

STAFF REPORT

TO: Committee of Adjustment – Municipality of Magnetawan

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

DATE: October 7, 2026

SUBJECT: Minor Variance Application – 118 Wurm Road (Durling)

Proposal / Background

A Minor Variance application has been submitted by Richard During, owner the subject property located at 118 Wurm Road. The location of the subject property is shown on Figure 1.

Figure 1: Subject Property



The subject property has lot frontage on the Magnetawan River and currently contains an existing dwelling. The subject property has a lot area of approximately 2,023 square metres and has a lot frontage of approximately 55.8 metres on the shoreline on the Magnetawan River. The lot line that abuts Wurm Road is considered the rear lot line and the lot line that abuts the shoreline of the river is considered the front lot line. The subject property is located within the Shoreline Residential (RS) Zone. The existing dwelling conforms to the minimum required setbacks for the Shoreline Residential (RS) Zone.

The owner is proposing to construct a detached garage on the subject property (outlined in red in Figure 2). The existing and proposed development is shown in Figure 2. The purpose and effect of the application if approved is to permit the development of a detached garage with less than the required setbacks from the rear yard while also exceeding the maximum required height for an accessory garage. The subject lands contour lines shown in Figure 3 showcase elevation changing quickly over a short horizontal distance, creating a steep lot. The steepness of the subject property creates challenges for the proposed development. Further the property owner has identified bedrock at the location of the proposed garage, which has resulted in the Minor Variance application.

Figure 2: Existing and Proposed Development

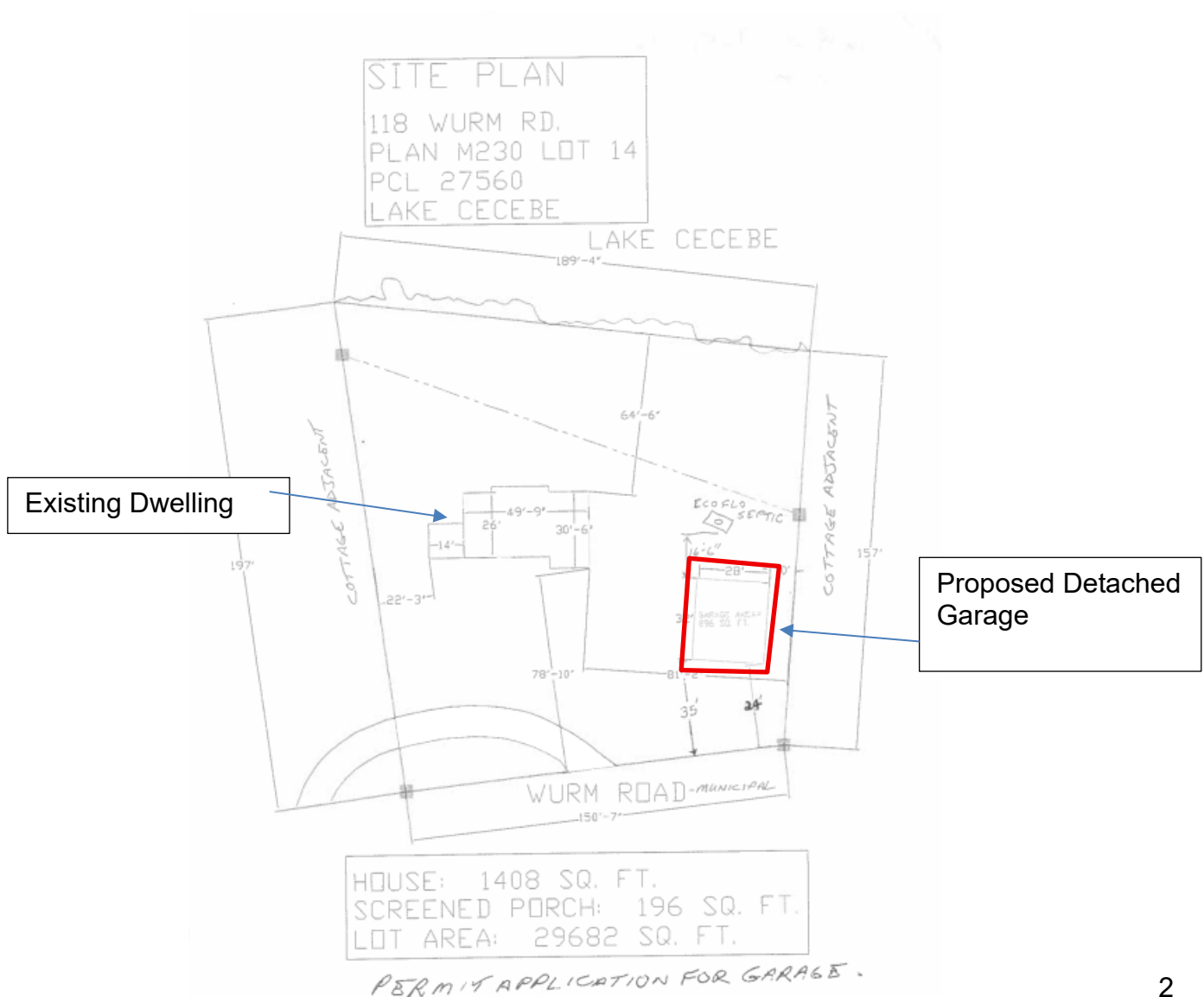
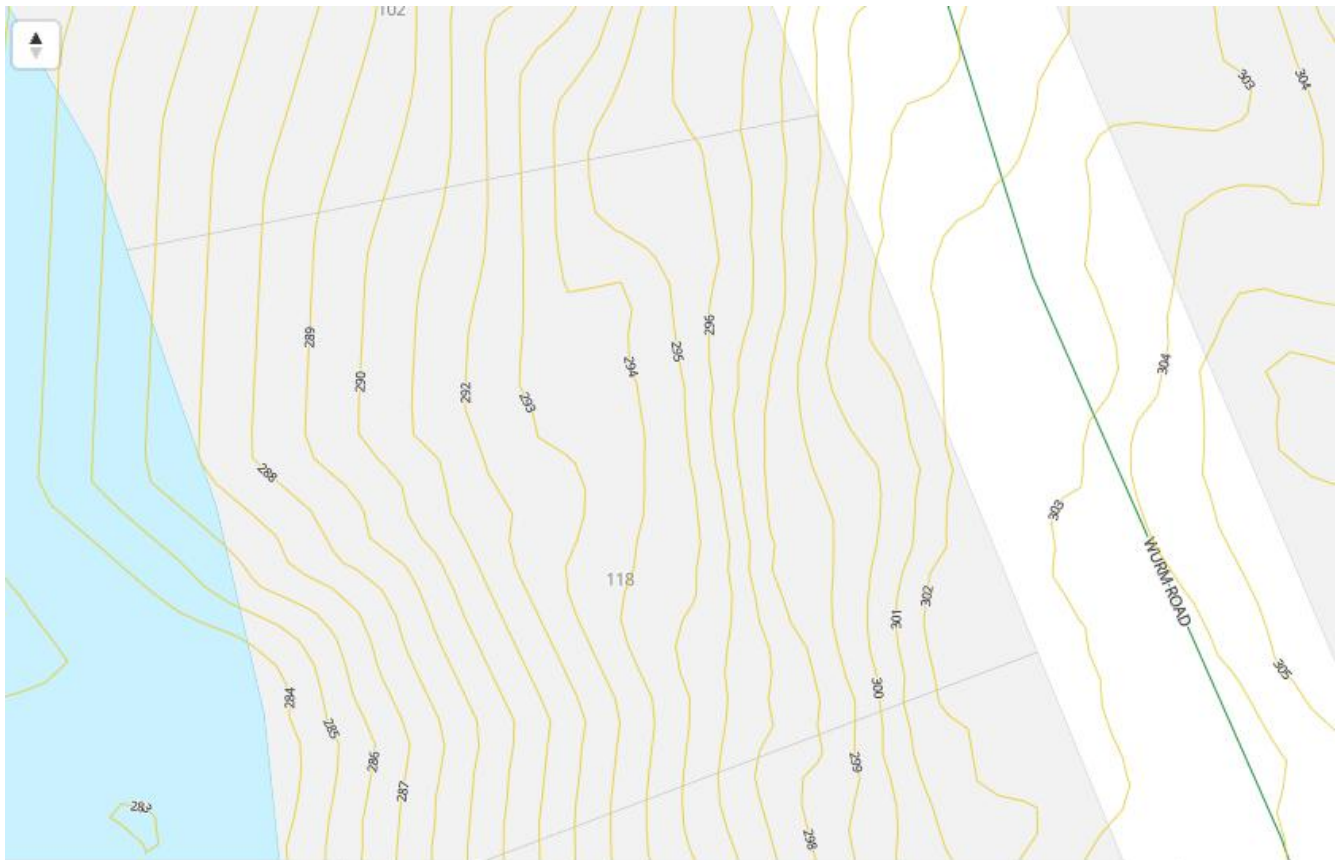


Figure 3: Subject lands contours



As a result of the steep lot layout and found bedrock in the location of the proposed development, variances are required to the following sections of the Zoning By-law:

- 1) Section 3.1 d) ii) – To permit an accessory structure (garage) that is located 9 metres at the north corner of the proposed garage from the Municipally maintained road known as Wurm Road. Section 3.1 d) ii) of the Zoning By-law requires a minimum setback of 10 metres from a municipally maintained road.
- 2) Section 3.1 d) iii) To permit an accessory structure (garage) that is 9.6 metres in height at the highest elevation due to the naturally slopped terrain. Section 3.1 d) iii) of the Zoning By-law requires a maximum height of 7.6 metres.

The Four Tests of a Minor Variance

In considering this application, the Committee 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 context of 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 a detached garage on the subject property. Variances are required to reduce the required setback from the rear yard and to increase the permitted height due to the naturally sloping terrain of the subject property.

The proposed variances are not expected to impact the character of the area and the proposed setbacks from the municipally maintained road are similar to those of other detached garages in the general area. Further the proposed variances 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. As a result of the proposed development, variances are required to the following sections of the Zoning By-law:

- 1) Section 3.1 d) ii) of the Zoning By-law includes regulations regarding garages or other accessory buildings/structures and states the following:

“3.1 Garages or Other Accessory Buildings or Accessory Structures”

ii) rear yard

Where such accessory building or accessory structure is located in a rear yard and is 5.0 metres or less in height, the minimum setback to the rear lot line shall be 1.5 metres except, where the rear lot line abuts a municipally maintained road, it shall no be closer than 10 metres to the rear lot line.

The intent of the minimum rear yard on shoreline properties is to ensure that buildings and structures are adequately setback from the road and there is sufficient space for parking and access to buildings and structures from the road. Further, setbacks from Municipally maintained road is to ensure that municipal initiated development and maintenance, including road widening, winter maintenance and sight lines are provided for. The area where the detached garage is proposed has a natural terrain wherein the slope results in a required switch back in order to access the proposed garage.

- 1) Section 3.1 d) iii) – To permit a detached garage on the roadside of the subject property that is 9.6metres in height.

The intent of the maximum accessory height is to ensure conformity with accessory structures, excluding permitted two storey boathouses. The applicant seeks a variance from Section 3.1 d) iii) due to the natural slope of the lot, at the front yard (waterfront) the detached garage will have a maximum height of 9.6 while the front (road) will meet the required maximum height.

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 the proposed accessory structure from the road is the key aspect of public interest to be considered. Due to the naturally occurring slope of the subject property the proposed variances will be desirable. From the road, the proposed structure will have minimal impact on the surrounding properties since the proposed location in conjunction with the natural slope will establish the building lower in elevation than the road.

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 photos that have been provided, the proposed variances appear to be minor in nature. There is an existing dwelling on the subject property, and the location of the detached garage do not appear to have an impact on adjacent properties nor on the character of the area. It is the opinion of Staff that the proposed variances are minor.

Conclusion

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

Respectfully submitted,
Erica Kellogg
Deputy Clerk – Planning and Development