



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

Report to Committee of Adjustment

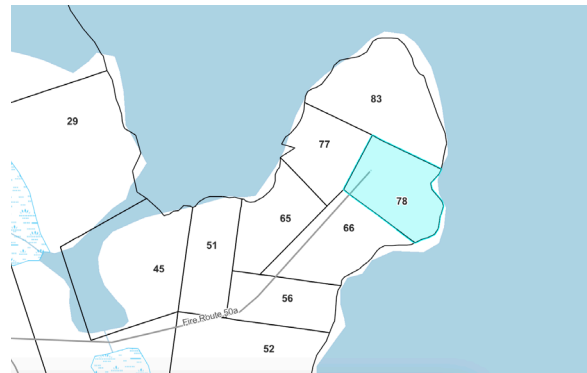
To: Chair and Members of the Committee of Adjustment
From: Laura Stone, Planning Consultant
Date: May 8, 2026
Subject: Minor Variance Application A-09-26

Recommendation:

That the Committee of Adjustment **approve** Minor Variance Application A-09-26 to vary Section 3.1h)v) to permit setback of 4.5 metres from the garage to the right-of-way, as the application meets the Four Tests of the Minor Variance and is in compliance with the 2024 Provincial Planning Statement.

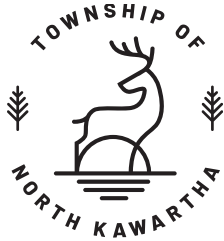
Background:

This application comes to the Committee following an Ontario Land Tribunal hearing decision (OLT-23-000475). The decision contemplated a dwelling and accessory structures. The location and configuration of the garage was considered as part of the recent Ontario Land Tribunal Settlement Agreement but the setback to the Right-of-Way was overlooked.



Property Information:

Address: 78 Fire Route 50a
Roll No: 1536-020-002-27205
Owners: William and Stephanie Butler
Agent: KMD Community Planning Inc. (Kevin Duguay)
Zone: Shoreline Residential
Official Plan Designation: Seasonal Residential
Lot size: 0.28 hectares



This property is located in the Burleigh Ward of the Township of North Kawartha with frontage onto Jack Lake.

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 request for reduction in setback is 1.5 metres and is considered minor in nature.

2. Is the application desirable and appropriate?

Yes. The reduction in setback from the right-of-way to the proposed garage does not impact or impede the ability for the right-of-way to be travelled.

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

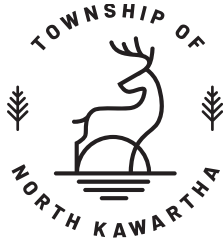
The predominant use of land within the Seasonal Residential designation shall be for seasonal cottages. This category includes uses accessory to seasonal cottages.

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 is protected.

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

Yes. Section 3.1 permits garages as accessory structures.



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;
 - 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;



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

- 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.

Financial Implications:

N/A

Attachments:

Site Plan
Notice