



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
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Report to Committee of Adjustment

To: Members of the Committee of Adjustment
From: Emily Fitzgerald, BES (Hons.)
Junior Planner, Township of North Kawartha
Reviewed by: Forbes Symon, RPP, MCIP
Senior Planner, Jp2g Consultants Inc.
Date: April 1, 2025
Subject: Report on Minor Variance Application A-04-25 (Popovich)

Recommendation

Staff recommend that subject to any public or agency comments received, Committee approve the requested variances relating to the existing as built deficiencies for the dwelling. Staff further recommend that Committee deny the requested variances relating to the existing as built deficiencies for the woodshed and that the woodshed be relocated in compliance with the Zoning By-law.

Background and Property Information

Minor Variance application A-04-25 has been submitted by Paul Popovich for the property located in Part of Lot 15, Concession 5, in the Chandos Ward, municipally known as 30 Wally's Way.

Municipal (911) Address:	30 Wally's Way
Roll Number:	1536-010-200-28210
Property Owner:	Karen and Paul Popovich
Applicant:	Property Owner
Lot and Concession:	Part of Lot 15, Concession 5
Ward:	Chandos
Area:	1.01 hectares (2.5 acres)
Frontage:	41.1 metres (135 feet)
Official Plan Designation:	Seasonal Residential
Zoning:	Shoreline Residential-300 (SR-300)
Access:	Wally's Way (Private Road)
Sewage Servicing:	Private individual septic system
Water Servicing:	Drawn from Chandos Lake

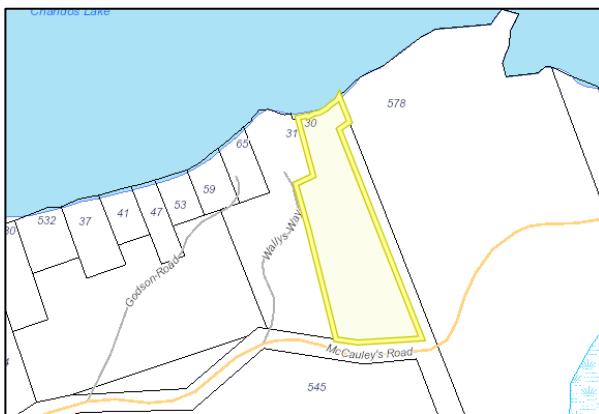


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Available aerial imagery and GIS information, as well as a site visit, indicate that the property is well vegetated towards the rear, but has been substantially cleared of vegetation in the water yard. The property slopes steeply from the rear to the front with developed areas being relatively level. Surrounding land uses are primarily seasonal residential uses on lots of variable areas and frontages with rural residential uses and vacant rural lands opposite McCauley's Road.

Location Map



2023 Aerial Imagery



The property is developed for recreational residential use in the form of a dwelling with attached decks. The existing dwelling and attached decks were authorized through a previous application to amend the Zoning By-law, ZA-02-22. A holding (H) provision which required the preparation of a revegetation/landscape plan was placed on the property upon the approval of application ZA-02-22. Said condition has since been fulfilled and the holding (H) provision removed upon the passing of by-law 2022-0017.

Existing accessory buildings include a detached garage, a boathouse, a storage shed, a children's play structure, and a woodshed. The application notes that the detached garage and boathouse were constructed in 2011. No date of construction has been provided for the woodshed; however, the building was first observed by the Township's Building Department during a recent inspection of the dwelling.

Requested Relief

The application seeks to recognize existing as built deficiencies for both the dwelling and woodshed. Given that the former Zoning By-law Amendment served to permit reductions to required yards for the dwelling, OLS confirmation of the setbacks was requested by the Township's Building Department. Based on the OLS report, the dwelling is deficient from the minimum eastern and southern side yards permitted through application ZA-02-22. As such, the application seeks to address these existing as-built deficiencies of the dwelling.



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The application further requests that the existing woodshed which has been placed on the property in contravention of the Township's Zoning By-law be permitted to remain in its current location. As such, the application seeks reductions to the minimum required water yard, eastern and southern side yards, and minimum building separation distance between the woodshed and dwelling.

Specifically, application A-04-25 requests the following relief from the Township's Zoning By-law, as amended:

1. From Section 6.8 (g) to permit minimum eastern and southern side yards of 3.27 metres (10.7 feet) and 3.67 metres (12.0 feet), whereas the minimum eastern and southern side yards otherwise required are 3.6 metres (12.0 feet) and 3.9 metres (13.0 feet), respectively.
2. From Sections 6.8 (f) and 3.30 (a) to permit a minimum water yard of 18.2 metres (60 feet) for the woodshed, whereas a minimum water yard of 30 metres (98.5 feet) is otherwise required.
3. From Section 6.8 (g) to permit minimum eastern and southern side yards of 1.5 metres (5 feet) for the woodshed, whereas the minimum side yard otherwise required is 4.5 metres (15 feet).
4. From Section 6.2 (l) to permit a minimum building separation distance of 1.2 metres (4 feet) between the woodshed and dwelling whereas the minimum building separation distance otherwise required is 1.5 metres (4 feet).

Planning Analysis

This application is subject to the four tests of a minor variance, as outlined under Section 45 of the Planning Act. Given that there are two distinct buildings for which relief is requested, the variances relating to the two buildings will be analyzed independently. 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. It is worth noting that the dwelling does not exceed the area contemplated through application ZA-02-22, and the side yard deficiencies result from a minor error in locating the dwelling prior to construction. The woodshed is relatively small in area and is located to the rear of the dwelling. Mature vegetation within the eastern and southern side yards would serve to reduce visual impact from the eastern-adjacent property. As such, environmental and visual impacts associated with the requested variances are anticipated to be minimal.

The requested variances are considered minor in nature.



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2. Is the application desirable for the appropriate development or use of the land, building, or structure?

The new dwelling and woodshed would enhance the functionality and enjoyment of the property for continuing the existing permitted recreational residential use and would appear to be in keeping with the scale and character of development on surrounding properties. The woodshed, being in proximity to the dwelling, makes use of an area of the property already subject to disturbance.

The requested variances are 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. Both designations permit recreational residential uses together with related accessory buildings.

It is the intent of the Official Plan to minimize further shoreline development to protect and enhance the shoreline area and aquatic habitat. As such, policies under Sections 4.4.3 and 6.2.5.3 of the Official Plan generally require new buildings and structures to be located a minimum of 30-metres from the high-water mark of all waterbodies. Section 6.2.5.3 of the Official Plan allows for variances to the minimum 30-metre water setback on lots existing as of October 22, 2008; however, it must be demonstrated that meeting the 30-metre water setback is not possible before consideration may be given to permitting a reduced water setback. Based on a review of aerial imagery and a site visit to the property, Staff are of the opinion that it would be possible to relocate the woodshed to meet the 30-metre water setback without undue hardship.

Policies of the Official Plan also encourage an appropriate balance between built and natural form on waterfront properties. As noted in the report on application ZA-02-22, the water yard has been substantially cleared of vegetation. Concerns regarding the dwelling's conformity with the above noted policy were addressed through the requirement for a revegetation/landscaping plan which has since been fulfilled to the Township's satisfaction. The woodshed, being located to the rear of the dwelling, would not be visible from the shoreline. The requested variances are not anticipated to substantially alter the existing balance between built and natural form on the property.

The variances relating to the dwelling are considered to uphold the general intent and purpose of the Official Plan; however, those relating to the woodshed are not.



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4. Does the application uphold the general intent and purpose of the Zoning By-law?

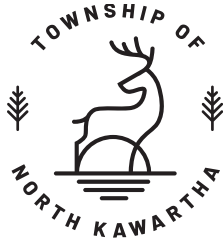
The subject property is zoned 'Shoreline Residential-300 (SR-300)' in the Township's Zoning By-law. The SR-300 zone was applied to the property following the approval of Zoning By-law Amendment (ZBA) application ZA-02-22. Said application served to permit the reconstruction and enlargement of the dwelling through the implementation of several site-specific zone provisions, including minimum water setbacks, minimum side yards, and maximum height for the dwelling.

As aforementioned, the application seeks further reductions to the minimum side yards for the dwelling. The dwelling has been constructed having eastern and southern side yards of 3.27 metres (10.7 feet) and 3.67 metres (12.0 feet), respectively, whereas such minimum required side yards are 3.6 metres (12.0 feet) and 3.9 metres (13 feet). The requested further reductions are considered minimal in scale and mature vegetation at the side lot lines is anticipated to mitigate visual impact to the eastern-adjacent property.

The application also requests that the recently constructed woodshed be permitted to remain in its current location which is in contravention of several provisions of the Zoning By-law. The existing as-built deficiencies of the woodshed are outlined in the table below:

Criteria	Zoning By-law Requirement	Existing Woodshed	Degree of Deficiency
Minimum Water Setback	30 m (98.5 ft)	18.3 m (60 ft)	11.7 m (38.5 ft)
Minimum Interior Yard (E)	4.5 m (15 ft)	1.5 m (5 ft)	3 m (10 ft)
Minimum Interior Yard (S)	4.5 m (15 ft)	1.5 m (5 ft)	3 m (10 ft)
Minimum Building Separation	1.5 m (5 ft)	1.2 m (4 ft)	0.3 m (1 ft)

The application notes that the existing woodshed has been constructed in the same general location of a former workshop; however, no concrete evidence regarding the location and footprint of the former workshop and whether it was lawfully demolished has been submitted as part of this application. As such, the existing woodshed would not benefit from any legal non-complying status the former workshop may have enjoyed and is therefore required to comply with the minimum 30-metre (98.5-foot) water setback in effect for new buildings and structures.



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All buildings, regardless of their nature or scale, are required to comply with the regulations of the Zoning By-law. If compliance with the Zoning By-law is not possible, it is necessary to demonstrate that a reasonable effort has been made to comply. The eastern and southern side yards of the woodshed, being 1.5 metres (5 feet) are considerably deficient from the minimum required side yard of 4.5 metres (15 feet). Likewise, the minimum building separation distance of 1.2 metres (4 feet) between the dwelling and shed is deficient from the required minimum building separation of 1.5 metres (5 feet). Given the substantial developable area available on the property which would respect the foregoing zone provisions, the requested reduced setbacks and minimum building separation distance are not considered to have demonstrated a reasonable effort to comply with the Zoning By-law.

The variances relating to the dwelling are considered to uphold the general intent and purpose of the Zoning By-law; however, those relating to the woodshed are not.

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.

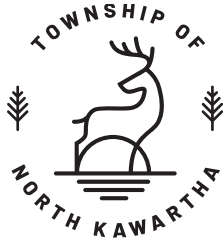
The existing recreational residential use to be continued is permitted under the policies of the PPS. The variances requested, all of which relating to existing buildings with zoning deficiencies, are not anticipated to result in a strain on existing rural service levels or existing private individual servicing systems. The application is considered consistent with the PPS.

Public and Agency Comments

Notice of application A-04-25 was circulated to neighbouring property owners and commenting agencies in accordance with the statutory requirements of the Planning Act on March 19, 2025. A notice was posted on the property the same day.

Two letters of support for the variances relating to the woodshed have been received from the neighbouring property owners at 31 Wally's Way and 578 McCauley's Road.

Agency comments have been received from Crowe Valley Conservation Authority (CVCA) and Kawartha Pine Ridge District School Board (KPRDSB). Neither agency identified any concerns with the application. CVCA further noted that a permit was



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obtained for the construction of the dwelling previously. The woodshed is exempt from regulation by CVCA due to its small footprint.

Any additional 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-04-25.

Concluding Comments

The variances relating to the dwelling meet the four tests of a minor variance; however, the variances relating to the woodshed do not. The application is considered to conform to the applicable policies of the PPS. It is therefore recommended that those variances requested through application A-04-25 relating to the dwelling be approved without conditions and that those variances relating to the woodshed be denied and the woodshed relocated in accordance with the provisions of the Zoning By-law.

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