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

- b) resource-based recreational uses (including recreational dwellings);*
- c) residential development, including lot creation, that is locally appropriate;*

Further, Section 1.1.5.4 of the Provincial Policy Statement states:

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

The proposal would allow for the subject property to be used recreationally, including recreational dwellings for residential uses, which, if compatible with the rural landscape, is supported by the above policies.

### Conclusion

The proposal is consistent with the Provincial Policy Statement.

## **2. OFFICIAL PLAN**

The subject property is located within the Three-Legged Lake Neighbourhood. The Three Legged Lake Neighbourhood is almost entirely Crown owned, and forms the eastern boundary of the Massasauga Provincial Park. The majority of Spider Lake is located in Massasauga Provincial Park, Boundary Lake is outside of the park boundary, and is connected by a small river to the Spider Lake. It appears that access to Boundary Lake from Spider Lake would be challenging by boat and road access is limited by the private driveway.

It is the intent of the Official Plan to preserve the natural environment and where appropriate have development that complements the natural landscape. The subject property is an existing developed lot with frontage on Boundary Lake that abuts vacant properties zoned Natural State. The property was historically used as a hunt camp and contains two main dwellings, and multiple existing accessory buildings and structures.

Section 14.6 of the Official Plan states:

*'Development must be appropriate for an area in terms of its density or prematurity.'*

Section 14.17 states:

*'All development locations must be physically suitable in terms of services, building site, harbour and access. Lands with severe development constraints due to the steepness of their slopes, their susceptibility to flooding or erosion, their environmental sensitivity, or other special physical features, may be zoned in a non-development zone so as to maintain the natural state of these lands.'*

The property has multiple zones, the majority of the property is zoned Natural State, which does not permit any development, and the remainder of the property is zoned Inland Lakes Residential (IR) and that is where the development is permitted and proposed on the property.

In addition, Section 14.23 – 14.25 states:

*‘14.23 The aesthetics of the Township’s waterfront lands will be preserved using detailed land use regulations and control during the consent, subdivision, site plan and building application processes. Principles that will be applied to afford a measure of aesthetic control will include: screening, setbacks and building locations*

*14.24 The preservation of the natural landscape is fundamental to maintaining the Georgian Bay and Inland Lake aesthetic. In an effort to preserve the natural landscape, the visual impact of the built form shall be minimized through limiting the size of buildings (i.e. area and height), sighting structures below and behind trees, using muted colours on structures to blend with the natural landscape, and designing and constructing a building to fit with the natural landscape rather than altering the landscape to fit a building design.*

*14.25 New buildings and structures will be sited to minimize their impact on existing development so that maximum privacy is provided.’*

The property is located in a small bay on Boundary Lake that is not visible to any users of the Massasauga Provincial Park, and the lots located within the bay are not developed as they are zoned Natural State. The subject property is already developed and the applicant is proposing to demolish one of the existing main dwellings, and construct a new main dwelling with an attached garage.

The Official Plan recognizes the importance of the waterfront area to the Township with the goal to preserve the unique and high quality of the natural environment, which leads to an experience that is aesthetically appealing to property owners and to visitors who use the area. The property is unique as it is completely private and the construction of a new main dwelling will not have an impact to abutting property owners or visitors who use the area.

#### Conclusion:

Based on a review of the above policies, the subject property and the surrounding area, the proposal appears to conform with the intent of the relevant Official Plan policies.

### **3. COMPREHENSIVE ZONING BY-LAW A2000-07, AS AMENDED**

The subject property is zoned ‘Inland Lakes Residential (IR)’ and ‘Natural State (NS)’. The property has a lot area of 23.4 ha (57.73 ac). The Natural State (NS) zoning comprises approximately 21.0 ha (51.87 ac), and the Inland Lakes Residential (IR) zoning comprises approximately 2.37 ha (5.86 ac). The majority of the property is therefore not developable. The existing and proposed development is concentrated in the portion of the property zoned Inland Lakes Residential (IR). The subject property was rezoned from Natural State to Residential in

2001. The majority the existing development pre-dates the formation of the Township in 1980. When a property has multiple zones the Zoning By-law states that when a lot is divided into more than one zone, each portion of the lot shall be used in accordance with the provisions of this by-law applicable to each zone.

The applicant is proposing to demolish one of the existing main dwellings and construct a new main dwelling with an attached garage. They are requesting relief from the Zoning By-law for the Total Floor Area of a main dwelling, and for the maximum permitted Total Lot Coverage.

### **Total Floor Area**

Within the Zoning By-law, Section 7.1.3 d) ii) permits a main dwelling to have a maximum total floor area of 300 m<sup>2</sup> (3229.2 ft<sup>2</sup>). The applicant is proposing a 446.1 m<sup>2</sup> (4802.2 ft<sup>2</sup>) main dwelling with a 113.7 m<sup>2</sup> (1223.5 ft<sup>2</sup>) attached garage, having a combined Total Floor Area of 559.8 m<sup>2</sup> (6025.6 ft<sup>2</sup>). The subject property has two legally existing main dwellings. The applicant is proposing to demolish the main dwelling that currently has a total floor area of 150 m<sup>2</sup> and replace it with a new 446.1 m<sup>2</sup> (4802.2 ft<sup>2</sup>) main dwelling with a 113.7 m<sup>2</sup> (1223.5 ft<sup>2</sup>) attached garage. The new dwelling will meet all of the required setbacks and will be located approximately 36 m (120 ft) from the shoreline. The request to construct a new dwelling that exceeds the maximum total floor area permitted in the zoning by-law is reasonable due to the unique nature of the property. The property is considerably large even though only a portion of the property is zoned IR when you look at the developed area in conjunction with the entire area of the property the impact is minimal. As well the property is completely private as it is challenging to access Boundary Lake by boat, and the only way to gain access is via a private road that is owned by the owner of 100 Boundary Lake Road. There is no other road access to the subject property or surrounding properties. The impact in the request to increase the permitted Total Floor Area is not anticipated to have any additional impact to the aesthetics of the waterfront, since the area is private and inaccessible. As well, the dwelling will contain an attached garage which has contributed to the Total Floor Area calculation. If the garage was detached it wouldn't be included in the total floor area calculation and by having the garage attached, it limits the development footprint to one location on the property.

### **Total Lot Coverage**

The applicant is also requesting relief from Section 7.1.3 c) which states that a lot with an area of 2.86 ha (7.1 ac) which includes the portion of the open shore road allowance which abuts the Inland Lakes Residential (IR) Zone, shall have a maximum permitted lot coverage of 749.13 m<sup>2</sup> (8063.57 ft<sup>2</sup>) whereas the portion of the property that is zoned Inland Lakes Residential will have a lot coverage of 755.8 m<sup>2</sup> (8135.4 ft<sup>2</sup>). The increase in lot coverage is minimal and, due to the size of the property, the impact of the increase in lot coverage is anticipated to be negligible.



## Conclusion

All other aspects of the proposed development would appear to comply with the requirements of Comprehensive Zoning By-law No. A2000-07, as amended. The request appears to maintain the general intent and purpose of the Zoning By-law.

## **4. CONCLUSION**

The proposed application would:

- 1) Appear to conform to the relevant policies of the Provincial Policy Statement;
- 2) Appear to conform with the intent of the Official Plan of the Township of The Archipelago;
- 3) Maintain the intent of the Comprehensive Zoning by-law implementing the Official Plan;
- 4) Allow for an appropriate land use.

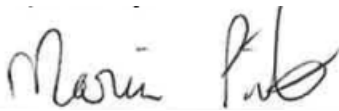
## **CORRESPONDENCE**

The proposed Zoning By-law Amendment application was circulated to the required agencies and property owners as per the requirement of the *Planning Act*, R.S.O. 1990, cP.13 and associated regulations. Any comments received before or after the public meeting on September 20, 2024 were made available to Council at the meeting.

## **RECOMMENDATION**

It is recommended that Council approves the Zoning By-law Amendment to permit the reconstruction of a new dwelling having a total floor area of 559.8 m<sup>2</sup> (6025.6 ft<sup>2</sup>), and a maximum permitted Lot Coverage of 755.8 m<sup>2</sup> (8135.4 ft<sup>2</sup>).


Respectfully submitted,



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Maria Pinto,  
Planner

Approved by:



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Cale Henderson, MCIP, RPP  
Manager of Development & Environmental Services

## **ATTACHMENTS**

1. Appendix A- Application Submission
2. Appendix B – Site Photos
3. Appendix C – By-law A2114-24
4. Appendix D - Correspondence