



**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](http://www.northkawartha.ca)

## Report to Council

To: Mayor and Members of Council of the Township of North Kawartha  
From: Emily Fitzgerald, BES (Hons.)  
Junior Planner for the Township of North Kawartha  
Reviewed By: Forbes Symon, R.P.P., M.C.I.P., Senior Planner, Jp2g Consultants Inc.  
Date: February 4, 2024  
Subject: Report on Consent Application B-109-24 (Rusaw)

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### Recommendation

That Council recommend approval to Peterborough County Land Division Committee for consent application B-109-24, without conditions.

### Subject Property

Municipal (911) Address:	8937 Highway 28
Roll Number:	1536-020-002-20001
Property Owners:	Susan and Jim Rusaw
Applicants:	Tracey and Michael Northam
Lot and Concession:	Part of Lot 16, Concession 12
Ward:	Burleigh
Area:	+/- 20 ha (+/- 50 ac)
Frontage:	+/- 156 m (+/- 512 ft) on Highway 28
Official Plan Designation:	Rural / Environmental Constraint
Zoning:	Rural (RU) / Environmental Constraint (EC)
Access:	Highway 28 (Provincial Highway)

### Background

Consent application B-109-24 has been submitted by Tracey and Michael Northam on behalf of property owners, Susan and Jim Rusaw, for the property located in Part of Lot 16, Concession 12, in the Burleigh Ward, municipally known as 8397 Highway 28.

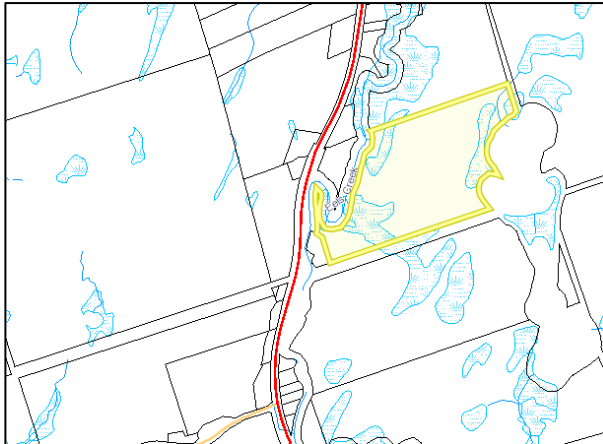
The subject property is approximately 20 hectares (50 acres) in area and has approximately 156 metres (512 feet) of frontage along Highway 28. The subject property is currently developed in the form of a dwelling house and storage shed. Surrounding land uses are primarily rural residential uses on lots of varying areas and frontages north and south along the east and west sides of Highway 28. Large tracts of Crown Land lie to the east of the subject property.



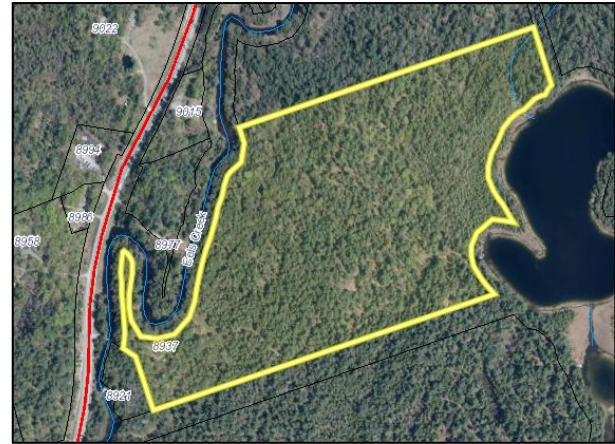
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### Location Map



### 2023 Aerial Imagery



### Proposed Consent

Consent application B-109-24 proposes to establish an easement over the subject property for the purpose of providing access to an adjacent property, 8921 Highway 28. Because Eels Creek passes between said property and Highway 28, the property has no frontage on Highway 28 and therefore relies on the subject property for access. Said neighbouring property benefits from an existing easement; however, it remains unused given its deviation from the location of the existing bridge and driveway on the subject property. The proposed easement would serve to facilitate legal access to the property at 8921 Highway 28 over the existing bridge and driveway on the subject property. The proposed consent sketch is provided in Attachment #1.

### Planning Analysis

#### County of Peterborough Official Plan – Local Component for North Kawartha

The subject property is designated Rural and Cultural Landscape under the County of Peterborough Official Plan and Rural and Environmental Constraint in the Local Component for the Township of North Kawartha. The proposed easement is located on the portion of the property designated Environmental Constraint. The proposed easement is not expected to result in any environmental impact given that the bridge and driveway are existing and no further site alteration would be required. The proposed Consent is considered technical in nature and does not result in the creation of a new lot. Consent application B-109-24 is therefore considered to maintain the intent of the County Official Plan.

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

The subject property is zoned Rural (RU) and Environmental Constraint (EC). The portion of the property subject to the proposed easement is within the EC zone; however, the Zoning By-law contains no provisions which prohibit the continued use of an existing driveway through lands zoned as such.



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The minimum lot area and lot frontage for properties zoned RU is 10 hectares (25 acres) and 90 metres (295 feet), respectively. Section 3.16 of the Zoning By-law provides that where a property is partially zoned EC, lands zoned EC are not considered towards the lot area. Based on preliminary measurements from the Peterborough County GIS web application, the portion of the property zoned RU is approximately 17.2 hectares (42.6 acres) and therefore exceeds the minimum lot area requirements of the RU zone. Likewise, the lot frontage of approximately 156 metres (512 feet), although located in the EC zone where no minimum frontage requirements are stipulated, exceeds the minimum lot frontage requirements of the RU zone. No changes to the lot area or lot frontage will result from the proposed consent for the establishment of an easement. Consent application B-109-24 is therefore considered to maintain the intent of the Township's Zoning By-law.

### **Concluding Comments**

With respect to application B-109-24, should Council be of the opinion that the proposed consent is reasonable, the application may be recommended to Peterborough County Land Division for approval without conditions.

All of which is respectfully submitted,

Emily Fitzgerald, BES (Hons.)  
Junior Planner  
Township of North Kawartha

### **Attachments**

Attachment #1 – Application and Consent Sketches