

Planning Brief

December 02, 2025

Township of Douro-Dummer, 894 South Street, P.O. Box 92, Warsaw, ON, K0L 3AO

Attn: Emily Fitzgerald, Planner

Prepared by: Kent Randall and Aditya Srinivas, EcoVue Consulting Services on behalf of Jeanette & Rob Porteous (Owners/Applicants)

Re: Application for Minor Variance
2121 White Lake Road West, Douro-Dummer
EcoVue Project No: 25-2929

Dear Ms. Fitzgerald,

The following is being submitted in support of an application for Minor Variance at the above-noted property. The purpose of the Minor Variance application is to facilitate the reconstruction of an existing sunroom within the same building footprint. The development will also include additional basement floorspace beneath the sunroom.

The existing sunroom is located within the required 30-metre water setback and is considered "legal non-complying" in the context of the Township of Douro-Dummer Zoning By-law. It is our opinion that the proposed redevelopment complies with Section 3.28.1 of the Township of Douro-Dummer Zoning By-law, which permits enlargement, reconstruction, repair, alteration or renovation of existing structures within the water setback, provided it does not further encroach into the setback. However, the Township's interpretation of this section is that these permissions apply on an "either / or" basis

and do not contemplate multiple forms of modification to a legal non-complying structure at one time. As such, relief from this provision is required to permit the proposed reconstruction.

Below is an examination of the proposed development and the variance in the context of the Provincial and local land use planning policies.

1.0 BACKGROUND AND PROPOSAL

The applicant retained EcoVue to assist with a Minor Variance application related to the proposed development. As part of this process, EcoVue reviewed the pre-consultation notes and background information provided by the applicant.

The subject property is located adjacent to White Lake and contains a single detached dwelling that was lawfully constructed prior to the passing of the current Zoning By-law. The existing dwelling is deemed legal non-complying as it is located within the required 30-metre water setback.

The property is designated "Lakeshore Residential" and "Environmental Constraint Area" in the County of Peterborough Official Plan and zoned the Shoreline Residential (SR) Zone and Environmental Conservation One (EC-1) Zone in the Township of Douro-Dummer Zoning By-law. It is our understanding that no development or grading is proposed on the portion of the property that is designated "Environmental Constraint Area" and zoned the EC-1 Zone.

The subject property is approximately 585 square metres in area with approximately 15 metres of shoreline frontage on White Lake and 18 metres of road frontage on White Lake Road West. The surrounding land uses predominantly include shoreline residential uses.

The applicant proposes to remove and replace the existing sunroom within the same footprint. Additionally, the new structure will be enclosed below grade to accommodate a basement with no changes to the building footprint or setbacks.

2.0 APPLICATION FOR MINOR VARIANCE

Section 45 (1) of the *Planning Act* sets out “four tests” to be considered when submitting a Minor Variance application. The four tests are:

1. The requested variance meets the general intent of the Official Plan;
2. The requested variance meets the general intent of the Zoning By-law;
3. The requested variance is minor in nature; and
4. The requested variance is desirable for the appropriate development or use of the land, building or structure.

Below is a summary of the proposed Minor Variance in the context of the four tests listed above.

2.1 General Intent of The County of Peterborough Official Plan

The upper-tier section of the County of Peterborough Official Plan (CPOP) does not contain land use schedules. However, the subject lands are identified to be within the Shoreland Areas and are designated Lakeshore Residential and Environmental Constraint in the local component of the CPOP. The Environmental Constraint designation is in relation to the shoreline and given that no development is proposed within this designation, the following section only speaks to Shoreland Areas and Lakeshore Residential designations.

Section 4.4.3 of the CPOP includes policies related to Shoreland Areas. Although development is generally not permitted within the 30-metre water setback, the CPOP permits local municipalities to authorize minor variances from the 30-metre setback requirement, provided they are consistent with the general intent and purpose of the local plan. Such reliefs may be considered where the variances apply to a lot that legally existed as of October 22, 2008, or where the proposal involves an addition to an existing building.

Furthermore, Section 6.2.6 of the CPOP includes policies regarding the Lakeshore Residential designation and states that *"structures legally existing as of October 22, 2008 that do not comply with the required water 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 water setback."*

The subject property has existed as of October 22, 2008, and the proposed reconstruction will be within the existing footprint and will maintain existing setbacks without further encroachment. As such, it is our opinion that the proposed development conforms to the policies of the County of Peterborough Official Plan.

2.2 General Intent of the Township of Douro-Dummer Zoning By-law (DDZBL)

The subject property is zoned the Shoreline Residential (SR) Zone and Environmental Conservation-1 (EC-1) Zone in the Township of Douro-Dummer Zoning By-law (DDZBL). The existing dwelling is permitted within the SR Zone and given that no development is being proposed within the EC-1 Zone, the following section speaks to the policies related to legal non-complying structures.

Section 3.28.1 of the DDZBL includes policies related to legal non-complying structures and states:

Where a building or structure which lawfully existed on a lot as of the date of the passing of this By-law, and having less than the minimum frontage and/or area, or having less than the minimum setback and/or yard or any other provision required in this By-law, the said building or structure shall be deemed to comply with this By-law with respect to any deficiency or deficiencies; and further the said building or structure may be enlarged, reconstructed, repaired, altered or renovated provided that:

- (a) *The enlargement, reconstruction or renovation does not further reduce such setback and/or front yard and/or side yard and/or rear yard or water yard having less than the minimum required by this By-law; and*
- (b) *All other provisions of this By-law are complied with.*

It is our opinion that the intent of the above provision is to recognize and permit the reasonable continued use and improvement of legal non-complying buildings, provided the degree of non-compliance is not increased.

According to the pre-consultation notes, the Township interprets the above provision to mean that only one form of modification to a legal non-complying building may occur at any given time. Given that the proposed development may include multiple modifications, relief from Section 3.28.1 is required.

As noted, the proposed development will include the reconstruction of the existing sunroom and addition of a basement (which will be a component of the sunroom structure and will be below grade). The proposed development will be located entirely within the existing building footprint and will not further increase or create new deficiencies.

Given the above, it is our opinion that the proposed variance meets the intent of the Township of Douro-Dummer Zoning By-law.

2.3 The Requested Variance is Minor in Nature

It is our opinion that the requested variance to permit the reconstruction of the existing sunroom and the addition of a basement within the 30-metre water setback should be considered minor. As noted, the proposed development will be entirely confined to the existing building footprint and will not further encroach into the required water setback. The variance will not result in any significant

adverse impacts to shoreline function, environmental protection, neighbourhood character, or visual impact.

Therefore, it is our opinion that the requested variance is minor in nature.

2.4 Desirable for the Appropriate Development or Use of the Land, Building or Structure

The subject lands are surrounded by shoreline residential uses, and the proposed variance will be in keeping with the existing shoreline development and character of the surrounding area. Given that the reconstruction of the sunroom and the addition of a basement will utilize the existing building footprint, visual and massing impacts are not anticipated.

Furthermore, there will be no negative impacts to shoreline function, neighbouring residents, future development, or surrounding buildings as a result of the proposed variance. As such, it is our opinion that the requested variance is desirable and appropriate for the subject lands and represents good planning.

2.5 Consistence with Provincial Plans

In addition to the “four tests” under Section 45(1) of the *Planning Act*, minor variances shall also be consistent with policy statements, and conform to provincial plans, issued under s.3 of the *Planning Act*.

2.5.1 Provincial Planning Statement, 2024

The 2024 Provincial Planning Statement (PPS) provides a policy framework for land use planning within the Province of Ontario. It is the responsibility of the local planning authorities, in this case, the County of Peterborough and the Township of Douro-Dummer, to uphold the policies of the PPS pertaining to land use planning and development. In particular, the planning authorities must ensure that their decisions are consistent with key provincial interests.

It is our opinion that the proposed variance is consistent with the PPS, which permits recreational uses (including shoreline residential dwellings) within rural lands, encourages efficient use of land, and ensures the protection of natural features and water resources.

The proposal represents minor development in relation to a permitted use within an existing building footprint and does not introduce further encroachment into the water setback. As such, the proposed development represents efficient use of land and does not impact natural features or water resources.

As such, it is our opinion that the proposed variance is consistent with the PPS.

3.0 SUMMARY AND CONCLUSION

Section 3.28.1 of the Township of Douro-Dummer Zoning By-law addresses permissions for legal non-complying buildings or structures and allows for enlargement, reconstruction, repair, alteration, or renovation, provided the degree of non-compliance is not increased.

However, as outlined in the Township's pre-consultation notes, the Township interprets this section as permitting only one form of modification at any given time, rather than multiple forms concurrently. Given the Township's interpretation, relief from Section 3.28.1 has been requested through a Minor Variance application.

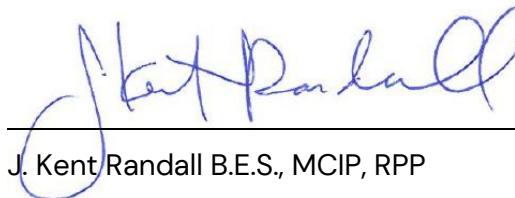
As outlined in this Planning Brief, the subject proposal meets the four tests for a Minor Variance. The proposed variance meets the general intent of the County of Peterborough Official Plan and the Township of Douro-Dummer Zoning By-law, is considered minor in nature, and is appropriate and desirable development for the subject lands and surrounding area.

Based on the foregoing review of the relevant *Planning Act* and policy considerations, it is our opinion that the Minor Variance constitutes good planning.

Respectfully submitted,

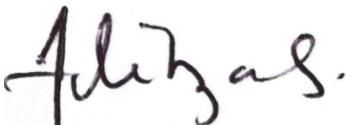
Yours sincerely,

ECOVUE CONSULTING SERVICES INC.



J. Kent Randall B.E.S., MCIP, RPP
Principal Planner





Aditya Srinivas, B.Sc., PGDip, PMP
Planner