



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

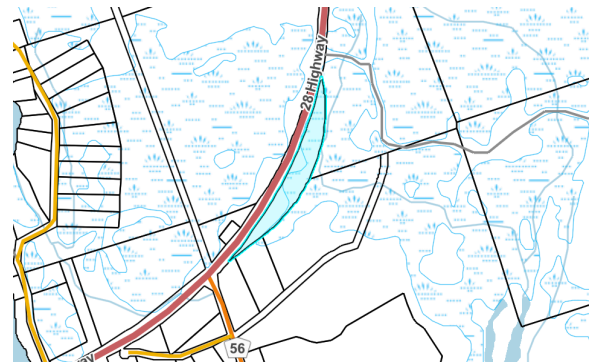
To: Chair and Members of the Committee of Adjustment
From: Laura Stone, Planning Consultant
Date: May 8, 2026
Subject: Minor Variance Application A-08-26

Recommendation:

That the Committee of Adjustment **approve** Minor Variance Application A-08-26 to vary Sections 10.2 e) and h) to allow for a front yard setback of 22 metres and a rear yard setback of 4.5 metres for a food truck 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 for the consideration of a food truck to be located with deficient front and rear yard setbacks due to the irregular shape of the property. Given the minimum setback for both measurements is 15 metres and the property is very narrow, the minimum setbacks cannot be met.



Property Information:

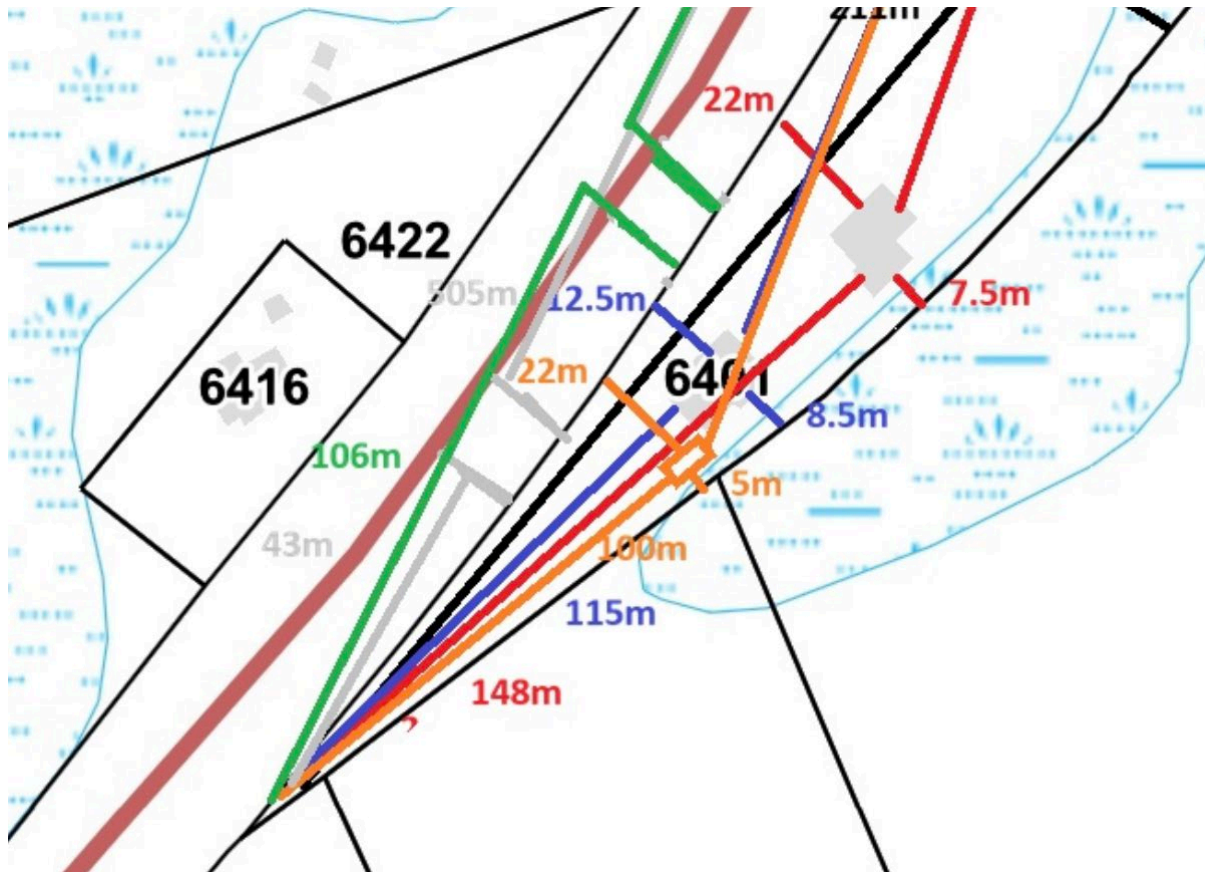
Address: 6401 Highway 28
Roll No: 1536-020-001-63702
Owners: Jay Irwin
Agent: Adam Howe
Zone: Service Commercial (CH)
Official Plan Designation: Hamlet



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This property is located in the Burleigh Ward of the Township of North Kawartha with frontage onto Highway 28.



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 setback reduction for front and rear yards is minor in that it is impossible to meet the aforementioned setbacks due to the shape of the property.

2. Is the application desirable and appropriate?



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Yes. The food truck use is considered to be somewhat low-impact temporary use. The MTO is required to comment and provide a permit for the food truck to ensure safe access to the subject property. The rear of the property is heavily forested and the rear yard reduction has little impact on the adjacent property.

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 6.2.3.2 – Hamlet Permitted Uses

The predominant use of land within the Hamlet designation shall be for single detached residential dwellings with some limited provision for multiple unit dwellings. Other uses, which are considered necessary to serve the community or the surrounding rural area may be permitted such as schools, parks, churches, physicians' and dentists' offices and public or municipal facilities. This category may include retail and service commercial uses deemed necessary to serve the surrounding agricultural, rural and/or recreational areas and industrial uses, such as a builders' supply, feed mill, public garage, farm implement dealer which primarily serve the surrounding rural-agricultural community

Section 6.2.3.3 – Hamlet Policies

- a) The uses permitted in Hamlet areas and regulations for such shall be defined in the implementing Zoning By-law. Regard shall be had to the protection of residential uses, especially in cases of adjacent uses which are deemed non-compatible. Provision shall be made for adequate setback 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 Hamlet designation.

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

Yes. Section 10 permits food trucks.

In addition to meeting the Four Tests, this application also meets the intent and spirit of the Provincial Planning Statement.

Provincial Planning Statement



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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;
 - 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.



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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