

## STAFF REPORT

TO: Erica Kellogg, Deputy Clerk – Planning & Development  
Municipality of Magnetawan

FROM: Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd

DATE: September 17, 2025

SUBJECT: Minor Variance Application – 3213 Ahmic Lake Road (Duck)

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### **Proposal / Background**

A Minor Variance application has been submitted by Liscombe Construction Inc. on behalf of Garry and Cathy Duck, who own the subject property located at 3213 Ahmic Lake Road. The location of the subject property is shown on Figure 1.

Figure 1: Subject Property



The subject property has lot frontage on Ahmic Lake and currently contains an existing dwelling. The subject property has a lot area of 1,175 square metres and has a lot frontage of 38 metres on the shoreline of Ahmic Lake.

The subject property is located within the Shoreline Residential (RS) Zone and contains an existing dwelling. The existing dwelling on the subject property is legal non-complying due to the location being within the required rear yard of 10 metres. The owner is proposing the following:



## **The Four Tests of a Minor Variance**

In considering this application, the Committee/Council needs to be satisfied that the proposal is in-keeping with the “Four Tests” of a minor variance as is set out in the *Planning Act*. Information pertaining to the four tests of a minor variance follows:

### **1. *Is the Variance in-keeping with the intent of the Official Plan?***

The subject property is located within the Shoreline designation in the Official Plan. The existing dwelling on the subject property is a permitted use on the subject property in the Official Plan. It is the intent of this Plan that new development in the Shoreline Area be directed to lands that are physically suitable for development in their natural state in an effort to maintain the area’s unique character.

The proposed development includes the replacement of the existing dwelling on the subject property in the same general location. The attached deck in the front yard is proposed to be located further back from the shoreline than the existing deck. The proposed variances related to the proposed height of the dwelling and the rear yard setback are not anticipated to have negative impacts from a land use perspective on adjacent properties.

The proposed variances are in-keeping with the intent of the Official Plan.

### **2. *Is the Variance in-keeping with the Intent of the Zoning By-law?***

The subject property is located within the Shoreline Residential (RS) Zone and contains an existing dwelling. The existing dwelling on the subject property is legal non-complying due to the location being within the required rear yard of 10 metres.

Section 3.17 (a) of the Zoning By-law includes regulations regarding existing legal non-complying buildings and states the following:

#### ***3.17 Legal Non-Complying Lots, Buildings and Structures***

##### ***a) Buildings on Undersized Lots***

*Where a building or structure is located on a lot having less than the minimum frontage and/or lot area, and/or having less than the minimum setback, front yard and/or side yard and/or rear yard required by this By-law, the said building or structure may be enlarged, reconstructed, replaced, repaired and/or renovated provided that:*

- i) the enlargement, reconstruction, replacement repair and/or renovation does not reduce the required front yard, and/ or required side yard, and/ or required rear yard or increase lot coverage beyond the requirements of this By-law;*
- ii) the height of the existing legal non-complying building or structure is not increased, within a required yard.*

*iii) the building or structure is being used for a purpose permitted within the Zone in which it is located;*

*iv) all other applicable Provisions of this By-law are complied with.*

The intent of the above regulations are to allow some as of right permissions to allow for expansions to legal non-complying buildings, however if the above regulations cannot be met, then an amendment or variance process is required to evaluate the proposed change.

As a result of the proposed development, variances are required to following sections of the Zoning By-law:

- 1) 3.19 a) i) – To permit an addition to the existing dwelling that encroaches further into the required rear yard. The existing setback from the rear lot line is 8.5 metres where 10 metres is required, and the proposed setback is 6.43 metres.
- 2) 3.19 a) ii) – To permit an increase in height of the existing dwelling, within the required rear yard. The existing height of the dwelling is 3.8 metres, and the proposed height is approximately 5 metres in the required rear yard.
- 3) 4.2.2 vi) – To permit an addition to the existing dwelling that would result in a minimum rear yard of 6.43 metres where a minimum of 10 metres is required.

The general location of the existing dwelling is not being changed; however the height is being increased and the minimum rear yard is being further reduced. The proposed dwelling height of 5 metres in the required rear yard is a modest increase to incorporate a basement on the subject property and is below the maximum permitted height of 10.7 metres for the SR Zone. The further reduction to the minimum required rear yard does not appear to have an impact on the amenity areas on the subject property nor on the parking areas that have been established. The overall development also complies to the maximum lot coverage for the SR Zone and does not result in the overdevelopment of the subject property.

The proposed variances are in-keeping with the intent of the Zoning By-law.

### **3. Will the variance provide for the desirable development of the land?**

The test of desirability is one that must consider the public interest. In this case, the character of the area and the appropriate setback of dwellings from the lake is the key aspect of public interest to be considered. The proposed development includes a new deck that is further away from the shoreline than the existing, and the proposed addition to the rear portion of the existing dwelling is located on the opposite side of the shoreline. The dwelling to the north also appears to be located close to the rear lot line and it appears as though the general character of the area is maintained and that the proposed variances will be desirable.

#### ***4. Is the proposed variance minor in nature?***

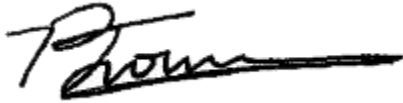
Planning staff have not had an opportunity to conduct a site visit, however based on the review of aerial photography and the drawings that have been provided, the proposed variances appear to be minor in nature. There is an existing dwelling on the subject property, and the height and location of the additions do not appear to have an impact on adjacent properties nor on the character of the area. It is our opinion that the proposed variances are minor.

#### **Conclusion**

Based on a review of all applicable land use planning policy and the proposed development, it is recommended that Committee/Council approve the following variances on the basis that the application meets the four tests of a Minor Variance under the Planning Act:

- 1) To permit the following in accordance with the drawings that have been submitted for the Minor Variance application for the property located at 3213 Ahmic Lake Road:
  - a. An addition to the existing dwelling with a minimum rear yard of 6.43 metres; and,
  - b. A dwelling height of 5 metres within the required rear yard of 10 metres.

Respectively submitted,



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