 Municipality of Magnetawan	STAFF REPORT
To:	Municipality of Magnetawan Council
From:	Erica Kellogg –Deputy Clerk – Planning and Development
Application:	Zoning By-law – Proposed construction of an accessory structure
Subject Land:	34 Magnet Road, former Township of Croft Magnetawan
Report Date:	May 14 th , 2025

Background:

A Zoning By-law Amendment application has been submitted by Ed Saunders (owner) to rezone the subject lands from Residential Shoreline to Residential Shoreline Exception Forty-two (RS-42). If approved the amendment would permit a one-storey accessory structure to be built without the required 10m setback from the rear yard and exceeding the required lot coverage.

The subject lands are legally described as M391 Lot 4, Municipally known as 34 Magnet Road in the former Township of Croft, refer to Figure #1. The subject lands are accessed via Magnet Road, a Municipally owned, year-round maintained road. According to MPAC the lands have a total lot area of 1.65 acres, 79 meters of frontage and is 103 metres in depth.

According to the applicant the subject lands contain a single-family dwelling and detached storage shed. The subject land is serviced by individual on-site sewage and well. Figure #2, a site sketch provided by the applicant showcases the existing structures.

Figure #1: Location of Subject Land

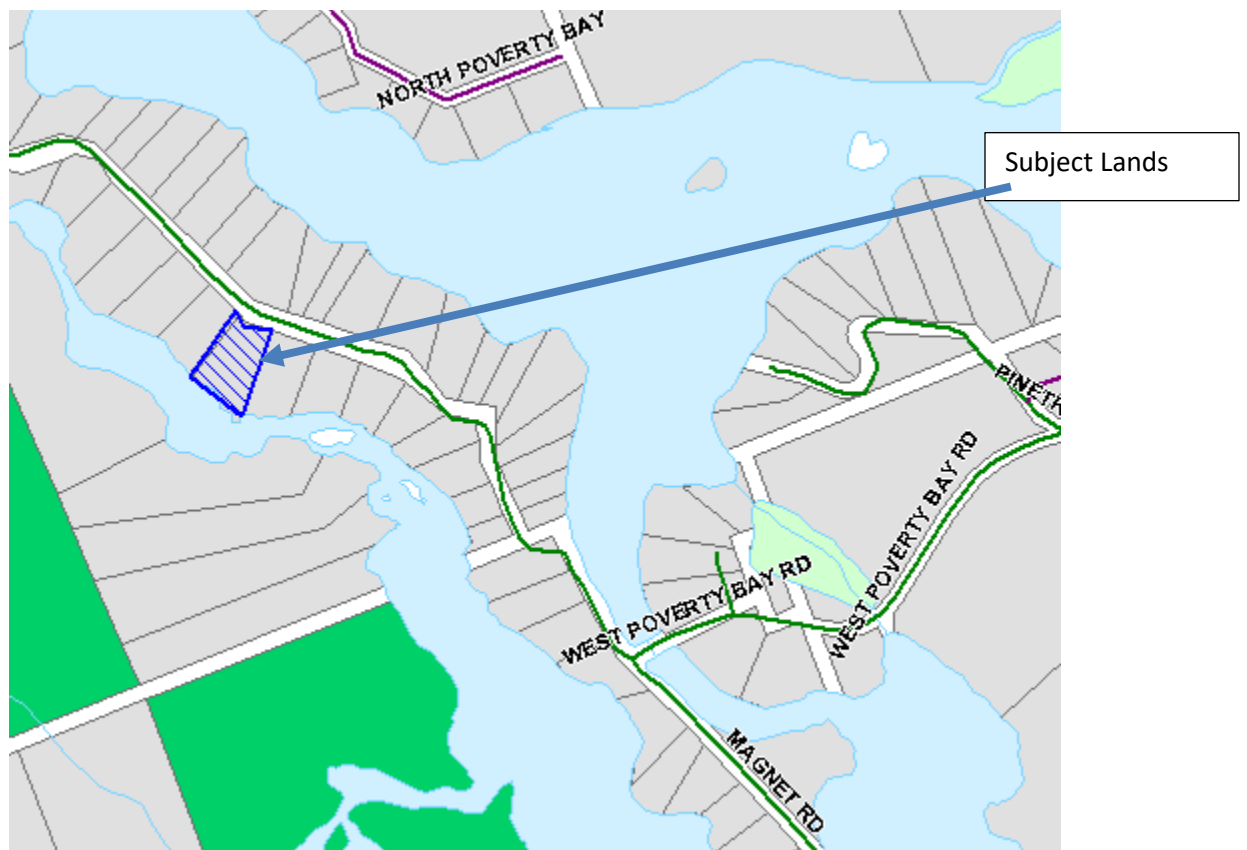
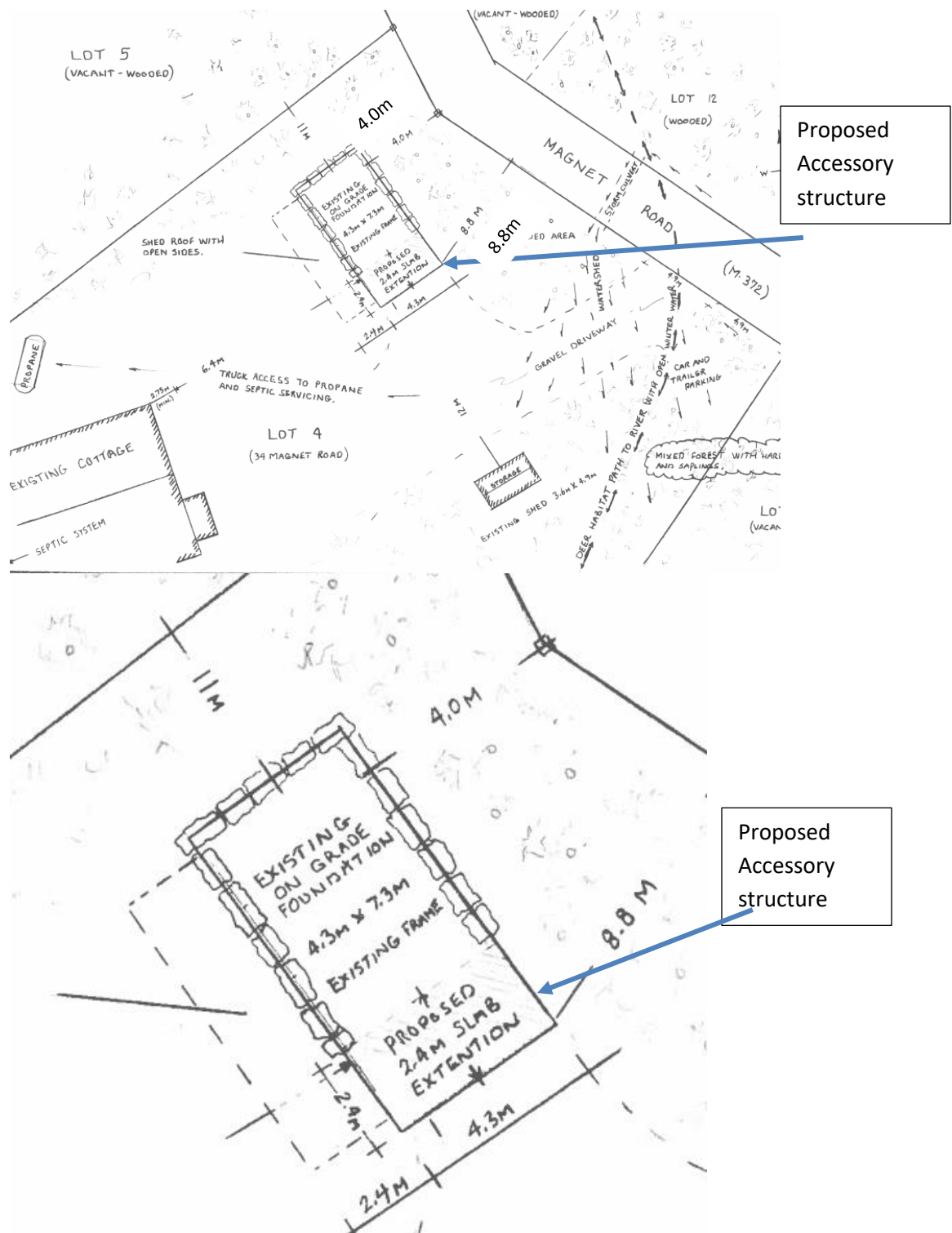


Figure #2: Site of Existing Structures



Land Context

The surrounding uses are residential and all surrounding properties are zoned shoreline residential.

Policy Considerations

Provincial Planning Statement (PPS) and Planning Act

When making land use decisions, Planning Authorities must ensure that the decisions are consistent with both the Planning Act and the PPS. In the context of the PPS, the subject lands are located outside the Settlement Area and are considered Rural Lands within the context of the PPS. Section 2.6 of the PPS permits uses that include “*resource-based recreational uses (including recreational dwellings not intended as permanent residences)*” which would include accessory uses.

Section 4.1 of the PPS outlines policies for the development and protection of natural heritage features. The subject lands are not located in or adjacent to any significant natural heritage features as seen in Figure #3, Schedule of the Official Plan. There are lands that surround the subject lands that have identified Fish Habitat; however, these features are located approximately 130m from the proposed accessory structure and there is no anticipated negative impact on the natural features or their ecological functions.

Figure #3: Schedule B, Official Plan

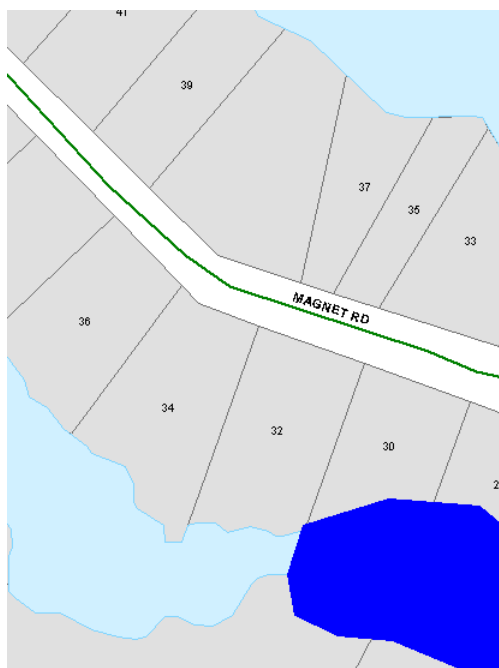
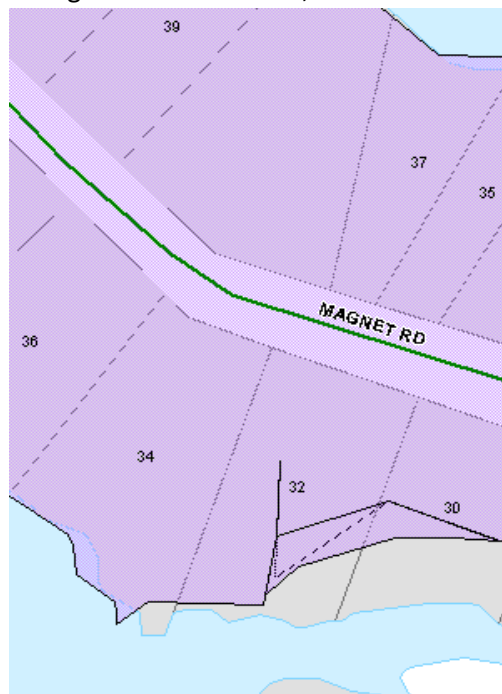


Figure #4: Schedule B, Official Plan



Municipality of Magnetawan Official Plan

The Municipality's Official Plan provides direction on growth and development as it pertains to lands within Magnetawan. The Official Plan gives policy direction to address the environment, cultural and built heritage, natural resources and transportation. Schedule A and Schedule B of the Official Plan identifies the subject land as Rural and Shoreline, shown in Figure 3 and 4.

Section 5.2 of the Official Plan indicates that within the Rural Areas permitted uses include residential dwellings and accessory uses provided they are in close proximity to other residential and existing roadways, this policy statement is directed towards new development. The subject lands are currently developed with an existing detached dwelling and an accessory structure.

Section 5.4 of the Official Plan provides policy direction for lands designated as Shoreline. The policy states that permitted uses include detached dwelling and accessory uses. The proposed one-storey accessory structure is a permitted use within these designations. As the proposed development is

approximately 130m from the identified Fish Habitat, it is anticipated that there will be no negative impact on the adjacent Fish Habitat, keeping in compliance with Section 4.7 of the Official Plan.

Municipality of Magnetawan Zoning By-law

The subject lands are zoned Shoreline Residential (RS), within the RS Zone permitted uses include accessory structures. Section 3.1 i) ii) provides a required rear yard setback of 10m. The applicant indicates in their justification that the proposed one-storey accessory structure existed prior to their 2013 purchase, however no building permits issued for the structure have been found.

The applicants site sketch (Figure #2) provides setbacks for an existing concrete pad that the applicant seeks to construct the new proposed accessory structure on. These setbacks are 4m at the northwest corner and 8.8m at the northeast corner. Section 3.1 i) ii) requires a rear yard setback of 10m for all accessory structures when abutting a Municipally maintained road, to which Magnet Road is.. A summary of required and proposed zoning standards is captured in Figure #5.

Through the review of the proposed Zoning By-law Amendment application and the information provided by the applicant, it has been identified that, with the construction of the proposed accessory structure the total lot coverage would exceed that which is permitted within the Zoning By-law. The applicant has indicated in their application the total square footage of the proposed accessory structure is 312 sqft² +/- this does not include the lean-to which is included in total square footage, making the total size of the proposed structure 700 sqft² +/- . The applicant will require an amendment to request an increase in the permitted total lot coverage from 15% to 16.25% and an increase for accessory lot coverage from 5% to 7.5%.

Figure #5 Summary of Required and Proposed Zoning Setbacks.

Municipality of Magnetawan Zoning Provisions	Zoning By-law Requirements	Proposed One-storey Accessory Structure
Minimum Front Yard Setback	15 metres	24.4 metres
Minimum Rear Yard Setback	10 metres	4 meters
Minimum Rear Yard Setback	10 meters	8.8 meters
Interior Yard Setback (East)	3.5 metres	31 metres
Interior Yard Setback (West)	3.5 metres	11. metres
Maximum Lot Coverage	15%	16.25%
Maximum Lot Coverage (Accessory Structures)	5%	7.5%
Maximum Height	5 metres	4.5 metres

The intent and purpose of the Zoning By-law is to prescribe among other things, setbacks as noted in Section 3.1. Setbacks reduce any potential risk or hazard, which include safety, privacy and or environmental impact. Although the use of the accessory structure complies with the existing zoning, the proposed location of the structure is not in keeping with the Zoning By-law.

Staff Comments

Building: Building Permits for both the use of the existing structure shall be required in addition to the proposed accessory structure.

Fire: no concerns to the application.

Roads: In the future if the Municipality decides to widen the road, the proposed setbacks do not provide a lot of space from the structure. The location of the proposed structure does not hinder sight lines as the bend is gradual and a natural buffer from the structure can be observed.

By-law: no concerns to the application

Conclusion:

The applicant seeks permission to establish an accessory structure in the rear yard of the subject lands while not being compliant with the current Zoning By-laws required setbacks or lot coverage. As of the time of this report, confirmation of the previously erected structure with required building permit, cannot be found. A search of the property indicates no structure existed prior to 2011. It would seem reasonable that between 2016 (Image #3) and 2021 (Image #4) the structure was built, it is unknown the extent (fully enclosed/roofed etc.) of the structure at the time it was built, it is also unknown when the structure shown in Image #1 was constructed since in 2021 a trailer was parked in this area. Building permits cannot be found on file.

The proposed structure is not set back within the required 10m's, setbacks reduce any potential risk or hazard, which include safety, privacy and or environmental impact. Although the use of the accessory structure complies with the exiting zoning, the proposed location of the structure is not in keeping with the Zoning By-law.

The following options are available to Council:

- i. Support the Zoning By-law Amendment subject to a building permit, permitting the establishment of an accessory structure with:
 - a. a maximum a 4m setback to the rear yard at the northwest corner of Magnet Road;
 - b. a maximum 8.8m setback from the rear yard at the northeast corner of Magnet Road;
 - c. a maximum lot coverage of 16.25%;
 - d. a maximum accessory lot coverage of 7.5%. or
- ii. Deny the application requiring the applicant to remove the existing structure locating the proposed accessory structure within the required 10m setback from a Municipally maintained road.

Respectfully submitted,
Erica Kellogg
Deputy Clerk - Planning and Development

Image #1 Photo supplied by Applicant showcasing current structure



Image #2 2011 Ariel Imagery showcasing with a red circle the area of the existing structure



Image #3 2016 Ariel Imagery showcasing with a red circle the area of the existing structure



Image #4 2021 Ariel Imagery showcasing a trailer parked in the area of the proposed area

