



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
www.northkawartha.ca

Report to Committee of Adjustment

To: Members of the Committee of Adjustment
From: Emily Fitzgerald, BES (Hons.)
Junior Planner, Township of North Kawartha
Date: April 15, 2025
Subject: Report on Minor Variance Application A-07-25 (Gluck)

Recommendation

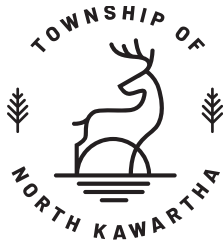
That subject to any public or agency comments received, the Committee approve Minor Variance application A-07-25, requesting the following relief from the Township's Zoning By-law, without conditions:

1. From Section 6.2 (h) to permit a minimum eastern interior side yard of 2.25 metres (7.5 feet) whereas a minimum interior side yard of 4.5 metres (15 feet) is otherwise required.
2. From Section 3.18 (c) to permit development which requires relief from the Zoning By-law on an existing undersized lot, whereas development on such lots is required to be compliant with the Zoning By-law.

Background and Property Information

Minor Variance application A-07-25 has been submitted by Mark Gluck for the property located in Part of Lot 3, Concession 8, in the Burleigh Ward, municipally known as 23 Fire Route 20a.

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|----------------------------|---|
| Municipal (911) Address: | 23 Fire Route 20a |
| Roll Number: | 1536-020-001-81800 |
| Property Owner: | Mark Gluck |
| Applicant: | Property Owner |
| Lot and Concession: | Part of Lot 3, Concession 8 |
| Ward: | Burleigh |
| Area: | 0.35 hectares (0.86 acres) |
| Frontage: | 47 metres (154 feet) |
| Official Plan Designation: | Seasonal Residential and Environmental Constraint |
| Zoning: | Shoreline Residential (SR) |
| Access: | Fire Route 20a (Private Road) |



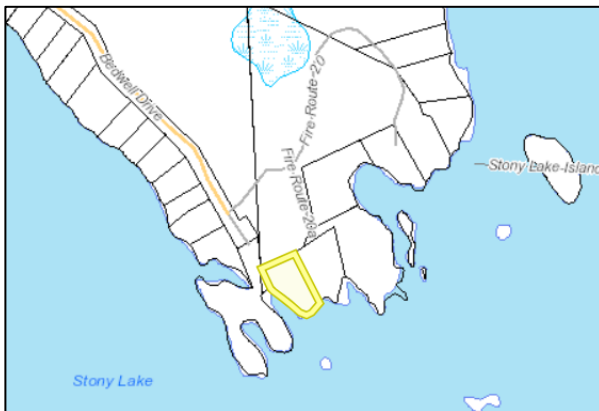
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| | |
|-------------------|----------------------------------|
| Sewage Servicing: | Private individual septic system |
| Water Servicing: | Drawn from Stoney Lake |

Based on available aerial imagery and GIS information, as well as a site visit, the property is well vegetated with mature vegetation throughout with moderate slopes in the water yards. The shoreline is irregular in nature and the property is bound by Stoney Lake at the south and west. Surrounding land uses are primarily seasonal residential uses on lots of variable areas and frontages with vacant rural lands to the north.

Location Map



2023 Aerial Imagery

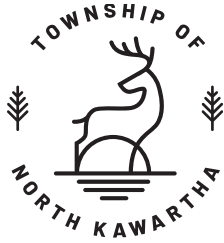


The property is currently developed for recreational residential use in the form of a one-storey dwelling together with attached decks, having a combined area of 204.4 square metres (2,208 square feet) and a height of 5.33 metres (17.5 feet). An existing boathouse is located along the western shoreline of the property.

Proposed Development

The application proposes to construct an addition including additional habitable space and an attached garage to the rear of the existing dwelling. The proposed addition would have an area of 138 square metres (1,485 square feet). No change to the height of the dwelling would result from the construction of the proposed addition, nor would any further encroachment into the dwelling's existing deficient water setback of 12.2 metres (40 feet).

As proposed, application A-07-25 seeks a reduced eastern side yard of 2.25 metres (7.5 feet) whereas Section 6.2 (h) of the Zoning By-law requires a minimum side yard of 4.5 metres (15 feet), as well as to permit development on an existing undersized lot which does not comply with the applicable provisions of the Zoning By-law, a variance to Section 3.18 (c).



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Planning Analysis

This application is subject to the four tests of a minor variance, as outlined under Section 45 of the Planning Act. The four tests are as follows:

1. Is the application minor in nature?

When determining whether an application is minor, the consideration must relate to the potential impacts of the variances requested. The proposed addition would significantly improve on the deficient water setbacks of the existing dwelling. There remains a moderate degree of vegetation within the eastern interior side yard which is anticipated to offer some mitigation of visual impacts to the eastern-adjacent property. The location of the proposed addition is generally flat; therefore, site alteration is anticipated to be minimal. Removal of some mature trees towards the interior of the lot would be necessary; however, the bulk of mature vegetation on the property would otherwise be retained. No negative impacts to the environment or neighbouring properties are expected.

The application is considered minor in nature.

2. Is the application desirable for the appropriate development or use of the land, building, or structure?

The proposed addition would enhance the functionality and enjoyment of the property for continuing the existing recreational residential use which is the intended use of the lands. The proposed development would appear to be in keeping with the scale and character of development on surrounding properties. The addition has been proposed in this location to achieve the greatest possible high-water mark setback and ensure that the relocated driveway does not encroach on the existing septic system.

The application is considered desirable for the appropriate development and use of the property.

3. Does the application uphold the general intent and purpose of the Official Plan?

The subject property is designated as 'Shoreland Areas and the Waterfront' in the County of Peterborough Official Plan and primarily 'Seasonal Residential' under the Local Component for the Township of North Kawartha. Both designations permit recreational residential uses. A portion of the lands along the shoreline are designated 'Environmental Constraint' corresponding to the mapped floodplain of Stoney Lake.



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Sections 4.4.3 and 6.2.5.3 of the Official Plan generally require new development to achieve a 30-metre water setback. However, policies of the 'Seasonal Residential' designation outlined in Section 6.2.5.3 provide that the expansion of existing buildings within the 30-metre water setback may be permitted if no further encroachment towards the waterbody results. As proposed, the addition would substantially improve on the deficient water setback of the existing dwelling.

Policies of the Official Plan also encourage an appropriate balance between built and natural form on waterfront properties. As proposed, the addition would be located to the rear of the existing dwelling. The area of the proposed addition is generally level; therefore, required site alteration is anticipated to be minimal. The removal of some mature vegetation would be required to establish the building envelope. Mature vegetation to be retained in the water yards is expected to mitigate any visual impact from the shoreline arising from the proposed development.

Section 6.2.15.3 of the Official Plan contains policies applicable to lands designated 'Environmental Constraint'. The construction of buildings and structures is generally prohibited in the 'Environmental Constraint' designation. The proposed addition would be located entirely outside of the portion of the property designated 'Environmental Constraint'.

The application is considered to uphold the general intent and purpose of the Official Plan.

4. Does the application uphold the general intent and purpose of the Zoning By-law?

The subject property is zoned 'Shoreline Residential (SR)' in the Township's Zoning By-law. A recreational dwelling is a permitted use within the SR zone.

Section 3.30 of the Township's Zoning By-law allows for the enlargement of existing legal non-complying dwellings located within the required 30-metre water setback, in accordance with the provisions of Section 3.18 provided that no further encroachment towards the waterbody occurs. The proposed addition would achieve a water setback of 25.2 metres (82.7 feet) whereas the existing dwelling is located at a water setback of 12.2 metres (40 feet).

Under subsection 3.18 (b) (iii), existing dwellings located between 9 and 15 metres (30 and 50 feet) of the high-water mark may be expanded laterally towards the side lot lines to a width of the lesser of 18.3 metres (60 feet) or 40% of the existing shoreline frontage. The proposed addition, being located to the rear of the existing dwelling, would not result in any increase to the lateral width of the dwelling. Subsection 3.18 (b)



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(iii) further provides that the maximum permitted height increase for dwellings located between 9 and 15 metres (30 and 50 feet) of the high-water mark is 1.2 metres (4 feet). The addition is proposed to maintain the same height as the existing dwelling.

Subsection 6.2 (h) provides that the minimum interior side yard for properties zoned SR is 4.5 metres (15 feet). As proposed, the application seeks to permit a minimum eastern interior side yard of 2.25 metres (7.5 feet) for the proposed addition. Shrubby vegetation and some mature trees along the eastern side lot line are anticipated to offer some mitigation of visual impact from the eastern-adjacent property. As proposed, entrances to the addition will face the interior and rear of the subject property which is expected to minimize activity within the eastern side yard associated with the use of the addition. The western interior side yard and rear yard would exceed the minimum requirements of the SR zone.

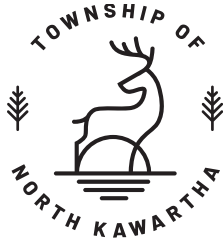
Subsection 6.2 (f) (i) contains provisions regarding maximum building area for properties zoned SR. The main dwelling unit, including appurtenances to the dwelling, is permitted to occupy a maximum of 10% of the lot area. The proposed addition would result in a considerable increase to the area of the main dwelling unit, from 5.89% to 9.86%, but would remain within the maximum permitted 10%.

The application is considered to uphold the general intent and purpose of the Zoning By-law.

Provincial Planning Statement, 2024

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

The existing recreational residential use to be continued and expanded is permitted under the policies of the PPS and is not anticipated to result in a strain on existing rural service levels. Given that additional habitable space is proposed, a septic review will be required at the building permit stage to ensure that the capacity of the existing private individual septic system is sufficient. The application is considered consistent with the PPS.



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Public and Agency Comments

Notice of application A-07-25 was circulated to neighbouring property owners and commenting agencies in accordance with the statutory requirements of the Planning Act on April 4, 2025. A notice was posted on the property the same day.

Agency comments have been received from Kawartha Pine Ridge District School Board (KPRDSB); no concerns regarding the subject application have been noted.

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

Financial Implications

No financial implications are anticipated as a result of approval of application A-07-25.

Concluding Comments

Given that the application meets the four tests of a minor variance and conforms to the applicable policies of the PPS, it is recommended that application A-07-25 be approved, without conditions.

Respectfully submitted,

Emily Fitzgerald, BES (Hons.)

Junior Planner

Township of North Kawartha

Attachments

Attachment #1 – Notice of Public Meeting

Attachment #2 – Site Plan

Attachment #3 – Photographic Log