



**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 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 18, 2025  
Subject: Report on Minor Variance Application A-22-24

---

### Recommendation

That subject to any public or agency comments received, the Committee approve Minor Variance application A-22-24, without conditions.

### Background and Property Information

Minor Variance application A-22-24 has been submitted by Holly Richards-Conley for the property located in Part of Lot 12, Concession 3, Burleigh Ward, municipally known as 42 Fire Route 45a.

Municipal (911) Address:	42 Fire Route 45a
Roll Number:	1536-020-001-32600
Property Owner:	Christabel Homewood
Applicant:	Black Point Construction Services c/o Holly Richards-Conley
Lot and Concession:	Part of Lot 12, Concession 3
Ward:	Burleigh
Area:	0.5 hectares (1.24 acres)
Frontage:	64 metres (210 feet) on Big Cedar Lake
Official Plan Designation:	Seasonal Residential
Zoning:	Shoreline Residential-276 (SR-276)
Access:	Fire Route 45a (Private Road)
Sewage Servicing:	Private individual septic system
Water Servicing:	Drawn from Big Cedar Lake

As determined through a review of available aerial imagery and GIS information, as well as a site visit, the property maintains a moderate degree of mature vegetation with a large central clearing to accommodate the existing development on the property. The

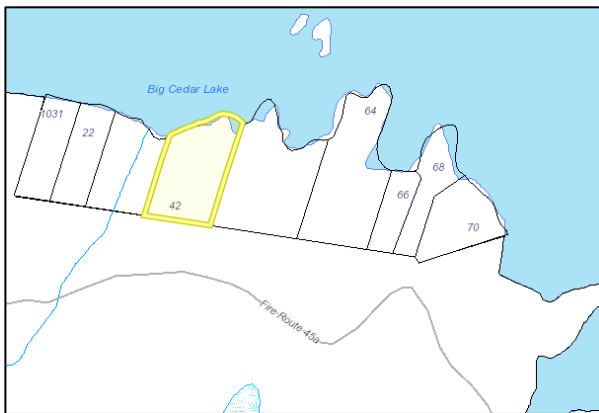


**Township of North Kawartha**

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)

land is somewhat variable in terms of topography with gradual downward slopes within the water yard and western side yard. Surrounding land uses are largely seasonal residential on lots of varying sizes and configurations with large tracts of Crown Land to the south.

**Location Map**



**2023 Aerial Imagery**



Existing built form on the property includes a two-storey dwelling with attached decks, having a combined area of 339 square metres (3,643 square feet). Construction of the dwelling and attached decks was authorized through a previous application to amend the Zoning By-law, ZA-14-21. Said application served to permit deficient water setbacks of 14.0 metres (45.9 feet) and 11.1 metres (36.4 feet) to the dwelling and attached deck, respectively, and a height of 9.44 metres (31 feet) for the dwelling. Other development on the property includes a small storage shed, privy, and children’s play structure, all in proximity to the dwelling.

**Proposed Development**

The application proposes to construct a new one and one-half storey detached garage to the rear of the dwelling. The proposed garage would have an area of 106 square metres (1,140 square feet) and a height of 8.94 metres (29.3 feet). Setbacks for the proposed garage are illustrated on the submitted site plan (Attachment #2), but are provided in the table below for ease of reference:

Yard	Measurement
Water Yard	58.2 metres (191 feet)
Eastern Side Yard	16.2 metres (53.1 feet)
Western Side Yard	26.2 metres (86.0 feet)
Rear Yard	7.67 metres (25.2 feet)



## 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)

The application proposes a considerable degree of site alteration and grading to create the building envelope for the proposed garage and to backfill the rear and a portion of the sides of the structure once constructed. Due to the degree of backfilling proposed, the main floor of the proposed garage is considered to be a cellar as per the definitions in the Township's Zoning By-law.

As proposed, application A-22-24 requests the following relief from the Township's Zoning By-law:

1. Section 3.1 (d) (i) to permit the proposed garage to contain a cellar whereas accessory buildings and structures are otherwise prohibited from containing a cellar.
2. Section 3.1 (d) (ii) to permit the proposed garage to have a height of 8.94 metres (29.3 feet) whereas the maximum height otherwise permitted for a detached garage is 7.3 metres (23.9 feet).
3. Section 3.1 (h) (vi) and Section 6.2 (j) to permit the proposed garage to have a rear yard of 7.67 metres, whereas the minimum rear yard for a detached garage greater than 7.3 metres (23.9 feet) in height otherwise required is 9.0 metres (29.5 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?

When determining whether an application is minor, the consideration must relate to the potential impacts of the variances requested. The proposed garage is to be located to the rear of the existing dwelling. The cumulative effect of the generous water setback, the topography of the property, and the retained mature vegetation are anticipated to buffer the proposed garage from view from the shoreline.

The proposed site alteration and grading works are not anticipated to result negative impacts to the environment, given the generous water setback. Drainage patterns may be altered slightly; however, the proposed side yards are expected to be sufficient to prevent impacts to adjacent properties.

Dense vegetation at the side lot lines and rises in topography in the rear yard would serve to buffer the proposed garage from view from adjacent properties and the traveled right-of-way. The proposed backfilling is further anticipated to offset the height of the



proposed garage as the building would appear as though set into a hill from the rear and sides, and only the roof would be visible.

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 and would result in a built form of similar scale and character to surrounding properties. It is noted that the contemplated design for the proposed garage demonstrates an effort to integrate built form into the natural landform of the property.

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.

Section 4.4.3 of the Official Plan imposes a minimum water setback of 30 metres, which the proposed garage will exceed. Policies of the Official Plan further encourage a balance between built and natural form on waterfront properties. The proposed garage would be located to the rear of the existing dwelling at a generous water setback and would be buffered from view from the shoreline due to the topography of the property and retained mature vegetation within the water yard and eastern side yard. For these reasons, the existing balance between built and natural form on the property is not anticipated to be substantially altered.

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-276 (SR-276)' in the Township's Zoning By-law. This site-specific zoning was applied following the approval of



**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)

application ZA-14-21. The site-specific provisions of the SR-276 zone relate to the prior redevelopment of the dwelling and have no direct impact on the subject application.

Height for accessory buildings on waterfront properties is measured from finished grade at lakeside to the peak of the roof. The application requests a height of 8.94 metres (29.3 feet) for the proposed garage, whereas the maximum height of such structures is otherwise limited to 7.3 metres (23.9 feet). Despite the requested height increase, the height of the proposed garage would not exceed the height of the existing dwelling, which is 9.44 metres (31 feet) measured from finished grade at lakeside to the midpoint between the eaves and peak of the roof. Likewise, the additional height would not result in a built form exceeding the number of storeys otherwise permitted within a detached garage.

The application also proposes to include a cellar as part of the proposed garage, whereas accessory buildings are otherwise prohibited from including a cellar. The lower storey of the proposed garage is considered a cellar as the proposed backfilling results in more than half of the height of the lower storey being located below average finished grade. Notwithstanding, it is anticipated that the finished grade at lakeside will be approximately maintained, and the lakeside face of the proposed garage will be entirely above said grade.

As proposed, the garage would have a rear yard of 7.67 metres (25.2 feet). The general provisions of the Zoning By-law permit a minimum rear yard of 4.5 metres (15 feet) for a detached garage; however, this setback applies only where the maximum height of 7.3 metres (23.9 feet) is complied with. Because the proposed garage exceeds the maximum permitted height for such structures, the minimum rear yard of 9.0 metres (29.5 feet) otherwise in effect for properties zoned SR applies. The requested deficiency of 1.33 metres (4.36 feet) is considered minimal given the degree of separation between the rear lot line and the traveled right-of-way and that the topography of the property and mature vegetation retained are anticipated to substantially buffer the proposed garage from view from the rear.

Outside of the requested relief discussed above, the proposed garage is compliant with the applicable provisions of the Zoning By-law. The proposed garage would result in an accessory lot coverage of approximately 2.4%, which is within the maximum permitted 5%. All required yards, other than the rear yard will 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 buildings, are permitted on rural lands. Development is to be sustained by rural service levels and appropriate to existing or planned infrastructure.

The proposed garage is a permitted use under the policies of the PPS. Given its status as an accessory structure, it is not anticipated to result in a strain on existing rural service levels or the capacity of the existing private individual servicing systems. The application is considered consistent with the PPS.

## **Public and Agency Comments**

Notice of application A-22-24 was circulated to neighbouring property owners and commenting agencies in accordance with the statutory requirements of the Planning Act on February 6, 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-22-24.

## **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-22-24 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