

CLPOA's New Zoning By-Law Involvement

By Peter Hughes © ApsleyVoice

Chandos Lake Property Owners Plan to Oppose Variances

At the CLPOA AGM, the *hot topic* was about the association's new initiative to "protect the lake" by discouraging NK Council from approving significant Zoning By-Law variances in certain circumstances. It's important to note that this initiative only applies to Chandos Lake and not the other dozen lakes in the Township of North Kawartha.

History has shown that most variances (which are an approval to ignore a specific aspect(s) of the zoning by-law) are for insignificant or minor issues which are of little/no concern to other property owners and the CLPOA. Historically, there have been a few significant variances (allowing for significant removal of shoreline vegetation, building too close to the lake and overbuilding) which are of concern to the CLPOA who wants to **encourage NK Council to use the existing Zoning By-Law to protect degradation in water quality and property values.**

Following is a summary of when CLPOA will insert itself into a Zoning Application. CLPOA presented a more comprehensive and detailed list of these criteria at the AGM and to date, they have not published it anywhere. With this new initiative, CLPOA has five criteria which will be used to trigger their involvement in a Zoning Application. CLPOA will consider opposing an Application if a Zoning By-Law Variance is for:

1. **A new structure** within a 30 meter (100') setback from the high water mark on the lake.
2. **Replacement or renovation** of an existing building, currently within 9 meters (30') of the high water mark, which includes any of the following changes:
 - Significantly enlarge (2X+) the existing building
 - Add to the existing building in the direction of the lake
 - Increase the height of the existing building
 - Clearing natural vegetation from more than 25% of the shoreline
3. **Property severance** for the purpose of building a new structure
4. **Multi-Unit Development** including subdivision or condominiums
5. **Back Lot Development**

If the CLPOA determines that a Zoning Application should be opposed, they will inform NK Council, the Applicant and CLPOA Members of their decision and they may attend meetings to voice their opposition as required. Also, anyone who opposes such a variance at the council level, can then go on to apply for an OMB Hearing which would force the Applicant to another level of scrutiny of their proposal.

At the AGM, after a vigorous debate by attendees, members approved this new initiative by a clear majority vote of those in attendance at the meeting. Also, the following useful information has been provided by the **CLPOA President, David Cooper**:

As per the Planning Act, the Municipality is required to send out notice of complete application for a zone amendment a minimum of 20 days before the Council meeting. The minimum timeframe is 10 days prior to the meeting for a minor variance.

Until the notice is sent out, the application is not made public as it is not considered complete and elements of the application are subject to change. The Municipality staff does their best to get notices out before the 20 day minimum, but considering the amount of work that goes into an application before it is deemed complete, it is not always feasible. The quickest way to get access to notices is by subscribing to the website: enews.northkawartha.on.ca/maillinglist. Once a notice is prepared, it is sent out via e-mail to the recipients who have subscribed to planning news, in addition to a paper copy being mailed out to those within 400 feet of the subject property as well as anyone else who has requested to be on our physical mailing list.

The Ontario government's proposed changes to the Ontario Municipal Board (OMB) will make this initiative by the CLPOA even more necessary than it is today. Today as long as a Notice of Objection is submitted to Council orally or in writing prior to Council making their decision on an application, the person or organization making that objection can take the decision to the OMB. The proposed changes will only allow for an appeal to a higher governing body or regulator when it can be shown that the Municipality did not follow its by-laws.

The CLPOA is not opposed to property owners on Chandos Lake enhancing and making changes to their property's as long as the building by-laws are followed. All CLPOA are asking for is that the Comprehensive Zoning by-laws that are currently in place be enforced and upheld. If this is done it will help to protect the environment and water quality of our lake. In fact, there have only been a few applications over the past several years that have met our criteria for getting involved.



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