

**Township of North Kawartha**  
**Report to Committee of Adjustment**

To: Members of the Committee of Adjustment

From: Janine Cik, B.A. (Hons), Junior Planner

Reviewed by: Forbes Symon, RPP, MCIP, Senior Planner, Jp2g Consultants Inc

Date: July 18, 2023

Subject: Report on Minor Variance Application #A-13-23

**Recommendation:**

That subject to any public or agency comments received, the Committee **approve** Minor Variance application A-13-23, without conditions.

**Background:**

Owner – Tim Gray  
Agent – Riley Martens (Timberline Custom Homes)  
Roll No. – 020-001-65900  
Ward – Burleigh  
Con – 7  
Part Lot – 2  
Zoning – Shoreline Residential Island (SRI)  
Official Plan – Seasonal Residential  
Area – 1.66 acres  
Frontage – 1172 feet on Stony Lake  
911 – 2620 Stony Lake Island 54

**Purpose and Effect:**

The purpose of Minor Variance Application A-13-23 is to allow for a non-complying dwelling, located within 9 metres (30 feet) of the high water mark, to increase in height.

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Specifically, the variance will have the following effects:

1. To allow for a non-complying dwelling, located 5.18 metres (17 feet) from the high water mark, to increase in height from 3.68 metres (12.1 feet) as existing, to 4.29 metres (14.1 feet) as proposed. This is a variance to Section 3.18 (b) (ii) which stipulates that no enlargement to the size or height of a dwelling is permitted within 9 metres (30 feet) of the high-water mark.
2. To allow for development, specifically being an increase in height, for a dwelling partially located in a floodplain. This is a variance to Section 3.6 which stipulates that no building or structure shall be erected, or otherwise altered, in a floodplain as defined herein.
3. Recognize the continued use of three (3) existing recreation dwellings on the subject property. This is a variance to Sections 3.5 a) & 7.2 (c) which states that a maximum of one (1) dwelling per lot is permitted in the Shoreline Residential Island (SRI) Zone. This is also a variance to Section 3.5 which states that only one dwelling per property is permitted unless stated otherwise in the Zoning By-law.
4. Recognize the historic footprint of subject cottage (#2); as illustrated on the attached site plan.

### **Analysis:**

The subject application is requesting relief from Section 3.18 (b) (ii), 3.6, 3.5 (a) and 7.2 (c) of the Township's Comprehensive Zoning By-law, to permit an existing dwelling located within 9 metres (30 feet) of the high-water mark, to expand 0.60 metres (two feet) in height, on the island property located at 2620 Stony Lake Island 54. The subject cottage seeking this Minor Variance is labelled '*cottage #2*' on the site plan provided; located toward the west end of the subject property.

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According to the information submitted with the application, the property is currently developed in the form of three (3) cottages, a privy and shed, with the following specifications:

- Cottage #1: 64 square metres (689 square feet);
- Cottage #2: 115 square metres (1240 square feet), being the subject cottage of this proposal;
- Cottage #3: 100 square metres (1076 square feet);
- Privy: 1.95 square metres (21 square feet);
- Shed: 13.9 square metres (150 square feet).

As provided on the site plan submitted, water setbacks to the subject cottage (#2) are 5.18 metres (17 feet) to the closest point of the dwelling to the north-east corner and 5.79 metres (19 feet) to south-west corner facing the lake.

After several pre-consultation meetings with the property owner and agent, it has been acknowledged that the subject cottage, particularly the existing roof, suffered significant damage during an intense storm in May of 2022. As a result, the property owner had endeavoured to repair the existing roof and raise the height to allow for a minor increase in storage space within the attic. However, due to the close proximity of the cottage to the high-water mark, the property owner was informed by Township By-law enforcement officers that Planning approvals would be required to permit the increase in height within 9 metres (30 feet) of the shoreline. As such, the property has since halted construction.

Furthermore, the Planning department has been made aware that an addition toward the rear of the subject cottage has been constructed at some point in the years prior (est. 1980s). As such, this Minor Variance is also seeking to recognize the historic footprint of the cottage existing at present, which has included the addition constructed several decades prior.

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In terms of additional land-use planning considerations, a large portion of the property along the shoreline is located within the mapped floodplain of Stony Lake, including partially where the subject cottage is currently situated. Moreover, a review of the lands on GIS system indicates that the property maintains a sufficient amount of tree coverage, excluding the areas cleared for the three (3) existing cottages. Remaining vegetation on the property is expected to remain.

Surrounding properties are largely residential in nature, consisting of seasonal dwellings within the water yard setback. The lands immediately adjacent to the subject property feature the following:

Direction	Land Use
North	Shoreline Residential Island (SRI)
East	Stony Lake
South	Shoreline Residential (SR)
West	Shoreline Residential (SR)

As this application is a Minor Variance, it is subject to the four tests as outlined in the Planning Act. The four tests are as follows:

### **1. Is this application minor in nature?**

As proposed, the property owner is seeking to raise the existing height of the subject cottage by 0.60 metres (2 feet), in order to repair the existing damaged roof and to further accommodate additional attic space. Provided that the existing height of the cottage is 3.68 metres (12.1 feet), the proposed expansion is not expected to result in any adverse visual impacts to any surrounding properties.

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Although the cottage is located partially within the mapped floodplain of Stony Lake, this is considered an existing condition of the property. Likewise, the base of the building is not proposing to be expanded or further encroach into the floodplain hazard. Therefore, no adverse impacts are anticipated as a result of approval of the application and the application is thus considered minor in nature.

### **2. Is this application appropriate and desirable?**

The increase in height for the subject dwelling would allow for a small amount additional storage space, which would serve to enhance the function and utility of the subject property. Moreover, the proposed increase in height would not require any excavation or other measures which may otherwise disturb the subject lands or further aggravate the existing condition of the dwelling being located partially within the floodplain. The subject application is therefore considered appropriate and desirable.

### **3. Does this application conform to the intent of the County of Peterborough's Official Plan?**

The lands subject to the proposed development are designated 'Shoreland Areas and the Waterfront' in the County of Peterborough Official Plan and 'Seasonal Residential' in the Local Component for the Township of North Kawartha.

Policies of both designations generally require recreational (cottage) dwellings to locate outside of the 30-metre setback from the high-water mark, as provided in Sections 4.4.3 and 6.2.5.3 of the Official Plan. However, existing non-complying dwelling located in the water yard are generally permitted to be replaced and/ or expanded, provided that the expansion does not further encroach or reduce the existing setback to the high-water mark. The proposed increase in height would not further reduce the existing setback of the cottage into the water yard, and is not anticipated to impact the visual surroundings or balance of built and natural form.

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Furthermore, the County of Peterborough Official Plan also provides direction on cultural heritage, under Section 5.2.3.1. Policies of this section require that where there is potential presence of archeological resources, such as a navigable waterbody, that an archeological study is to be undertaken. Due to the fact that only the height of the cottage is proposing to increase, and that no additional development outside of the existing footprint has been requested, staff have determined that an archeological assessment would not be required as no further disturbance of the lands would occur as a result. The application has been found to conform to the intent of policies within the Official Plan.

#### **4. Does this application conform to the intent of the Township's Comprehensive Zoning By-law?**

The subject property is zoned Shoreline Residential Island (SRI) in the Township of North Kawartha's Comprehensive Zoning By-law. In addressing the request to increase in height, staff recognize that Section 3.18 (b) (ii) does not permit dwellings to expand, either laterally in footprint or in height, when located within 9 metres (30 feet) from the high-water mark. The intent of this provision is to ensure that the 'ribbon of life' buffer along the shoreline is protected from adverse impacts of development; especially in regards to water quality, fish habitat, and maintaining existing vegetation. As noted above, the proposed increase in height of 0.60 metres (2 feet) is not anticipated to cause any adverse affects to the natural form of the shoreline, as it is recognized that no expansion to the base of the cottage, or extensive excavation, is being proposed. In terms of visual impact, it is in the opinion of staff that the additional 0.60 metres (2 feet) would not result in any adverse impacts to the surrounding neighbourhood or nearby properties. Although the cottage is located partially within a floodplain, the minor increase in height is not anticipated to impact this existing condition of the property. Moreover, in terms of Section 7.2 (c) which states that a maximum of one (1) dwelling per lot is permitted in the Shoreline Residential Island (SRI)

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zone; it is recognized that the three (3) cottage dwellings on the property is an existing condition and likewise a continued use of the lands. The application therefore has been found to meet the intent of the Township's Comprehensive Zoning By-law.

### **Provincial Policy Statement, 2020**

Under the policies of the Provincial Policy Statement (PPS), the subject property is considered rural lands. The PPS directs that resource-based recreational uses, including recreational dwellings, are permitted on rural lands. Development should also be compatible with the rural landscape and sustained by rural service levels. The application has been found to conform with the PPS.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020 Consolidation)**

The subject property is also considered rural lands under the policies of the Growth Plan. On rural lands, as directed by the Growth Plan, permitted uses include resource-based recreational uses, including where appropriate, resource-based recreational dwellings for seasonal accommodation which are compatible with the scale, character and capacity of the resource and surrounding landscape and related accessory structures. As provided, the proposed development is not anticipated to impact any surrounding land uses, including Stony Lake, and is considered appropriate for the site.

Additionally, surrounding properties are similar in use (i.e. recreational dwellings) and likewise appear to be similar in scale and character. The application is likewise considered compatible with the surrounding area and does not conflict with the Growth Plan.

### **Agency Review Comments:**

No agency comments were received as of the date of preparation of this report. In the event that any submissions are received they will be presented to the Committee prior

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to or at the hearing.

### **Financial Implications:**

No financial applications are anticipated as a result of approval of the application.

### **Concluding Comments:**

As this application successfully meets the four tests of the Minor Variance and is otherwise consistent with the PPS and conforms to the relevant policies of the Growth Plan, it is recommended that application A-13-23 as presented be approved, without conditions.

All of which is respectfully submitted for the Committee's consideration.

### **Attachments:**

Notice of Public Meeting

Site Plan

*"Original Signed By"*

Janine Cik, B.A. (Hons.)  
Junior Planner  
Township of North Kawartha

*"Original Signed By"*

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