



**Nottawasaga Valley**  
Conservation Authority

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October 8<sup>th</sup>, 2024

SENT BY EMAIL

Town of Wasaga Beach  
30 Lewis Street,  
Wasaga Beach, ON  
L9Z 1A1

Attn: Cristy Wilson  
Secretary Treasurer  
[c.wilson@wasagabeach.com](mailto:c.wilson@wasagabeach.com)

**RE: Application for Minor Variance**  
**Town File No. A03924**  
**346 Shore Lane**  
**NVCA ID #58426**

Dear Ms. Wilson,

Nottawasaga Valley Conservation Authority [NVCA] staff are in receipt of a formal application for a minor variance. The application proposes a 34.22 square metre (368.34 square feet) detached accessory structure (covered patio) to a residential use with a total height of 2.69 metres (8.82 ft.) located in a rear yard with a proposed interior side yard setback of 0.4 metres (1.31 ft.) on the north-east side and 0.56 metres (1.83 ft.) on the south-east side of the structure, whereas a detached accessory structure to a residential use equal to or less than 3.7 metres (12.13 ft.) in height may be located in an interior side or rear yard but shall be no closer than 0.9 metres (2.95 ft.) to the lot line. The proposed development is on the lands located at 346 Shore Lane, Town of Wasaga Beach.

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board approved policies. Finally, NVCA has provided comments as per our Municipal Partnership and Service Agreement with the Town of Wasaga Beach and with advisory comments related to policy applicability.

**Ontario Regulation 41/24**

1. The NVCA mapping for the property illustrates a shoreline hazard on the property. Due to the presence of these hazards, the subject property is regulated pursuant to Ontario Regulation 41/24 the Prohibited Activities, Exemptions and Permits Regulation.
2. Permits would be required from the NVCA prior to any construction or grading associated with development within the hazard on the property. The proposal is not a candidate for permitting.

3. Should the applicant intend to make further changes to the property, staff recommend that the applicant(s) pre-consult with our Permits and Regulations Department to determine permit requirements.

### **Provincial Policy Statement PPS (2020)**

4. The PPS defines **development** to be the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.
5. The subject application does constitute as 'development' as it relates to determining consistency with PPS policy.

### **Natural Hazards – Regulatory**

6. The proposed structure is to be located entirely within the shoreline hazard. As it is a covered structure there is a risk that it can be enclosed and used as habitable space in the future, which is not supported under policy.
7. Additionally, the placement of the structure would not be located in the area of least risk.
8. Some alternatives may include that the structure be reduced in size (under 15 sqm) to fall under the exceptions of O.Reg 41/24 or utilize a temporary structure.

### **Conclusion**

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the minor variance application based upon our mandate and policies under the *Conservation Authorities Act*. Given the comments above, the NVCA cannot support the approval of the application as presented. Please feel free to contact the undersigned at extension 233 or [tboswell@nvca.on.ca](mailto:tboswell@nvca.on.ca) should you require any further information or clarification on any matters contained herein.

Sincerely,



Tyler Boswell  
Planner