



Report to Council

To: Mayor and Members of Council of the Township of North Kawartha
From: Forbes Symon, RPP, MCIP
Senior Planner (Contract), Jp2g Consultants Inc.
Date: May 20, 2025
Subject: Report on Zoning By-law Amendment Application ZA-02-25

Recommendation

That subject to any public or agency comments received, Council approve Zoning By-law Amendment application ZA-02-25.

Background

Zoning By-law Amendment application ZA-02-25 has been submitted by Declan Fitzpatrick and Kaylea Brunatti for the property located in Part Lots 7 and 8, Concession 5, in the Burleigh ward, municipally known as 154 Butler Drive.

According to GIS mapping, the subject lands are approximately 12.5 hectares (30.9 acres) in area and have approximately 302 metres (990.8 feet) of road frontage on Highway 28 and irregular frontage on Butler Drive. The property is located within the Hamlet of Woodview and is currently improved with an existing dwelling, bunkie, and greenhouse.

The subject application proposes to construct a new detached garage on the subject property at a water setback of 110 metres (360.8 feet) from Julian Lake. The proposed garage would have an area of 139.3 square metres (1500 square feet) and a height of 7.1 metres (23.2 feet). It is recognized that the proposed garage would be larger than the existing dwelling on the property, which is currently 73.5 square metres (792 square feet). A portion of the garage also proposes to be used as a habitable room.

Proposed Amendment

The subject application is seeking an amendment to Sections 2.76 and 2.188 of the Zoning By-law to permit a detached garage to have habitable space whereas habitable space is otherwise not permitted, and to allow accessory use to be larger than the main use located on the same lot.

Planning Analysis

The Planning Act stipulates that decisions on planning matters, including zoning by-



law amendments, must be consistent with the Provincial Planning Statement (PPS) and conform to the Official Plan.

Provincial Planning Statement, 2024

Under the policies of the Provincial Planning Statement (PPS), the subject property is considered to be on rural lands. On rural lands, permitted uses are resource-based recreational uses including dwellings and accessory uses. Development is to be sustained by existing rural service levels and shall be appropriate to the existing or planned infrastructure. The subject application is considered to conform to the policies of the PPS.

County of Peterborough Official Plan- Local Component for the Township of North Kawartha

The subject property is within the Hamlet designation in both the County of Peterborough Official Plan and the Local Component of the Official Plan for the Township of North Kawartha. The property is also considered to be located in a Special Policy Area, being within the Hamlet of Woodview. A detached garage is a permitted accessory use in the Hamlet designation.

Section 6.2.3.3 (i) of the Official Plan directs that where a Hamlet designation abuts a major waterbody, a minimum 30 metre building setback from the waterbody will be maintained with non-disturbance of the soils and vegetation. The proposed garage would be located 110 metres (360.8 feet) from Julian Lake, demonstrating compliance with the above policy.

Section 6.2.3.4 (c) directs special policies for development proposed within the Hamlet of Woodview. The policy requires that the Township “shall require any proponent of a development or redevelopment proposal to review the implications of the proposed development or redevelopment on Julian Lake with respect to water quality, fish habitat and water-oriented activity.”

An Environmental Impact Study Briefing Note was prepared by Dòigh Nàdair Consulting and peer reviewed by Jp2g Consultants Inc. on behalf of the Township on March 7, 2025, and April 2, 2025, following comments raised during the peer review process. The EIS drew the following conclusion:

“It is recommended that the proposed project be allowed to proceed. Findings indicate that, following the planned mitigation measures, impacts of the proposed



project to water quality and fish habitat will be negligible.”

The EIS also recommended a number of mitigation measures in order to prevent runoff into Julian Lake. It is recommended that the owners enter into a development agreement to ensure proper implementation of the mitigation measures listed in the EIS report.

Township of North Kawartha Comprehensive Zoning By-law #26-2013

The subject property is zoned Rural-Exception 271 (RU-271) under Zoning By-law No. 26-2013. The Rural zone permits the construction of a detached garage in accordance with the provisions of the Zoning By-law. As noted above, the application is seeking an amendment to Sections 2.76 and 2.188 of the Zoning By-law to permit a detached garage to have habitable space and to allow an accessory use to be larger than the main use located on the same lot.

The proposed garage would be located in front of the existing dwelling at a distance of approximately 110 metres (360.8 feet) from Julian Lake. As concluded through the submitted EIS and peer review, the construction of the garage is not anticipated to result in any negative impact on the water quality or fish habitat associated with Julian Lake.

Although the garage proposes to be larger in size than the existing dwelling, the use of the garage would be ancillary to the main residence and would not exceed the 5% permitted lot coverage for accessory structures. Furthermore, staff have reviewed the submitted engineered drawings of the proposed garage and do not have a concern with the request to allow a portion of the garage to be used as a habitable room for personal use. The construction of the garage is required to meet all requirements of the Ontario Building Code.

Public and Agency Comments

Notice of application #ZA-02-25 was circulated to neighbouring property owners and commenting agencies in accordance with the statutory requirements of the Planning Act on April 28, 2025.

At the time of writing this report, no public or agency comments, other than those discussed above, were received. Any comments received will be provided to Council prior to or during the public hearing.



Township of North Kawartha

280 Burleigh Street, PO Box 550, Apsley, ON K0L 1A0 Tel:
705-656-4445 | 1-800-755-6931 | Fax: 705-656-4446

Financial Implications

No financial implications are anticipated as a result of approval of application ZA-02-25.

Concluding Comments

Zoning By-law Amendment ZA-02-25 seeks to rezone the subject property to permit a detached garage to have habitable space and to allow an accessory use to be larger than the main use located on the same lot. Based on the foregoing analysis, staff are of the opinion that the application is consistent with the applicable land use planning policies and as such, represents good planning. It is therefore recommended that application ZA-02-25 as proposed be approved.

All of which is respectfully submitted,

Forbes Symon, RPP, MCIP
Senior Planner (Contract)
Jp2g Consultants Inc.

Attachments

Attachment #1- Notice of Public Meeting
Attachment #2- Site Plan
Attachment #3-Draft Amendment to Zoning By-law