



## Staff Report

**To:** Mayor and Council, Municipality of Magnetawan

**From:** Kent Randall & Aditya Srinivas (EcoVue Consulting),  
Municipal Planning Consultants

**Subject:** Application for Minor Variance MV-01-22 (Stevanus)

**Property Location:** Plan M485 Lot 4 PCL 20341 SS, Municipality of Magnetawan (Croft)  
81 Tanner's Lane

**EcoVue File No.:** 22-2125-04

**Date:** August 22, 2022

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### **RECOMMENDATION:**

That Minor Variance Application MV-01-22 for 81 Tanner's Lane be approved as requested, as follows:

- (1) Reduce the Minimum Rear Yard depth, as required by Section 3.1 (h) (ii), from 10 metres to 8 metres, in order to accommodate an accessory storage shed.

### **BACKGROUND AND PURPOSE OF APPLICATION**

The applicants, Tim and Vicki Stevanus, are proposing to construct an accessory storage shed in the rear yard of the subject property. The subject lands are located at Plan M485 Lot 4 PCL 20341 SS, geographic Township of Croft, municipally known as 81 Tanner's Line. Surrounding uses are primarily shoreline residential uses with some rural residential uses to the northeast. The property contains one (1) single detached dwelling with attached garage.

The Official Plan designation for the subject property is Shoreline. The subject property is zoned the Shoreline Residential (RS) Zone and is approximately 0.41 hectares (1.02 acres) with 44.64 metres of shoreline frontage on Beaver Lake.

The applicants propose to construct a storage shed which will be approximately 88.8 square metres in area and will cover 2.15% of the lot area. It will have a side yard setback of 3 metres and a rear yard setback of 8 metres. According to Section 3.1 (h) (ii) of the Municipality of Magnetawan Zoning By-law, the required rear yard setback for accessory structures is 10 metres. As such, the applicant is seeking a relief of 2 metres from this provision through a minor variance.

## **PLANNING REVIEW**

Section 45 of the Planning Act sets out certain tests that must be satisfied in order to support a minor variance application. These are as follows:

### **1. Does the application maintain the general intent and purpose of the Official Plan?**

The property is designated as Shoreline (Section 5.4) in the Municipality of Magnetawan Official Plan (MMOP).

Section 5.4.1 states that “[i]t 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 accessory shed is approximately 88.8 square metres in area and will occupy only 2.15% of the lot area. Given that the shed will only need a relatively small building footprint and that significant removal of vegetation will not be required in order to construct the structure, it is our opinion that the proposed development will not significantly impact the natural state of the subject shoreline property. As such, the proposed accessory shed conforms to Section 5.4.1 of the MMOP.

Section 9.3 (Accessory Uses) states that “Wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use shall also be permitted.” The Shoreline designation permits single detached dwellings and as noted herein, the subject property contains an existing single detached dwelling. The proposed storage shed is intended to be accessory to the existing dwelling and is permitted within the designation. As such, the proposed accessory shed conforms to Section 9.3 of the MMOP.

Therefore, it is our opinion that this application maintains the general intent and purpose of the Official Plan.

### **2. Does the application maintain the general intent and purpose of the Zoning By-law?**

The property is zoned the Shoreline Residential (RS) Zone according to Schedule ‘C’ of the Municipality of Magnetawan Zoning By-law No. 2001-26.

Section 3.1 (h) (ii) of the Zoning By-law (Garages or Other Accessory Buildings or Accessory Structures) allows for accessory structures to be located in the rear yard provided “it shall not be closer than 10 metres to the rear lot line”. According to the site plan provided, the proposed accessory storage shed complies with all applicable zoning regulations, with the exception of the above-mentioned rear yard setback. The applicant is requesting relief from this provision in order to permit the accessory shed. As noted, the proposed shed will have a rear yard setback of 8 metres instead of the required 10 metres (a reduction of 2 metres). (In this case, as the subject property is a shoreline lot, and the yard abutting the shoreline is considered the front yard. The yard adjacent to Tanner’s Lane (a municipal road) is considered the rear yard.)

Yard setbacks are typically required to ensure adequate separation between accessory buildings, roads and neighbouring properties. These restrictions prevent structures from being



too close to existing development, which may create massing impacts. Also, such setbacks ensure the privacy of neighbouring properties, and contribute to a consistent neighbourhood character.

Based on the foregoing, the proposed development will not create further massing or building impact as there are no structures or neighbouring buildings located adjacent to the rear yard due to the presence of the municipal road. Furthermore, the closest structure to the proposed shed is a dwelling located across the road, on 86 Tanner's Lane which is more than 45 metres to the north. This provides sufficient space to prevent massing impacts.

Therefore, it is our opinion that this application meets the general intent and purpose of the Zoning By-law.

### **3. Is the proposed amendment desirable for the development or use of the land?**

The accessory storage shed is an extension/accessory to the existing shoreline residential use on the property. The proposed shed is a relatively small structure and will not interfere with the use and enjoyment of subject property or adjacent properties. Moreover, the addition of an accessory storage shed will be in keeping with the character of the surrounding area.

Therefore, it is our opinion that the minor variance is desirable and appropriate for the development and use of the land.

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

The requested variance is minor in nature. As previously mentioned, the proposed accessory storage shed will have a rear yard setback of 8 metres whereas the required minimum rear yard setback is 10 metres.

It is our opinion that this 2-metre reduction in rear yard setback represents a minor numerical decrease, given the large setbacks from the neighbouring structures. Furthermore, the proposed structure will meet all other provisions of the Zoning By-law and the Shoreline Residential (RS) Zone. Additionally, the proposed accessory storage shed will not have significant impacts on the surrounding land uses.

Therefore, it is our opinion that the proposed variance to permit the accessory storage shed being closer to the rear lot line, is minor in nature.

## **SUMMARY**

It is the opinion of the Municipal Planning Consultant that this application meets the four tests of a minor variance. Therefore, we are recommending that the application be approved without conditions.

## **BUDGET IMPLICATIONS**

The application fee associated with this minor variance is \$1,000 under the Tariff of Fees (with pre-consultation) which has been paid.

### **PUBLIC CONSULTATION & NOTICE**

Notice of the application and Public Hearing has been circulated to property owners within 60 metres of the subject property. Residents have the right to speak in favor or opposition of the application at the Public Hearing or by making a written statement to the Municipality prior to the decision. Notice was also provided to required agencies in accordance with the *Planning Act*.

This report will be posted on the Municipality website along with the Notice of Hearing for further information to the public.

### **COMMENTS FROM DEPARTMENTS**


No comments from departments have been received.

Submitted By: Kent Randall, Municipal Planning Consultant

### **ECOVUE CONSULTING SERVICES INC.**



J. Kent Randall B.E.S. MCIP RPP  
Planning Consultant to the Municipality



Aditya Srinivas B.Sc.  
Junior Planner



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## **Appendix A**

### **Figure 01: Site Location**

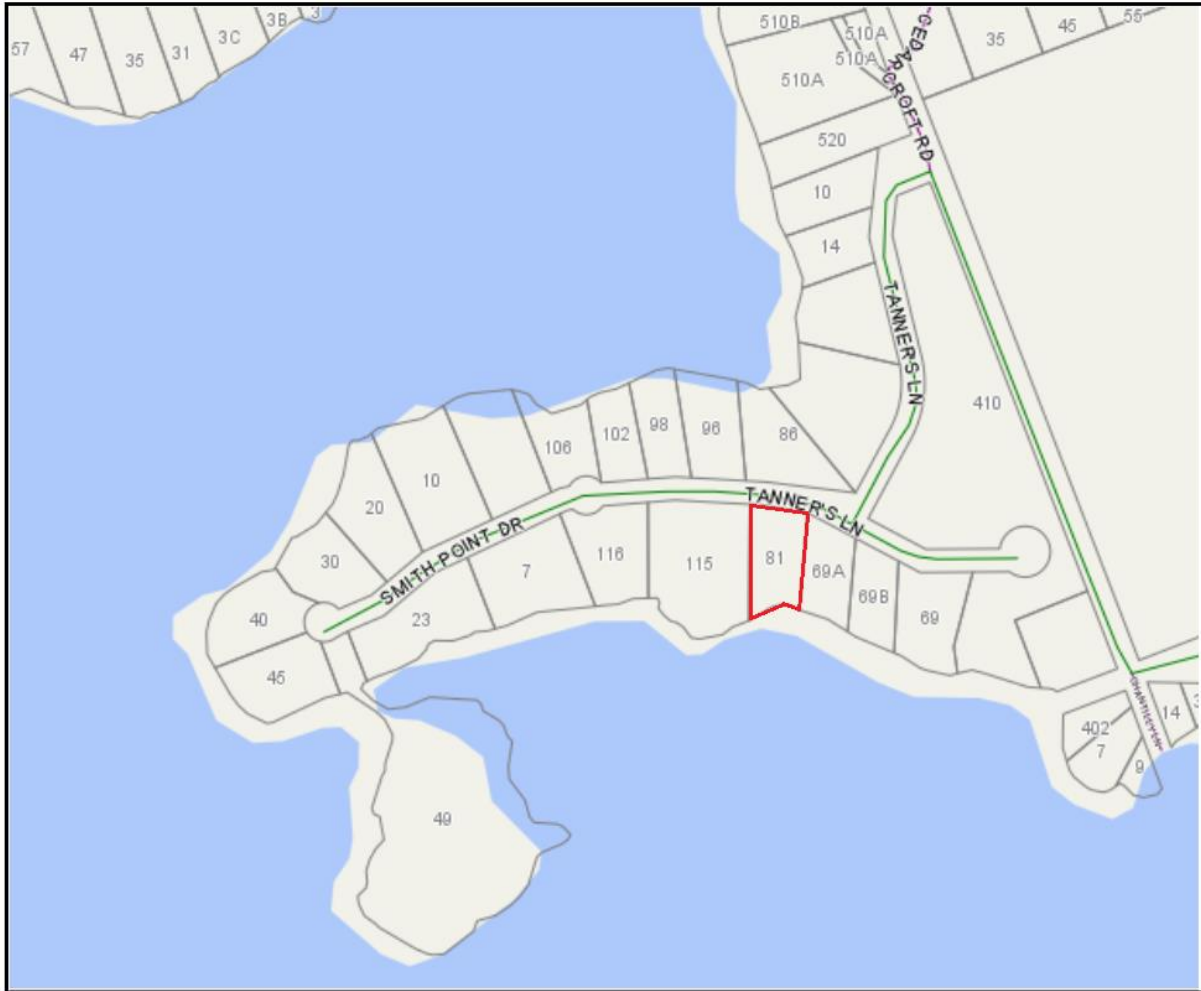


Figure 1: Site Location



## **Appendix B**

**Figure 02: Proposed Site Plan provided by Client**

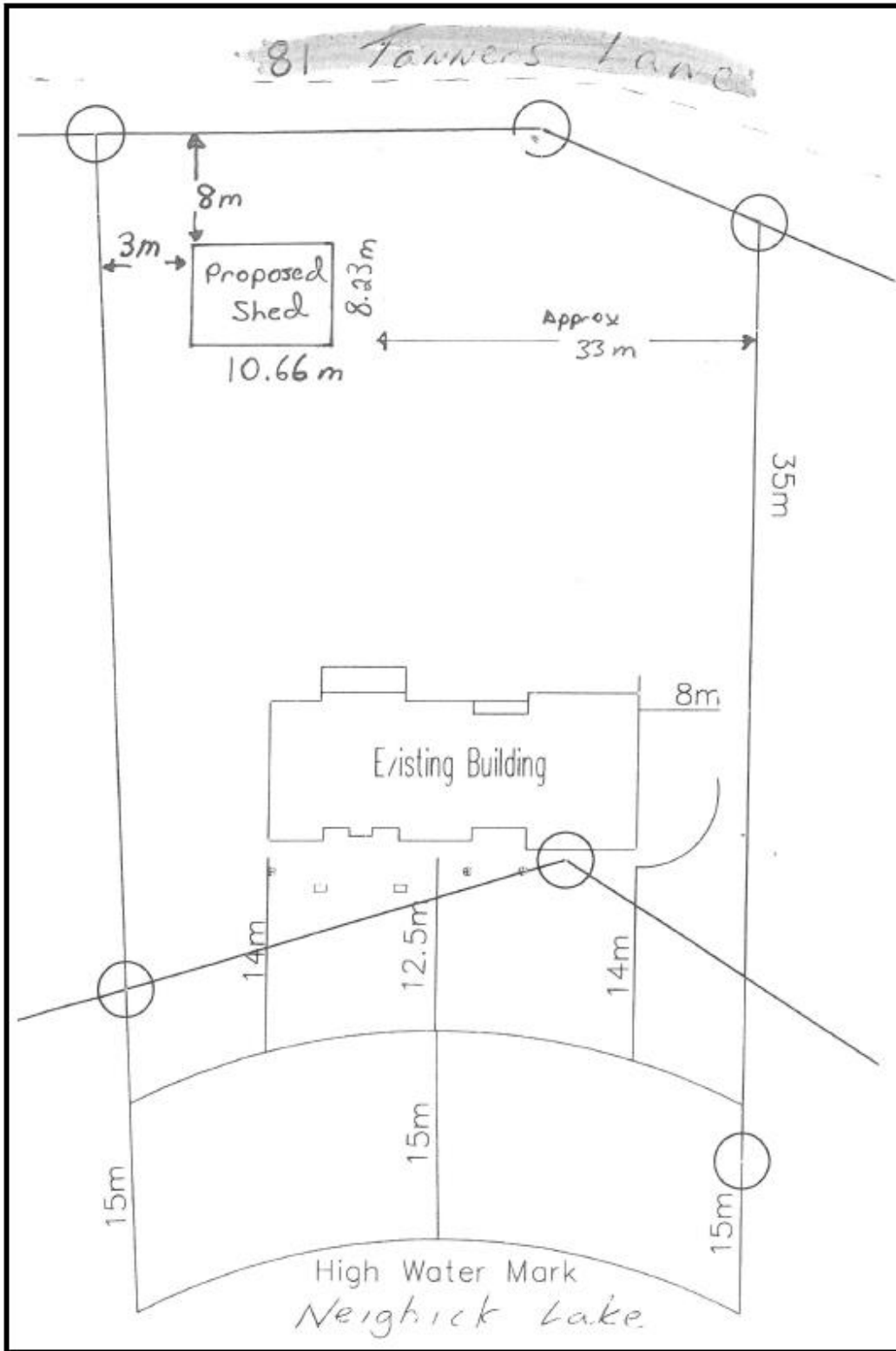


Figure 2: Proposed Site Plan