



**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  
Reviewed By: Darryl Tighe, M. Sc., RPP  
Manager of Planning for the Township of North Kawartha  
Date: November 19, 2024  
Subject: Report on Minor Variance Application #A-19-24

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### Recommendation

That subject to any public or agency comments received, the Committee approve Minor Variance application #A-19-24, without conditions.

### Subject Property

Municipal (911) Address:	109 Spence Road
Roll Number:	1536-010-100-26100
Property Owners:	Mary Ferguson and Robert Bebbington
Agent:	Lew Lean
Lot and Concession:	Part of Lot 14, Concession 10
Ward:	Chandos
Area:	0.20 hectares (0.50 acres)
Frontage:	32.3 metres (106 feet)
Official Plan Designation:	Seasonal Residential
Zoning:	Shoreline Residential-315 (SR-315)
Access:	Spence Road (Private Road)

### Background and Development Proposal

Minor Variance application #A-19-24 has been submitted by Lew Lean on behalf of the property owners, Mary Ferguson and Robert Bebbington, for the property located in Part of Lot 14, Concession 10, Chandos Ward, municipally known as 109 Spence Road.

Based on information provided in the application, the subject property is approximately 0.20 hectares (0.50 acres) in area and has approximately 32.3 metres (106 feet) of

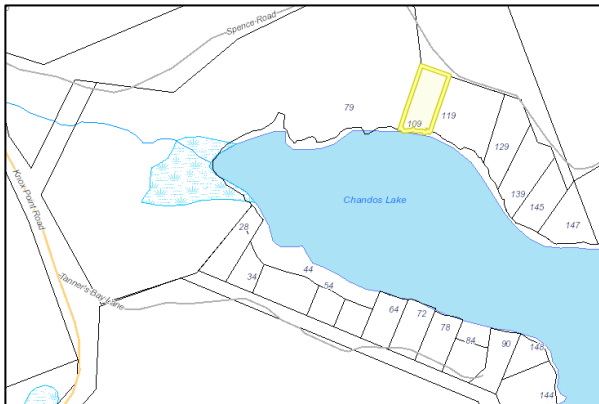


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shoreline frontage on Chandos Lake. The property is accessed from Spence, being a private road, and is serviced by a private individual septic system and well. The subject property is well-vegetated along the side lot lines with the water yard being substantially cleared of vegetation. The rear of the property has been filled and graded level and slopes steeply towards the waterbody between the dwelling and shoreline. Surrounding land uses are largely seasonal residential on lots of similar area and frontage to the east, south, and west, and vacant rural lands to the north.

### Location Map



### 2023 Aerial Imagery



Existing development on the subject property includes a dwelling with attached decks on the lakeside having an aggregate area of approximately 200 square metres (2,160 square feet). Construction has been substantially completed on dwelling and attached decks which were the subject of a previous application to amend the Zoning By-law.

Application #ZA-24-22 served to recognize the existing deficient conditions for lot area and frontage and permit deficient water yards of 17.02 metres (55.8 feet) and 15.24 metres (50 feet) for the dwelling and attached decks, respectively, as well as a maximum height of 8.53 metres (28 feet) for the dwelling. Other development on the property includes a detached garage and boathouse with attached decks.

The applicant is proposing changes to the planned landscaping and grading at the southwest corner of the dwelling which result in the need for further planning relief for the dwelling than was granted through application #ZA-24-22. The applicant formerly proposed a patio and landscaped area at the southwest corner dwelling accessible from the main level of the dwelling (Attachment #3). The applicant now proposes to construct an attached deck in lieu of the formerly proposed patio and landscaped area.

The proposed changes would result in additional main dwelling unit lot coverage as attached decks are included in such calculation. The Zoning By-law prescribes that



height be measured from the average grade across the lakeside of the dwelling to the midpoint between the eaves and peak of the roof. Given that the average grade is proposed to be lower, the result is an increase in height even though no changes to the built form of the dwelling are proposed.

## **Zoning Review**

The subject property is zoned 'Shoreline Residential-315' (SR-315) in the Township's Zoning By-law #26-2013, as amended. The application, as submitted, requires the following relief from the Township's Zoning By-law and By-law #2022-0066:

1. From Section 6.2 (f) (i) of the Township's Zoning By-law to permit a main dwelling unit lot coverage of 10.5%.
2. From Section 1 (a) (v) of By-law #2022-0066 to permit a maximum height of 8.94 metres (29.3 feet) for a dwelling.

## **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 facilitate the construction of additional attached decks as an alternative to the formerly proposed patio and landscaped area. When determining whether an application is minor, the consideration must relate to the potential impacts of the variances requested. The proposed changes are not anticipated to result in any negative impacts to the environment or neighbouring land users. The proposed changes would reduce the extent of site alteration and would allow for the maintenance of current drainage patterns. Given that the front dwelling face is variable and that the proposed attached deck would be located at a recessed portion of the front dwelling face, such structure would not extend farther into the water yard than the existing attached deck. As such, the proposed changes are not anticipated to result in additional visual impact from the shoreline. The proposed attached deck would also exceed the required interior side yard and mature vegetation retained along the western side lot line would serve as a buffer.

The application is considered minor in nature.

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



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Similar to the formerly proposed patio and landscaped area, the proposed attached deck would enhance the enjoyment of the dwelling for recreational residential uses and provide safe access from the dwelling to the shoreline area. The proposed attached deck would result in a lesser degree of site alteration and disturbance than the formerly proposed patio and landscaped area.

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?**

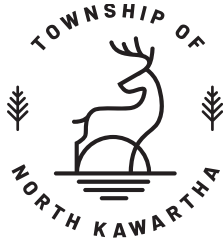
The subject property is designated as 'Shoreland Areas and the Waterfront' in the County of Peterborough Official Plan and 'Seasonal Residential' under the Local Component for the Township of North Kawartha. Both land use designations permit recreational residential uses. Official Plan policies favour development which avoids or appropriately mitigates disturbance within the shoreline area, and the construction of the additional attached decks rather than the patio and landscaped area is anticipated to minimize necessary site alteration. The proposed changes are not anticipated to significantly 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-315' (SR-315) in the Township's Zoning By-law. As aforementioned, the SR-315 zone permits a maximum height of 8.53 metres (28 feet). Due to the proposed changes, the finished grade will be lower than anticipated during the processing of application #ZA-24-22, resulting in a greater height of 8.94 metres (29.3 feet). The proposed height represents a minimal increase (0.41 metres/1.35 feet) beyond that which is permitted under the site-specific zoning and the dwelling would remain within the maximum building height otherwise permitted in the SR zone, being 10 metres (33 feet).

The construction of the proposed attached deck in lieu of the formerly proposed patio and landscaped area would result in a lot coverage of 10.5% whereas provisions of the SR zone otherwise limit main dwelling unit lot coverage to 10%. The main dwelling unit lot coverage for the dwelling and attached decks as existing is 9.95%. The proposed increase is minimal (0.55%) and is not anticipated to result in a significant increase to the perceived massing or bulk of the dwelling.



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, 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.

### **Public and Agency Comments**

Notice of application #A-19-24 was circulated to neighbouring property owners and commenting agencies in accordance with the statutory requirements of the Planning Act on November 6, 2024. A notice was posted on the property on the same day.

At the time of writing this report, comments were received from the Ontario Ministry of Transportation (MTO), Enbridge Gas, and Crowe Valley Conservation Authority (CVCA). None of the responding agencies object to the application; however, CVCA notes that their review of the updated information is required if the application would result in changes to the scope of work approved under the previously issued permit. Any further 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-19-24.

### **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-19-24 as currently proposed be approved without conditions.

Respectfully submitted,

Emily Fitzgerald, BES (Hons.)

Junior Planner

Township of North Kawartha

Darryl Tighe, M.Sc., RPP

Manager of Planning

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**Attachments**

Attachment #1 – Notice of Public Meeting

Attachment #2 – Site Plan

Attachment #3 – Conceptual Patio/Landscaped Area

Attachment #4 – Photographic Log