



## Report to Committee of Adjustment

To: Chair and Members of the Committee of Adjustment  
From: Laura Stone, Planning Consultant  
Date: June 2, 2026  
Subject: Minor Variance Application A-19-25

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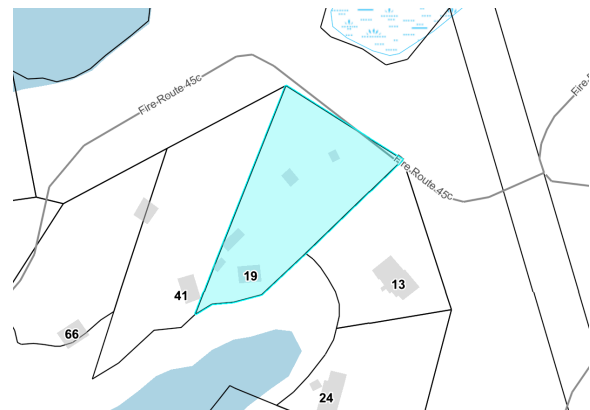
### Recommendation:

That the Committee of Adjustment **approve** Minor Variance Application A-19-25 vary Section 3.30 to permit an attached deck with a depth of 8.9 metres and the redevelopment of a detached deck with a ground floor area of 21.32 square metres and a height of 3.76 metres, located 4 metres from the high water mark with a side yard setback of 2.5 metres to the stairs for the detached deck, as they meet the Four Tests of the Minor Variance and are in keeping with the policy provisions of the Provincial Planning Statement.

### Background:

This application comes to the Committee for the consideration of the two decks when the Building Department was notified that the structures were built without a building permit.

A site visit was performed by the CBO and myself and the application followed.

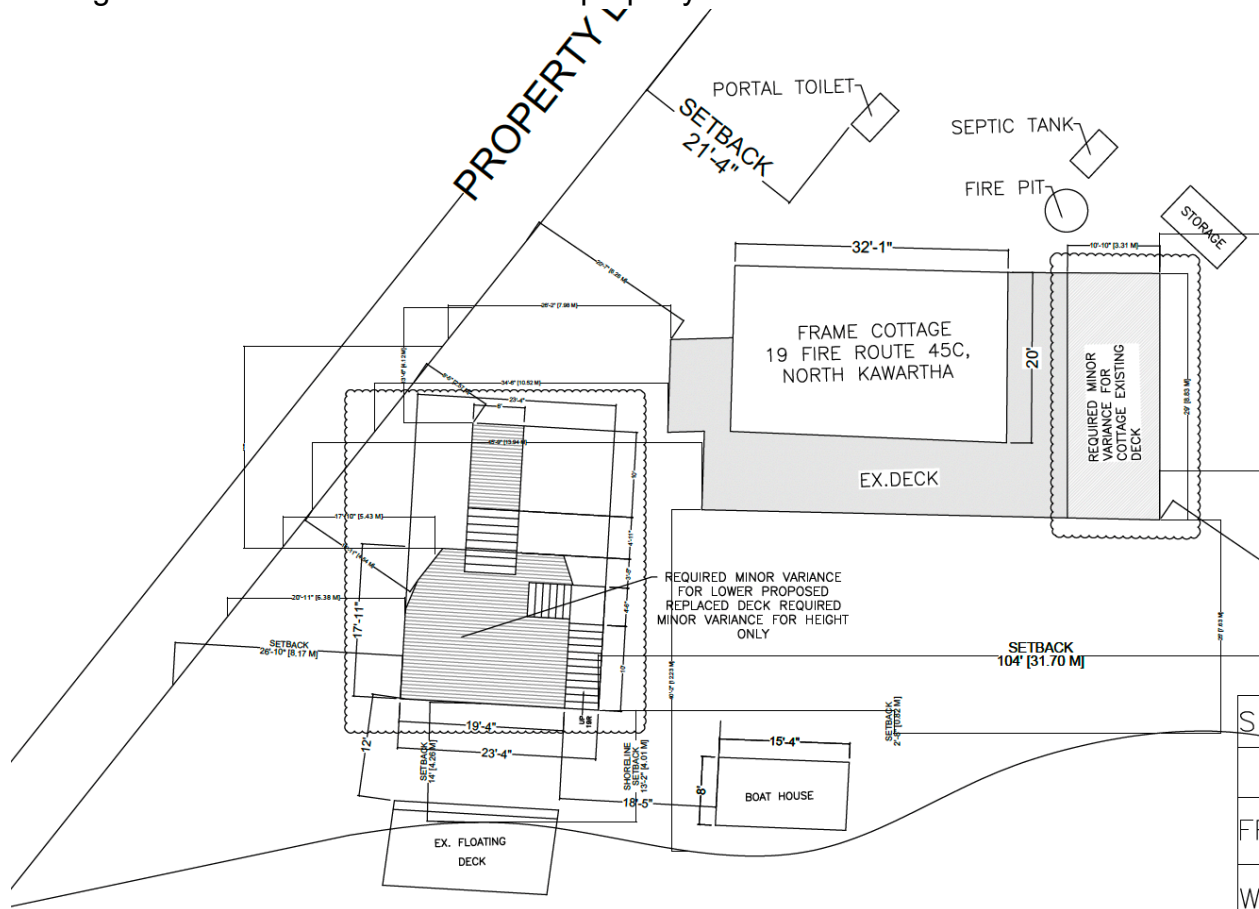


### Property Information:

Address: 19 Fire Route 45C  
Roll No: 1536-020-001-18404  
Owners: Teixeira  
Zone: Shoreline Residential  
Official Plan Designation: Seasonal Residential



This property is located in the Burleigh Ward of the Township of North Kawartha with frontage onto Raccoon/Coon Lake. The property is accessed via Fire Route 45.



The subject property is a recreational residential property that has significant topographical challenges.

### Planning Policy Discussion

#### The Four Tests of the Minor Variance

The Planning Act dictates that a Minor Variance Application must meet the four tests of the minor variance. The tests are as follows:

**1. Is it application minor in nature?**

**Yes.** The requested variances are minor in nature. Each request is as follows:

- a. Height of detached deck located at 4 metres from the high water mark:



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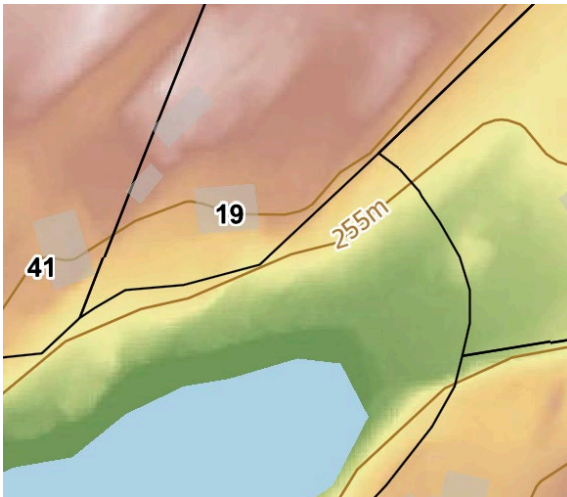
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As noted above, the property is relatively steep, requiring an increase in permitted height. The proposed height of 3.76 metres is minor and reasonable considering the topography. The setback maintains the same setback to the high water mark as the original deck.

- b. The depth of the attached deck, being 8.9 metres, is due to the deck running perpendicular to the side of the cottage. The deck replaced the original deck with a greater depth than what was existing.

## 2. Is the application desirable and appropriate?

**Yes.** As mentioned, the property has topographical challenges. For accessible access to the waterfront, the stairs and deck are required as a rest place. In review of the contour lines on the County of Peterborough's GIS, there is a 5 metre drop between the first contour line (line goes through "19") and the line underneath it. Further, the LiDAR layer has been applied to the property to show in colour the elevation changes.



The depth of the attached deck provides access to the cottage from the parking area over irregular terrain.

## 3. Does the application meet the intent of the Official Plan?

**Yes.** The following policies from the Official Plan for the County of Peterborough are applicable and support the Minor Variance application:

Section 6.2.5.2 Seasonal Residential – Permitted Uses

The predominant use of land within the Seasonal Residential designation shall be for seasonal cottages. This category includes uses accessory to seasonal cottages.



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Section 6.2.5.3 a) The uses permitted in Seasonal Residential areas and regulations for such uses shall be defined in the implementing Zoning By-law. Regard shall be had to the protection of cottages from incompatible uses. Provision will be made for adequate setbacks from property lines, for lands to be set aside in certain cases for landscaping and buffering purposes, for off-street parking facilities, prohibition of nuisances and control over outside storage.

The application meets the intent of the Official Plan in that uses in the Seasonal Residential designation are regulated by the Zoning By-law and that cottage development, inclusive of accessory structure, are protected.

#### **4. Does the application meet the intent of the Comprehensive Zoning By-law?**

**Yes.** Section 3.30 of the Township's Comprehensive Zoning By-law permits detached decks, as well as attached decks.

In addition to meeting the Four Tests, this application also meets the intent and spirit of the Provincial Planning Statement.

### **Provincial Planning Statement**

The Provincial government released the Provincial Planning Statement (PPS) in 2024. This policy document is intended to provide planning direction for all of Ontario. The following policies from the PPS are relevant to this application:

#### Chapter 2.1 Planning for People and Homes

6. Planning authorities should support the achievement of complete communities by:
  - a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
  - b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
  - c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

#### Chapter 2.5 Rural Areas in Municipalities

1. Healthy, integrated and viable rural areas should be supported by:
  - a) building upon rural character, and leveraging rural amenities and assets;



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- b) promoting regeneration, including the redevelopment of brownfield sites;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;
- d) using rural infrastructure and public service facilities efficiently;
- e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- g) conserving biodiversity and considering the ecological benefits provided by nature;

### Chapter 2.6 Rural Lands in Municipalities

1. On rural lands located in municipalities, permitted uses are:
  - a) the management or use of resources;
  - b) resource-based recreational uses (including recreational dwellings not intended as permanent residences);
  - c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services;
  - g) other rural land uses.
2. Development that can be sustained by rural service levels should be promoted.
3. Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.

**Opinion: The application for the above-noted minor relief is in keeping with the directives of the PPS.**

### Conclusion

This Minor Variance Application meets the Four Tests of the Minor Variance and is consistent with the intent of the Provincial Planning Statement. This application is representative of good planning and should be approved with the following condition:

1. That the structures are built to the measurements on the site plan.

### Financial Implications:

N/A

### Attachments:

Site Plan  
Notice