



Report to Committee of Adjustment

To: Members of the Committee of Adjustment
From: Emily Fitzgerald, BES (Hons.)
Junior Planner for the Township of North Kawartha
Date: February 4, 2025
Subject: Report on Minor Variance Application A-18-24

Recommendation

That subject to any public or agency comments received, the Committee approve Minor Variance application A-18-24, without conditions.

Subject Property

Municipal (911) Address:	93 Dove Lane
Roll Number:	1536-010-003-22700
Property Owners:	Paul and Megan DeMan
Lot and Concession:	Part of Lot 23, Concession 10
Ward:	Chandos
Area:	0.52 hectares (1.28 acres)
Frontage:	91.4 metres (300 feet)
Official Plan Designation:	Seasonal Residential
Zoning:	Shoreline Residential (SR)
Access:	Dove Lane (Private Road)

Background and Development Proposal

Minor Variance application A-18-24 has been submitted by Paul DeMan for the property located in Part of Lot 23, Concession 10, Chandos Ward, municipally known as 93 Dove Lane.

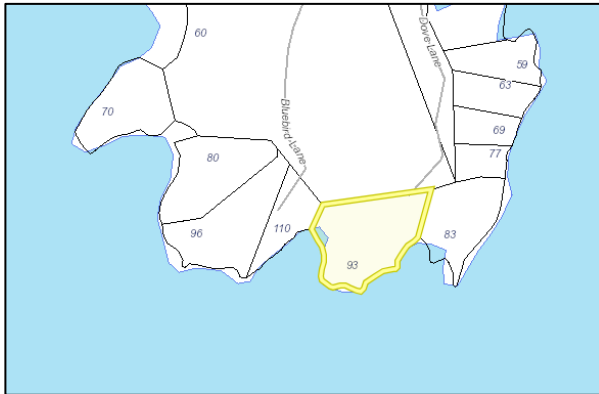
Based on information provided in the application, the subject property is approximately 0.52 hectares (1.28 acres) in area and has approximately 91.4 metres (300 feet) of shoreline frontage on Chandos Lake. The property is accessed from Dove Lane, being a private road, which passes through the rear portion of the property.

The property is well vegetated throughout except for a clearing in the area of the dwelling. The property is relatively flat in terms of topography with gentle slopes



downward from existing dwelling to the shoreline. Surrounding land uses are largely seasonal residential on lots of variable areas and frontages.

Location Map



2023 Aerial Imagery



The subject property is currently undergoing redevelopment. The former dwelling has been demolished and a holding tank servicing the former dwelling, located at a high-water mark setback of approximately 19.8 metres (65 feet), has also been removed. Such structures were removed in anticipation of redevelopment of the subject property, inclusive of a new dwelling, currently under construction, and detached private garage. The planned redevelopment is proposed to be serviced by a new septic system, and water supply will continue to be drawn from Chandos Lake.

The new septic system is proposed to be set back 24.25 metres (79.6 feet) from the high-water mark, whereas Section 3.30 (a) of the Zoning By-law otherwise requires such structures to achieve a high-water mark setback of 30 metres (100 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?

As noted above, the purpose of the application is to facilitate the installation of a new septic system. When determining whether an application is minor, the consideration must relate to the potential impacts of the variance requested. The new septic system, in its proposed location, represents a 4.45-metre (14.6-foot) improvement over the high-water mark setback of the former holding tank. Setbacks to the high-water mark and side and rear lot lines will exceed the regulations of the Ontario Building Code. As such, no negative impacts to the environment or neighbouring properties are anticipated.



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 installation of a new septic system will serve to replace the former holding tank and is considered an improvement from a human and environmental health perspective. The proposed septic system is anticipated to enhance the functionality of the property for continuing its permitted recreational residential use.

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 'Seasonal Residential' in the Local Component for the Township of North Kawartha. In the interest of maintaining a balance between built and natural form on waterfront properties and protecting key ecological functions of shoreline areas, policies of the Official Plan generally require new development, including septic systems, to achieve a high-water mark setback of 30 metres.

It is noted that the irregular nature of the shoreline poses a considerable constraint to the available building envelope. The application appears to have made a reasonable effort to locate the proposed septic at the greatest distance from the high-water mark as possible. Minimal vegetation removal will be required for the installation of the septic system and given that the structure will be located below grade, the application is not anticipated to alter the balance between natural and built form on the property.

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. The application, if approved, would permit the installation of a septic system at a high-water mark setback of 24.25 metres (79.6 feet), whereas Section 3.30 (a) of the Zoning By-law otherwise requires such structures to have a minimum high-water mark setback of 30 metres (100 feet). The proposed septic system would be located farther



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from the high-water mark than both the dwelling and former holding tank, having setbacks of 15.2 metres (49.8 feet) and 19.8 metres (65 feet), respectively.

The Township's Building Department has confirmed that the proposed septic system exceeds the required setback for such structures from the high-water mark under the Ontario Building Code, and a building permit can be issued if this application for Minor Variance is approved.

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

Provincial Planning Statement, 2024

Policies of the Provincial Planning Statement (PPS) permit private individual sewage services where municipal or private communal sewage services are not available, planned, or feasible, and where site conditions are suitable for the long-term provision of private individual sewage services with no negative impacts.

Given the prevailing development patterns around the subject property, municipal or private communal sewage services are not available, planned, or feasible. The subject property is likewise anticipated to provide suitable conditions to permit the long-term provision of private individual sewage services without negative impacts to the environment and surrounding properties. The application is considered consistent with the PPS.

Public and Agency Comments

Notice of application A-18-24 was circulated to neighbouring property owners and commenting agencies in accordance with the statutory requirements of the Planning Act on January 23, 2025. A notice was posted on the property the day prior.

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

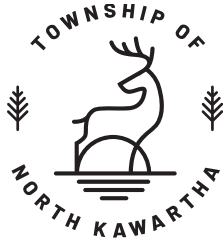
Financial Implications

No financial implications are anticipated as a result of approval of application A-18-24.

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-18-24 as proposed be approved without conditions.

Respectfully submitted,



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Attachments

- Attachment #1 – Notice of Public Meeting
- Attachment #2 – Site Plan
- Attachment #3 – Photographic Log