



## 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-21-24

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### Recommendation

That subject to any public or agency comments received, the Committee approve Minor Variance application A-21-24, without conditions.

### Subject Property

Municipal (911) Address:	324 Fire Route 55
Roll Number:	1536-020-201-08400
Property Owners:	Roy Bernard and Patti Shane
Lot and Concession:	Part of Lot 22, Concession 1
Ward:	Anstruther
Area:	0.72 hectares (1.79 acres)
Frontage:	53.3 metres (175 feet)
Official Plan Designation:	Seasonal Residential
Zoning:	Shoreline Residential (SR) / Lake (L)
Access:	Fire Route 55 (Private Road)

### Background and Development Proposal

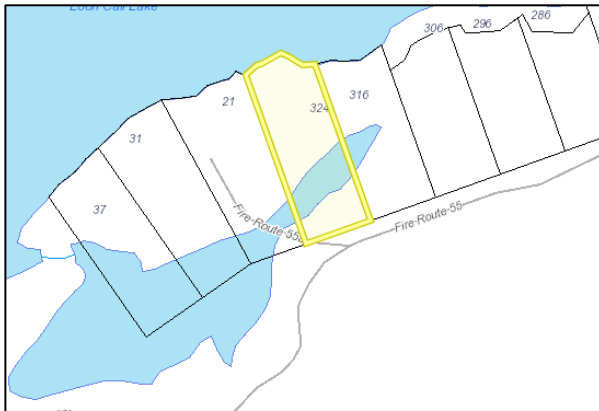
Minor Variance application A-21-24 has been submitted by Roy Bernard for the property located in Part of Lot 22, Concession 1, Anstruther Ward, municipally known as 324 Fire Route 55.

Based on information provided in the application, the subject property is approximately 0.72 hectares (1.79 acres) in area and has approximately 53.3 metres (175 feet) of shoreline frontage on Looncall Lake. The property is accessed from Fire Route 55, being a private road, and is serviced by a private individual septic system. Water supply is drawn from Looncall Lake. The property is well vegetated throughout and is



characterized by variable topography with steep slopes. A small unnamed waterbody bisects the property, across which a causeway exists for vehicular access. Surrounding land uses are largely seasonal residential on lots of similar sizes and configurations with large tracts of Crown Land to the south.

### Location Map



### 2023 Aerial Imagery



At present, the property is developed for recreational residential use in the form of a two-storey dwelling, having an area of 186 square metres (2,000 square feet) together with 26.8 square metres (289 square feet) of attached decks. Other development on the property includes a bunkhouse with attached deck to the rear of the dwelling, and a detached deck and steps, and two small accessory buildings near the shoreline.

The application proposes to construct a new one and one-half storey detached garage to the southwest of the dwelling having an area of 66.9 square metres (720 square feet) and a height of 5.95 metres (19.5 feet). The proposed garage would meet the required water yard to the north in the direction of Looncall Lake, but not to the south in the direction of the unnamed waterbody. As such, the application seeks relief from Sections 3.30 (a) and 6.2 (k) of the Township's Zoning By-law to permit a minimum southern water yard of 25.9 metres (85 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 allow for the construction of a new detached garage. When determining whether an application is minor, the consideration must relate to the potential impacts of the variances requested. The proposed garage is not anticipated to result in any adverse visual or environmental impacts. The structure



would be located to the rear of the dwelling and would not be visible from the shoreline of Looncall Lake. Although proposed to be located within the required water yard to the south, the new garage would not encroach closer to the unnamed waterbody than the existing dwelling and bunkhouse.

Mature vegetation throughout the property would buffer the proposed garage from view from both waterbodies, as well as neighbouring properties and the traveled right-of-way. Given that the proposed garage is located adjacent to areas on the property already developed, it is anticipated that minimal site alteration and vegetation removal would be required.

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 garage would enhance the functionality of the property for continuing the existing permitted recreational residential use. The available building envelope for additional development on the subject property is heavily constrained due to the natural features on the property, particularly the unnamed waterbody which passes through the southern portion of the property. Further, the location of the existing septic system and the requirement for buildings to meet specific setbacks from the septic system under the Ontario Building Code prevent the proposed garage from being located farther north to achieve the minimum 30-metre setback from the unnamed waterbody.

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' under the Local Component for the Township of North Kawartha. A detached private garage is a permitted accessory use to recreational residential uses in both designations.

Official Plan policies generally require that new development achieve a 30-metre high-water mark setback. Where appropriate and reasonable, local municipalities are authorized to grant minor variances from said setback on lots existing as of October 2008. Based on information provided in the application, the existing recreational residential use was established in the 1950s and the applicant has owned the property



since 2005; therefore, the property would appear to be eligible for the above described exception.

The proposed garage would be located to the rear of the existing dwelling and the topographical features and mature vegetation in the northern water yard would buffer the building from view from Looncall Lake, which is considered to be the primary water frontage from utility and visibility perspectives. As such, the proposed garage is not anticipated to substantially alter the existing balance between built and natural 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?**

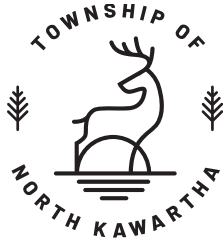
The subject property is zoned 'Shoreline Residential' (SR) in the Township's Zoning By-law. As aforementioned, the application requests a minimum southern high-water mark setback of 25.9 metres (85 feet) whereas a minimum high-water mark setback of 30 metres (98.5 feet) is otherwise required, a deficiency of 4.1 metres (13.5 feet).

If approved, the construction of the proposed garage would result in an accessory lot coverage of approximately 2.1% which is within the 5% permitted for properties zoned SR. Its proposed height, being 5.95 metres (19.5 feet) remains within that which is permitted for a detached garage, being 7.3 metres (23.9 feet). The proposed garage would maintain a western interior side yard of 4.5 metres (15 feet) which meets the minimum requirement for the SR zone. All other minimum yards, save and except for the southern water yard, would be exceeded.

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 together with related accessory uses and buildings, are permitted on rural lands. Development is to be sustained by rural service levels and appropriate to existing or planned infrastructure. The application is considered consistent with the PPS.



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## **Public and Agency Comments**

Notice of application A-21-24 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 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-21-24.

## **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-21-24 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