



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 1, 2025
Subject: Report on Minor Variance Application A-05-25 (Powell)

Recommendation

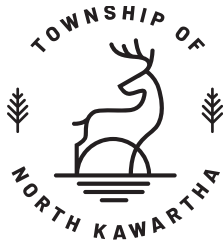
That subject to any public or agency comments received, the Committee approve Minor Variance application A-05-25, without conditions.

Background and Property Information

Minor Variance application A-05-25 has been submitted by Dan Powell for the property located in Part of Lot 5, Concession 4, in the Burleigh Ward, municipally known as 252 Mt. Julian-Viamede Road.

Municipal (911) Address:	252 Mt. Julian-Viamede Road
Roll Number:	1536-020-001-38707
Property Owner:	Patricia Powell-Owen
Applicant:	Dan Powell
Lot and Concession:	Part of Lot 5, Concession 4
Ward:	Burleigh
Area:	1.59 hectares (3.93 acres)
Frontage:	104 metres (341 feet)
Official Plan Designation:	Rural
Zoning:	Rural Residential-285 (RR-285)
Access:	Mt. Julian-Viamede Road (Township Road)
Sewage Servicing:	Private individual septic system
Water Servicing:	Private individual well

Based on available aerial imagery and GIS information, as well as a site visit, the property is generally free of vegetation within the front yard to accommodate the existing development and gravel driveway. Mature vegetation has been retained in the side and rear yards and the property is generally level in terms of topography.

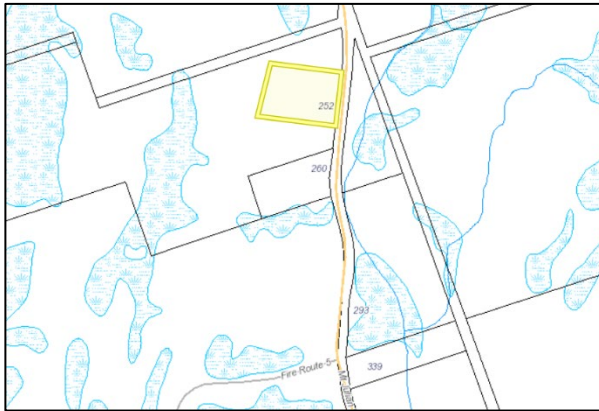


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Surrounding land uses are primarily vacant rural lands interspersed with other rural residential uses on lots of various areas and frontages.

Location Map



2023 Aerial Imagery



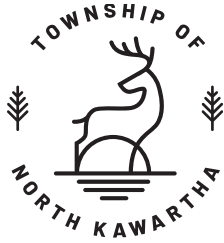
The property is currently developed for rural residential use in the form of a two-storey dwelling house with attached decks having an area of 95 square metres (1,023 square feet). A four-season room, 26 square metres (280 square feet) in area, was lawfully constructed on a portion of the attached decks during the construction of the dwelling in 2014. The four-season room shares a floor assembly with the attached decks and a roof assembly with the dwelling but does not share any walls with the dwelling. Other existing accessory buildings include a detached garage, a carport, and two storage sheds.

Proposed Development

The application proposes to enclose the area below the existing four-season room currently forming part of the lower-level attached decks. Section 2.6 of the Township's Zoning By-law defines "attached" as follows:

"Attached" shall mean a building otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or walls shared in common use with adjacent building comprised of a floor, walls, partial walls and roof system. For building additions, a common wall is considered to not be less than 50% of the total width of the addition."

Given that the existing four-season room does not share any walls with the dwelling, it does not meet the Zoning By-law definition of "attached" and is therefore considered an accessory structure. As proposed, enclosing the area below the existing four-season room would result in a two-storey built form for the structure. No change to the building footprint or height would result from the proposed works.



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Application A-05-25 requests the following relief from the Township's Zoning By-law:

1. From Section 3.1 (d) (i) to permit a height of two storeys and 7.9 metres (25.9 feet) whereas accessory structures are otherwise limited to a height of 1 storey and 4.9 metres (16 feet).

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 enclosed area is within the existing building footprint of the dwelling and attached decks; therefore, site alteration and vegetation removal are anticipated to be minimal. Likewise, no significant increase to the massing and bulk of the dwelling is expected to result. Mature vegetation in the side yards would serve to minimize any visual impacts to neighbouring properties. 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 enclosure below the existing four-season room would enhance the functionality and enjoyment of the property for continuing the existing permitted residential use. The proposed works represent an efficient use of the property given that said works would keep within the existing building footprint.

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

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

The subject property is designated 'Rural' under the Local Component of the County of Peterborough Official Plan for the Township of North Kawartha. Low density residential development in the form of one single detached dwelling per lot is permitted in the Rural designation. The proposed works represent an addition and alteration to a structure accessory to the existing permitted residential use.

Policies of the Official Plan prescribe that new development must meet the provincial Minimum Distance Separation (MDS) requirements. Given that the residential use of the



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property has already been established and that there appear to be no agricultural operations in proximity to the property, MDS requirements are not applicable.

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?

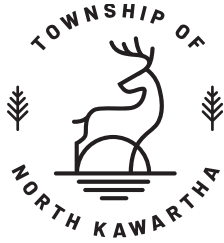
The subject property is zoned 'Rural Residential-285 (RR-285)' in the Township's Zoning By-law. This site-specific zone category was assigned to the property through a previous Zoning By-law Amendment application, ZA-23-21. The rezoning was required as a condition of approval of Consent application B-16-20 to recognize a reduced lot area and a front yard deficiency for the existing detached garage. The provisions of the site-specific zoning have no direct impact on the subject application.

As noted previously, the application seeks to permit the enclosure of the area below the existing four-season room which currently forms part of the lower-level attached decks. The existing four-season room is considered an accessory structure because it does not meet the Zoning By-law definition of "attached". Upon constructing the enclosure, the enclosure would become the "first storey" as per the definitions of the Zoning By-law, causing the existing four-season room to become the second storey. As such, the application requests relief from Section 3.1 (d) (i) to permit an accessory structure to have a height of two storeys and 7.9 metres (25.9 feet) whereas the height of an accessory structure is otherwise limited to 1 storey and 4.9 metres (16 feet).

Despite the relief requested for additional height, the existing roofline and grade would be maintained; therefore, no changes to the height of the building would result. Despite its classification as an accessory building under the Zoning By-law, the four-season room visually appears to form part of the dwelling. Photos of the existing dwelling and four-season room are provided in Attachment #3 for reference. Staff anticipate that the proposed enclosed area would appear as minor infilling within the existing building footprint for the dwelling.

Other than the relief discussed above, the proposed works are compliant with the applicable regulations of the Zoning By-law. The enclosed area would meet the required setbacks of the Rural Residential zone and would not result in any increase to the existing compliant lot coverage or building height.

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



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Provincial Planning Statement, 2024

Under the policies of the Provincial Planning Statement (PPS), the subject property is considered rural lands. The PPS directs that residential development is permitted on rural lands where site conditions are suitable for the provision of appropriate sewage and water services. Development is to be sustained by rural service levels and appropriate to existing or planned infrastructure.

The existing residential use to be continued is permitted under the policies of the PPS. The enclosure of the area below the existing four-season room, representing a minor expansion of the existing residential use and infilling within the building footprint of the dwelling, are not anticipated to result in a strain on existing rural service levels or existing private individual servicing systems. The application is considered consistent with the PPS.

Public and Agency Comments

Notice of application A-05-25 was circulated to neighbouring property owners and commenting agencies in accordance with the statutory requirements of the Planning Act on March 20, 2025. A notice was posted on the property the same day.

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

Financial Implications

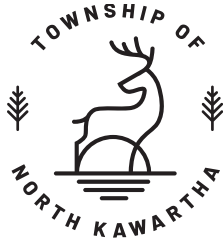
No financial implications are anticipated as a result of approval of application A-05-25.

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-05-25 be approved without conditions.

Respectfully submitted,

Emily Fitzgerald, BES (Hons.)
Junior Planner
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Attachments

Attachment #1 – Notice of Public Meeting

Attachment #2 – Site Plan

Attachment #3 – Photographic Log