



**M A R I E P O I R I E R P L A N N I N G
& A S S O C I A T E S I N C .**

Marie E. Poirier, B.Sc., MCIP, RPP
44-A King William Street, Huntsville, ON P1H 1G3
Phone: 705-789-9860 Fax: 705-789-9768 E-mail:marie@mpplanning.com

April 19, 2024

Municipality of Magnetawan
4304 Hwy #520, P.O. Box 70
Magnetawan, ON
P0A 1P0

Attention: Erica Kellogg, Deputy Clerk Planning and Development

Dear Ms. Kellogg:

**RE: Application for Minor Variance
44 Magnet Road, Magnetawan P0A 1P0
Roll Number: 494403000302339
Part of Lot 17, Concession 11, CROFT
Municipality of Magnetawan**

We are the authorized agent for the owners of the above-noted property, with respect to planning and building matters related to the above-referenced property located in the Municipality of Magnetawan.

we are submitting a Minor Variance application to facilitate the development of the proposed 2-storey garage, on a developed residential property.

The subject lands are designated Shoreline and Rural in the municipality's Official Plan. The subject lands are zoned Shoreline Residential (SR) with a portion of the property zoned Environmental Protection (EP) –in the Township's Zoning By-law 2001-26.

A building permit has been issued for the proposed garage, however, due to a measurement misunderstanding, the form/rebar for the garage was constructed closer to the property's rear lot line than proposed. Therefore, we are requesting relief from the Zoning By-law to permit the rear lot line setback reduction.

For your review, please find the following enclosed:

Zoning Amendments – Consents – Site Planning – Expert Witness – Policy Planning
Project Management – Site Analysis – Property Redevelopment – LPAT Appeals

- One (1) copy of an Application Form for Minor Variance;
- One (1) copy of an authorization form allowing our firm to act on behalf of the owners;
- One (1) copy of Land Registry Office documents.
- One (1) copy of the Planning Justification Report and associated appendices;
- Three (3) copies of the Site Plan.

The required application fee of \$500, together with the required deposit of \$2000 will be submitted to the Township by the property owner.

We trust that you will find this application to be in order. However, if you require anything further or have any questions or concerns, please do not hesitate to contact us at your earliest convenience.

Thank you for your cooperation and assistance with this application; we look forward to hearing from you.

Sincerely,



Cassie Sauer
Marie Poirier Planning & Associates Inc.



**The Corporation of the
Municipality of Magnetawan**

Box 70 4304 Hwy 520

Magnetawan ON POA 1P0

Phone 705 387 3947 Fax 705 387 4875

www.magnetawan.com

APPLICATION FORM

MINOR VARIANCE

Date Received by Municipality: _____

1) APPLICATION INFORMATION

Name of Applicant: Marie Poirier Planning & Associates Inc. (Cassie Sauer)

Mailing Address: 44 King William Street, Unit A, Huntsville, ON P1H 1G3

Telephone Number (Home): _____ Fax Number: _____

Telephone Number (Business): 705-789-9860 Fax Number: _____

2) REGISTERED OWNER

If the Applicant is not the Registered Owner of the subject lands, then authorization from the Owner is required, as well as the following information:

Owners Name: BAIRD, JAMES EDWIN & BAIRD, VICTORIA CHRISTINE

Mailing Address: 44 Magnet Rd. Magnetawan, ON P0A 1P0

Telephone Number (Home): 705-774-2292 / 905-506-8674 Fax Number: _____

Correspondence to be sent to: Owner Agent Both

3) MORTGAGES, CHARGES OR OTHER ENCUMBRANCES

Name: The Bank of Nova Scotia (Charge)

Mailing Address: _____

Name: _____

Mailing Address: _____

4) SUBJECT LANDS

Geographic Township: Croft Concession: 11 Lot: 17

Reference Plan: PL M391 Part/Block/Lot: Lot 9

Street Name and Number: 44 Magnet Road

(If corner lot, please include both Street Names)

Water Access only: _____

(Name of Waterbody)

Area of subject lands (ha): 0.61 ha Frontage (m): ±63.3m Depth (m): 77.4m

5) OFFICIAL PLAN / ZONING STATUS

What is the current designation of the *subject lands* in the approved Official Plan?
 Shoreline & Fish Habitat

What is the current Zoning?
 Shoreline Residential (RS) with Environmental Protection (EP)

6) REASONS FOR REQUEST

Please describe the reasons for and extent of, the request:

A building permit was issued for the proposed 2-storey garage, however, the inspector found that the foundation of the garage was constructed closer to the rear lot line than permitted in the Zoning By-law due to a misunderstanding

7) ACCESS

Are the subject lands accessible by:

- Provincial Highway
- Municipal Road (seasonal maintenance)
- Municipal Road (year round maintenance)
- Right of Way
- Unopened Road Allowance
- Water Access
- Other (describe) _____

8) BUILDINGS, STRUCTURES AND USES

What are the existing buildings on the subject land? Detached Dwelling, Deck, 3 Sheds, Outhouse

What are they used for? Residential & related accessory structures

Please complete the following for each building or structure: Please see attached the Site Sketch of the proerty

	Building One	Building Two	Building Three
Type of Building			
Setback from Front Lot Line			
Setback from Rear Lot Line			
Setback from Side Lot Line			
Setback from Side Lot Line			
Height (metres)			
Dimensions			
Floor Area			
Date of Construction			

What is the proposed future use of the subject lands: Primary use for residential purposes remains unchanged, one new garage is proposed

Are any buildings or structures to be build on the subject lands?

yes no

If yes, please complete the following for each building or structure: All measurements are approximate.

	Building One	Building Two	Building Three
Type of Building	Detached garage		
Setback from Front Lot Line	72.9m		
Setback from Rear Lot Line	0.2m		
Setback from Side Lot Line	29m		
Setback from Side Lot Line	56.9m		
Height (metres)	5.9m		
Dimensions	44.6m ²		
Floor Area			
Date of Construction			

When were the subject lands acquired by the current owner? March 1, 2018

How long have the "existing uses" continued on the subject lands? _____

9) SERVICING

	<u>Municipal</u>	<u>Private</u>	<u>Other</u>
Water Supply	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Frontage on Road	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Is storm drainage provided by: Sewer Ditch Swale
 Other (describe) _____

10) OTHER APPLICATIONS

Are the subject lands also the subject of an application under the Planning Act for approval of a Plan of Subdivision or a Consent? yes no

If yes, what is the file number? _____

What is the status of the application? _____

Have the subject lands ever been the subject of an application under Section 34 of *The Planning Act* (rezoning)? yes no

If yes, please provide a brief explanation: _____

11) DRAWINGS

Please include a sketch showing the following:

- the boundaries and dimensions of the subject land;
- the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the building or structures from the front yard lot line, rear yard lot line and side yard lot lines;
- the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include: buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
- the current uses on land that is adjacent to the subject land;
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way;
- if access to the subject land is by water only, the location of the parking and docking facilities to be used; and
- the location and nature of any easement affecting the subject land.

<p>Required Sketch</p> <p>See Appendix IV.</p>

Required Sketch should include the following:

- ✓ Lot dimensions
- ✓ Major Physical Features
- ✓ Surrounding Land Uses
- ✓ Buildings and Structures
- ✓ Sewage and Water Systems

12) PERMISSION TO ENTER

I hereby authorize, the Members of Staff and/or Elected Members of the Council of the Municipality of Magnetawan, to enter upon the subject lands and premises for the limited purpose of evaluating the merits of this application. This is their authority for doing so.

April 3, 2024
Date

Cham
Signature of Registered Owner(s) or Agent

13) FREEDOM OF INFORMATION

I hereby provide authority for any information contained in this application, to be released in accordance with the Freedom of Information Act.

April 3, 2024
Date

Cham
Signature of Registered Owner(s) or Agent

14) PAYMENT OF FEE AND DEPOSIT

- Application Fee As per the current fees and charges By-law
- Deposit Fee As per the current fees and charges By-law
(By-law 2004-09) **To be paid by credit card**

The 'deposit' shall be used for expenses as defined below. As of the date of this application, I further hereby agree to pay for and bear the entire cost and expense for any engineering, legal, landscape, architectural and/or planning consulting expenses incurred by the Municipality of Magnetawan during the processing of this Application, in addition to the Application Fee set by the Municipality of Magnetawan.

An additional deposit shall be required if the deposit is insufficient to complete the Application.

April 3rd / 24
Date

Jim Baird
Signature of Registered Owner(s)
Victoria Baird
VICTORIA BAIRD

Note: All Invoices for payment shall be sent to the person(s) indicated in Section 2) Owner of this application, unless otherwise requested.

If the Applicant/Owner is a Corporation, the Applicant/Owner shall provide certification that he/she has the authority to Bind the Corporation

15) AFFIDAVIT

I, Carrie Sauer of the Town of Huntsville in the District of Muskoka solemnly declare that all of the above statements contained herein and in all exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act".

DECLARED BEFORE ME at Town of Huntsville in the District of Muskoka of Muskoka this 3rd day of April, 2024

April 3, 2024
Date

Cham
Signature of Registered Owner(s) or Agent



M A R I E P O I R I E R P L A N N I N G & A S S O C I A T E S I N C .

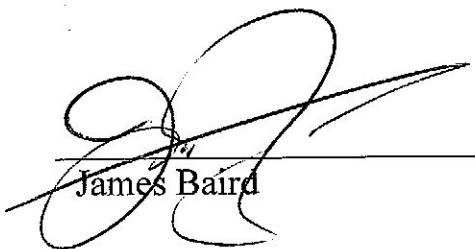
AUTHORIZATION

To Whom It May Concern:

We, James Baird & Victoria Baird, registered owner(s) hereby authorize:

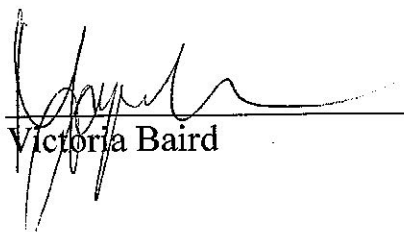
Marie Poirier Planning & Associates Inc.
44 King William St. Unit A
Huntsville, ON
P1H 1G3

To act on our behalf with respect to planning and building matters related to our property at: 44 Magnet Rd
Magnetawan, On P0A 1P0



James Baird

Feb. 27th 2024
Date



Victoria Baird

Feb 27 2024
Date

LAND
 REGISTRY
 OFFICE #42

52087-0155 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PCL 18592 SEC SS; LT 9 PL M391; MAGNETAWAN

PROPERTY REMARKS: PLANNING ACT STATEMENT IN LT231306.

ESTATE/QUALIFIER: FEE SIMPLE ABSOLUTE
RECENTLY: FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
 2006/05/23

OWNERS' NAMES: BAIRD, JAMES EDWIN
 BAIRD, VICTORIA CHRISTINE
CAPACITY SHARE: JTEN
 JTEN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<i>** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **</i>						
GB110028	2018/03/01	TRANSFER	\$445,000	LIEPINS, DAINA CHRISTINE	BAIRD, JAMES EDWIN FARQUHARSON, VICTORIA CHRISTINE	C
		<i>REMARKS: PLANNING ACT STATEMENTS.</i>				
GB146632	2021/09/24	APL CH NAME OWNER		FARQUHARSON, VICTORIA CHRISTINE	BAIRD, VICTORIA CHRISTINE	C
GB146633	2021/09/24	CHARGE	\$240,000	BAIRD, JAMES EDWIN BAIRD, VICTORIA CHRISTINE	THE BANK OF NOVA SCOTIA	C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
 NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



MARIE POIRIER
PLANNING & ASSOCIATES INC.

Planning Report

Prepared For:

James & Victoria Baird

44 Magnet Road

Municipality of Magnetawan

District of Parry Sound



Planning Justification Report

44 MAGNET Road (Baird)
Roll no. 494403000302339
Municipality of Magnetawan, District of Parry Sound

Application for a Minor Variance
Pursuant to Section 45(1) of the Planning Act

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BACKGROUND & PURPOSES

The owner of 44 Magnet Road would like to construct a 44.6m² (480ft²) detached two-storey garage on the subject lands. The purpose of this Minor Variance application is to seek relief from Zoning By-law 2001-26:

1. To permit a rear yard setback of 0.2m (8in), whereas 10m (32ft) is the minimum required.

This application is required because of an honest mistake on the owner's behalf. The submitted building permit was approved but not complied with (**Appendix I** contains the associated construction documents). The owner had every intention of complying with the municipality for the construction of the proposed garage, but measured the setback from the road shoulder, not the property line. At this time, the owner has spent a significant amount of money preparing the area with backfill, forms, and rebar for the concrete slab. The financial and environmental cost of tearing out the prepped foundation, supersedes the minor variance process, which is why this application is presented today. Please see **Figure 1 & Appendix IV** for the Site Plan.

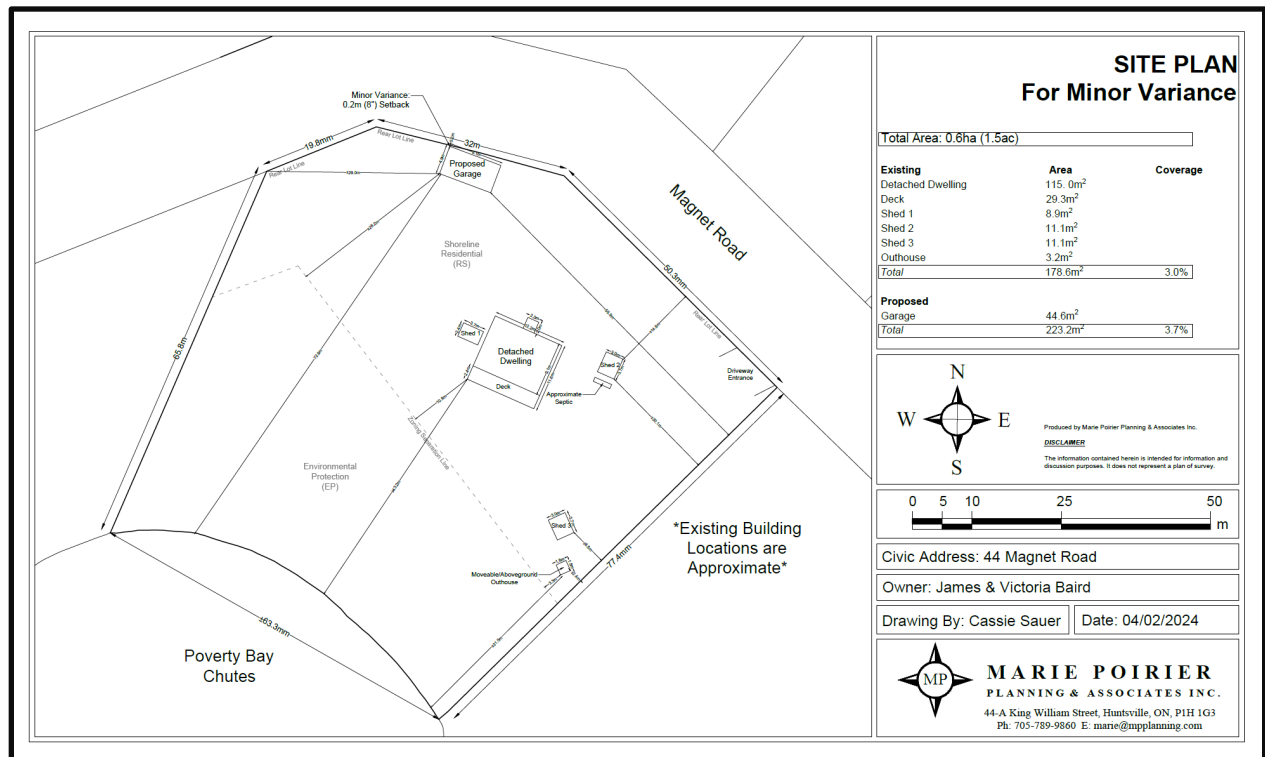


Figure 1: Site Plan

PROPERTY DESCRIPTION

LEGAL

PIN: 52087-0155

Property Description: PCL 18592 SEC SS; LT 9 PL M391; MAGNETAWAN

See **Figure 2**.

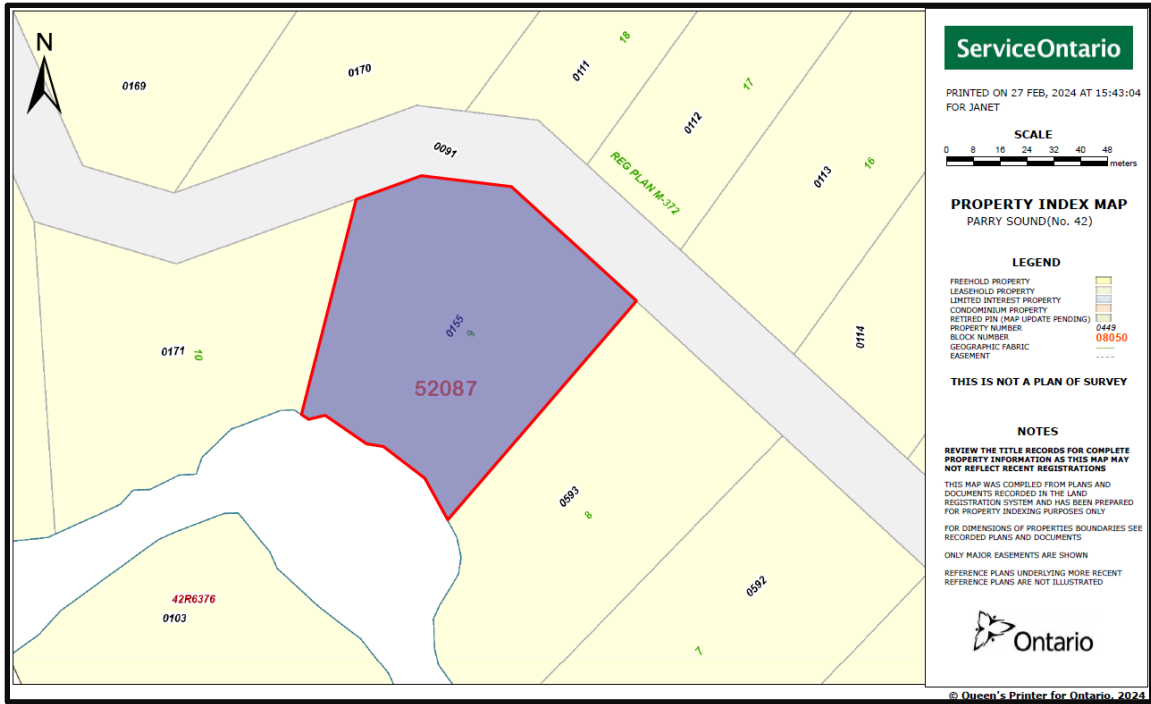


Figure 2: Parcel Index Map (Source: OnLand)

PHYSICAL

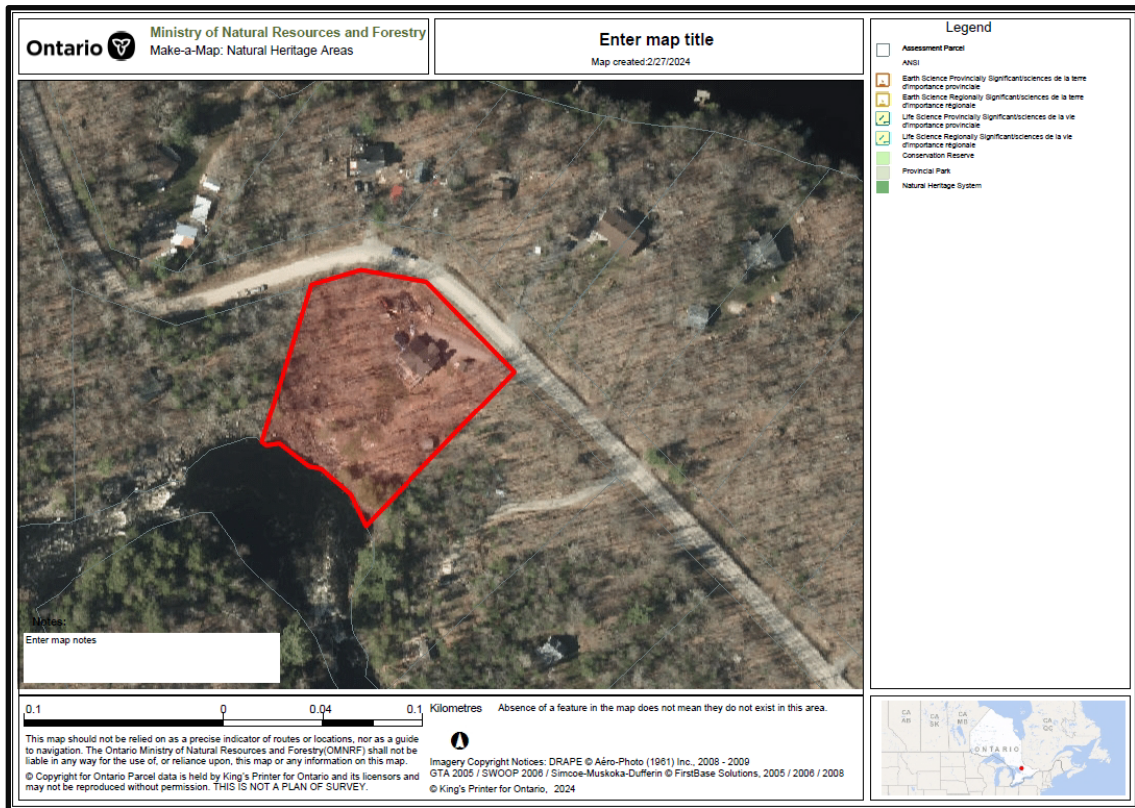


Figure 3: Aerial photo of the subject property (MNRF Online Map)

The property has a gradual slope from Magnet Road toward Poverty Bay Chutes, with an elevation between 280-265 mASL across the entire property.

The lot has a total lot area of ±0.61ha (1.5ac) and a frontage of ±63.3m (207.7ft) on Poverty Bay Chutes. The rear lot line of the property abuts Magnet Road, a year-round municipally maintained road, with a straight-line frontage length of ±93m (305.1ft). Most of the properties nearby are zoned Shoreline Residential (RS) Zone and are similar in size and frontage to the subject property. See **Figure 3**.

NATURAL

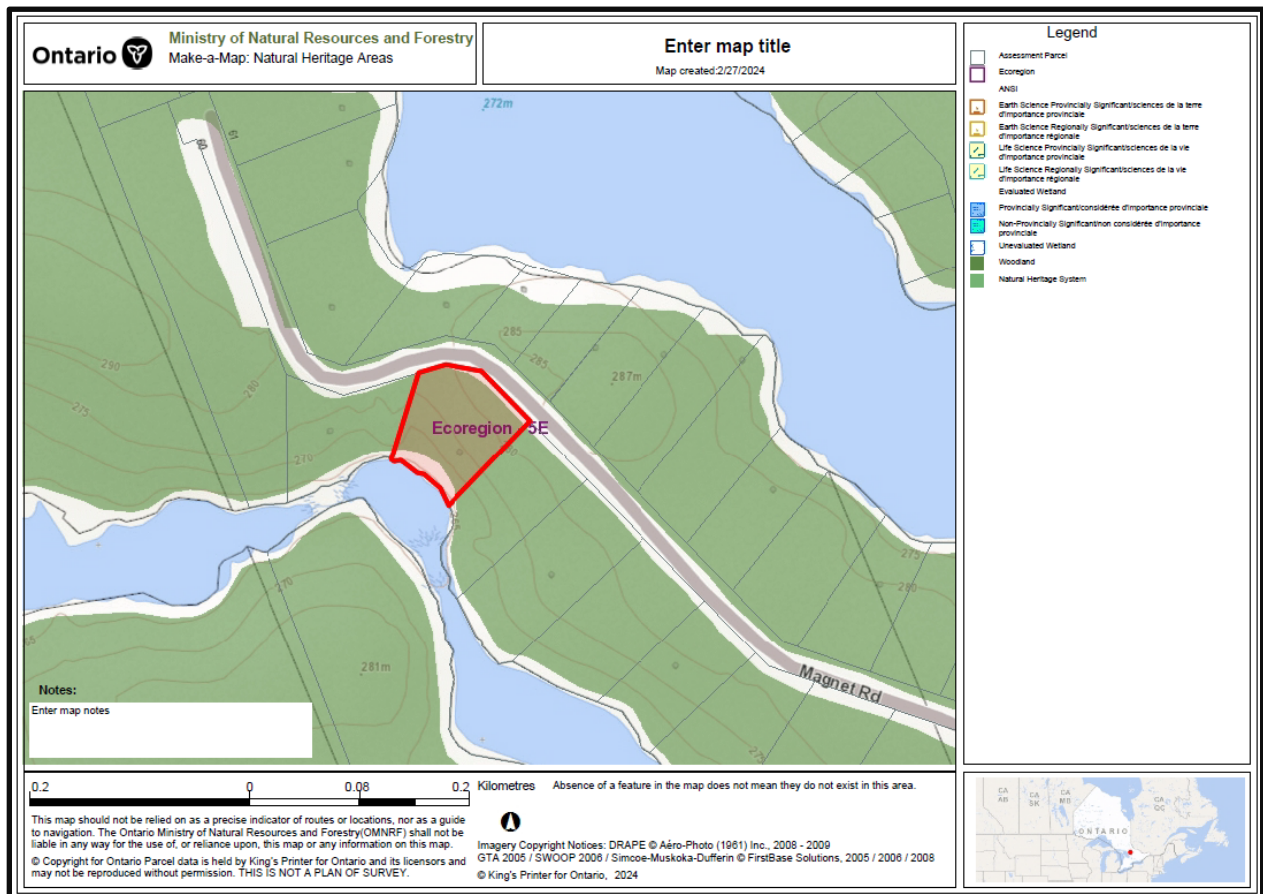


Figure 4: Natural Heritage Features identified on subject property (MNRF Online Map)

Based on aerial imagery, the northern half of the property has been cleared, whereas the southern portion of the property remains heavily vegetated with mature trees that can be commonly found in the local area. The property is located in Ecoregion 5E, with non-significant woodland.

No ANSI, wetlands and significant wildlife habitat have been identified by MNRF and the Municipality’s Official Plan. However, fish habitat has been identified on the Municipality’s Official Plan, and the related policies will be discussed in the sections below. See **Figure 4**.

CHARACTER ANALYSIS

The current use of the property is year-round residential and is situated on the shoreline of the Poverty Bay Chutes. The property consists of a main building with an attached deck, three (3) sheds, a moveable outhouse, and septic area. Please see **Appendix V** for site photos.

The surrounding land uses are residential, single-detached dwellings. Some properties in the neighbourhood consist of a detached garage, similar to the subject proposal. Property lines between neighbours have moderate to substantial vegetation coverage, creating privacy.

PLANNING ANALYSIS

PROVINCIAL POLICY

Planning Act

The Planning Act was reviewed for the purposes of this application with special attention given to Sections 45 (1) and 45 (2) as it pertains to minor variance applications and the powers of the Committee of Adjustment. This application adheres to the required planning processes and this report addresses the criteria for an application pursuant to this section.

Section 45 (1) outlines the powers of the Committee of Adjustment as follows:

The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

This planning justification report will support the satisfaction for the four tests of a Minor Variance application, and it is further our opinion that the application:

1. Is minor in nature;
2. Desirable for the efficient use of the property;
3. Maintains the general intent of the Zoning By-law; and
4. Maintains the general intent of the Official Plan.

Provincial Policy Statement 2020

With respect to the Provincial Policy Statement (PPS), the entire statement was reviewed and specific attention was given to 1.1.5 Rural Lands in Municipality, Sections 2.1 Natural Heritage, and 2.2 Water. The policies were stated as follows:

1.1.5.2 On rural lands located in municipalities, permitted uses are:

e) home occupations and home industries;

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

2.1.5 Development and site alteration shall not be permitted in:

b) significant woodlands in Ecoregions 6E and 7E

d) significant wildlife habitat;

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.

The existing development is appropriate for the character of the neighbourhood and the surrounding uses.

Section 2.1 of the Provincial Policy Statement focuses on the protection of natural heritage features, including significant wetlands, woodland, ANSI, wildlife habitat, fish habitat and the areas adjacent to these features. The property is not within Ecoregion 6E or 7E and is therefore not categorized as significant. Section 2.2 focuses on the protection of hydrological features. Only fish habitat was identified in the MNRF Online Map, and Local Official Plan. The proposed garage is setback appropriately from the fish habitat and the related policies will be discussed in the sections below.

As per the above review and analysis of the Planning Act and Provincial Policy Statement, it is our opinion the application for the proposed Minor Variance is consistent with both governing provincial planning documents.

Growth Plan for Northern Ontario

The Municipality of Magnetawan is within the jurisdiction of the Growth Plan for Northern Ontario 2011. As such, the development within the Township is subject to the guiding policies contained therein, which aim to bolster economic growth and prosperity, promote environmental stewardship and develop sustainable communities within Northern Ontario. This Plan was reviewed in its entirety, with Section 2 Economy and Section 6 Environment the most relevant to the subject applications.

Though broad in its scope, among other things, the Growth Plan for Northern Ontario 2011 aims to provide policy guidance to promote good planning and decision-making as it relates to environmental sustainability and stewardship. The Growth Plan specifically speaks to sustainable development of natural resources with a balanced approach to environmental, social and economic, health, including the protection of water quality and encourages the protection of surface and groundwater features.

The subject Minor Variance Application would facilitate the proposed development, which fits the character of the designation and the surrounding neighbourhood, while continuing to protect the fish habitat adjacent to the property.

MUNICIPALITY OF MAGNETAWAN OFFICIAL PLAN

The property is designated Shoreline and Rural in the Municipality of Magnetawan Official Plan – Schedule A (see **Figure 5**). The property also has Fish Habitat identified on the south half of the property in Schedule B (**Figure 6**). The entire Official Plan was reviewed for the purpose of this report.

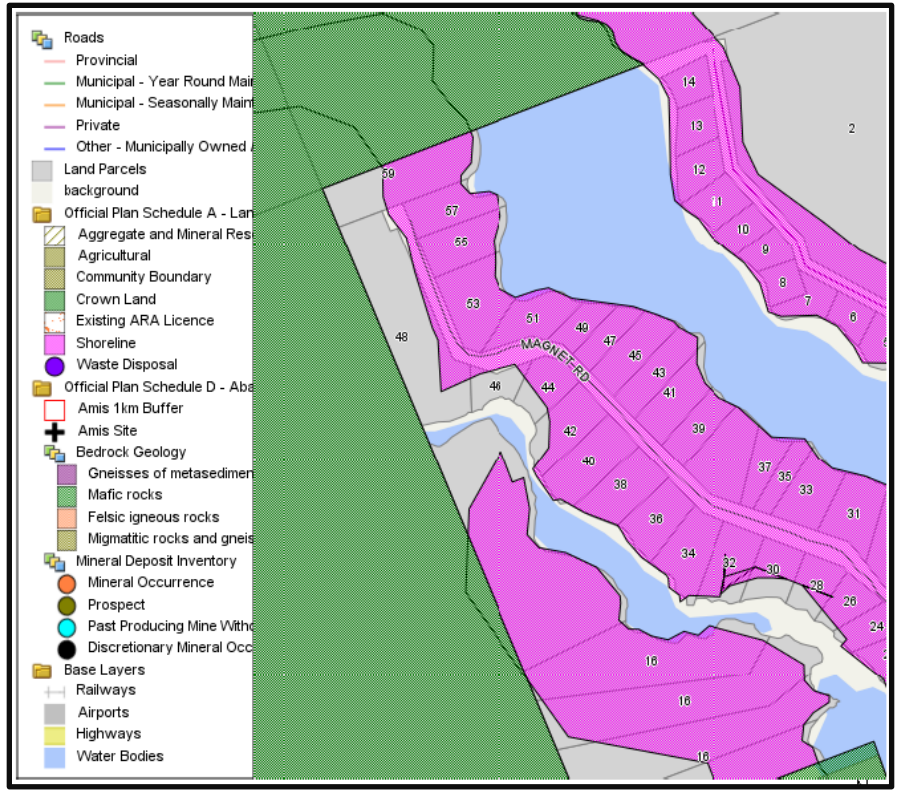


Figure 5: Magnetawan Official Plan - Land Use

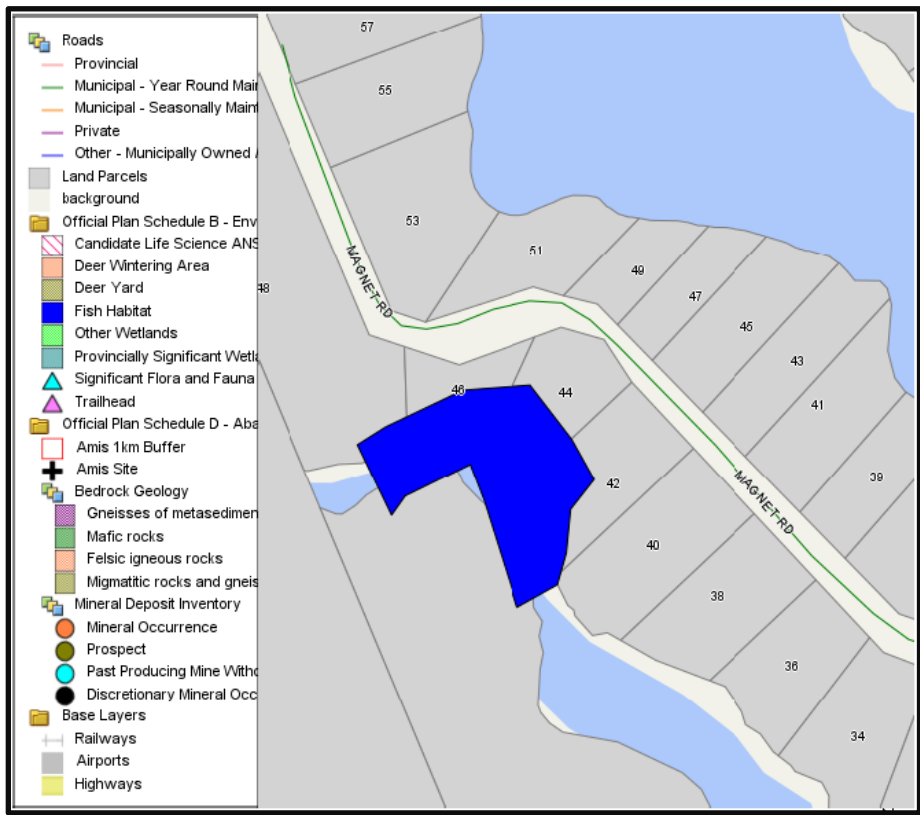


Figure 6: Magnetawan Official Plan Land - Natural Heritage

In terms of constraints and applicable policies, the following applies to the subject property:

Section 4.0 General Development Policies

4.7 Significant Fish Habitat

Schedule B outlines areas that have been identified as Type 1 fish habitat. These areas are important feeding, spawning and nursery areas and must be protected to ensure a healthy population of sports fish in the Municipality and in the watershed.

New lots fronting onto Type 1 fish habitat areas shown on Schedule B shall be sufficiently large to provide an area of at least 10 metres of frontage that is outside of the significant habitat area...Setbacks of 30 metres from cool or cold-water streams and 15 metres from other streams are required. Where there is no reasonable alternative to locating waterfront activity areas outside of the identified fish habitat areas or areas of unknown fish habitat or where setbacks cannot be met, development may only be permitted where it is demonstrated to the satisfaction of the approval authority that there will be no negative impact on significant fish habitat... Proponents of development in these areas shall be required to submit an Environmental Impact Assessment report from a qualified professional identifying the nature of the fish habitat and limits of the fish habitat areas and providing recommendations regarding preservation of the habitat.

4.10 Adjacent Lands

Adjacent lands are the lands adjacent to a natural heritage feature within which potential impacts of a development proposal must be considered. For the purposes of this Official Plan, adjacent lands are defined as all lands within:

- *120 metres from the boundary of a significant fish habitat area; and*

All development is setback adequately from the stream, with the smallest setback being 31m. The proposed garage is not located within the identified fish habitat and will have no affect on the shoreline. It is our opinion that an Environmental Impact Assessment is not appropriate for this development application.

Section 5.2 Rural

5.2.1 Permitted Uses

Permitted uses include agriculture, farm related uses and uses that produce value added agricultural products from the farm operation, forest management, conservation, parkland, fishery resource management, mineral exploration and mining, residential dwellings, group homes, home occupations, home industries, pits and quarries, wayside pits and quarries and portable asphalt plants, commercial fur harvesting, hunt camps, small scale industrial and commercial developments, waste disposal sites and accessory uses.

5.2.2 Residential

Limited new permanent residential development shall be permitted in the Rural Areas, preferably in close proximity to other residential uses as infilling on existing roadways where school busing and municipal winter maintenance is presently being provided. Scattered or isolated development that would result in an increase in municipal servicing costs shall be discouraged. Residential subdivisions are not permitted in the Rural Areas New lots should have a minimum lot size of 1.0 hectares (2.47 acres).

The existing single detached residential dwelling and associated structures is appropriate for the Rural designation. The property has been a residential use since at least 2006. The proposed garage is intended for storage purposes, as the family is growing and requires more space. The upper floor of the garage will not be used as a dwelling. The development is already in a neighbourhood being serviced by the municipality and the construction of the proposed garage will not affect municipal costs.

Section 5.4 Shoreline

5.4.1 Permitted Uses

Permitted uses in areas designated Shoreline on Schedule 'A' shall include detached dwellings, commercial tourist resorts with associated commercial uses, lodges, motels, hotels, marinas, and recreational activities. All of the shoreline areas in the Municipality are designated as Shoreline with the exception of those within the Community Designation. This designation is not intended to anticipate that all of the shoreline will become developed for permitted uses. Rather, it is intended to reflect that the shoreline areas are an ecological unit that must be considered in its entirety.

5.4.8 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. Creating lands that are suitable for development by blasting or filling the natural landscape or dredging the lake bottom shall not be permitted.

The existing single detached residential dwelling and associated structures are permitted within the Shoreline designation. The property remains in a fairly natural state with existing and proposed unoffensive structures. The overlying intention of low impact shoreline development is exemplified in how the owner has used the property to date. The construction of the proposed garage will be of minimal impact to the shoreline, soil, water, and vegetation.

In summary, the proposed development is appropriate for the Municipality of Magnetawan Official Plan in terms of use, impact, and character. The reduced rear yard setback for the proposed garage does not significantly offend any Official Plan policy, will not create any adverse environmental or visual impacts, and is in character with the neighbourhood. On the basis of conformity with the Official Plan, the application should be recognized.

MUNICIPALITY OF MAGNETAWAN ZONING BY-LAW 2001-26

The subject property is zoned Shoreline Residential (RS) and Environmental Protection (EP) in the Municipality of Magnetawan Zoning by-law 2001-26. **Figure 7** illustrates the split zone on this property.

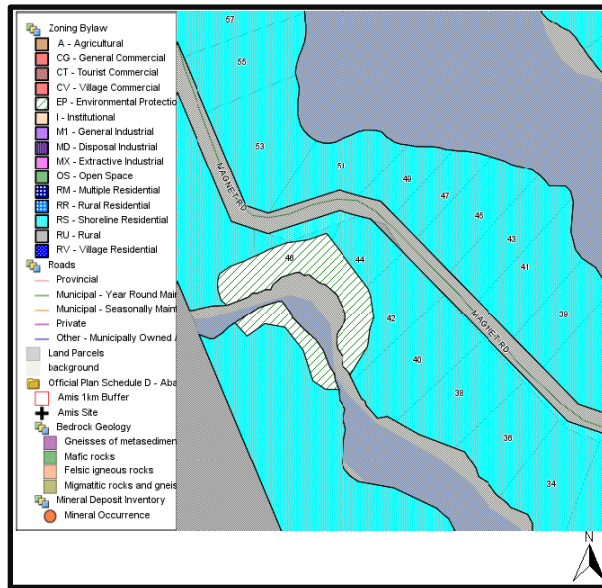


Figure 7: Municipality of Magnetawan Zoning Map

In respect to the subject Minor Variance application, the following zone provisions apply:

SECTION 4.2 SHORELINE RESIDENTIAL (RS)

4.2.1 Permitted Uses

The permitted uses for the Rural Residential (RS) zone are listed as follows:

- i) detached dwelling*
- ii) home occupation*
- iii) bed and breakfast establishment*

The detached dwelling and associated/accessory structures are permitted in the Shoreline Residential Zone. **Table 1** below outlines the zone provisions.

4.2.2 Regulations for Permitted Uses

	Metric
i) Minimum Lot Area	- 1.0 ha
ii) Minimum Lot Frontage	- 90 m
iii) Minimum Front Yard	- 15 m
iv) Minimum Interior Side Yard	- 3.5 m
v) Minimum Exterior Side Yard	- 7.5 m
vi) Minimum Rear Yard	- 10.0 m
vii) Maximum Lot Coverage	- 15%
viii) Maximum Building Height	- 10.7 m
ix) Minimum Ground Floor Area	- 65.0 mx) Minimum
Natural Vegetation Area or Landscaped Open Space	- 70% of front yard.

Table 1: Municipality of Magnetawan Zoning By-law

The permitted rear yard setback is 10m. The proposed garage setback is 0.2m and is the propose of this Minor Variance application.

Roughly half of the property is located within the Environmental Protection Zone. The follow policy applies:

4.16 ENVIRONMENTAL PROTECTION ZONE (EP)

No person shall within any Environmental Protection Zone (EP) use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.16.1 Permitted Uses

- i) conservation*
- ii) resource management activities*
- iii) passive public parks*

4.16.2 Regulations for Permitted Uses

No buildings or structures including accessory buildings or structures with the exception of pump houses and buildings and structures for flood and erosion control are permitted in the Environmental Protection (EP) Zone.

The property does not contain any structures within the Environmental Protection Zone. The proposed garage is located ±28.2m from said zone.

The proposed two-storey garage is considered an Accessory Building, therefore the following policy applies:

SECTION 5 DEFINITIONS

Accessory Building: A use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principle use, building or structure.

SECTION 3 GENERAL PROVISIONS

3.1 Accessory Buildings, Structures and Uses

a) Permitted Uses

Where this By-law provides that a lot may be used and a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use provided that a valid building permit for the principal use, if required, is issued or that the principal building or structure is already in existence on the lot.

Accessory buildings shall not be used for:

- i) any occupation for gain or profit conducted within or accessory to a dwelling unit or lot except as specifically permitted in accordance with this By-law; or*
- ii) human habitation except where specifically permitted by this By-law.*

The proposed garage is permitted and was issued a building permit, although the permit has not been closed due to the misunderstanding in setback measurement. The proposed garage is not being used for any occupation for gain or profit or for human habitation.

b) Setback Requirements

Except as otherwise provided by this By-law, any accessory building or structure shall comply with the yard requirement of the zone within which it is located.

c) Lot Coverage and Height

The total lot coverage of all accessory buildings and structures, excluding swimming pools, shall not exceed 5 per cent of the lot area nor shall the height of any accessory building or structure exceed 5.0 metres except where otherwise permitted.

The setback requirement is being addressed through this application. The existing lot coverage is 3.0%; the proposed lot coverage is 3.7% which does not exceed the maximum of 5.0%. The proposed garage height of 5.9m (19'-11^{3/8"}), was not identified as an issue in the building permit or Pre-consultation Memo, and falls under the policy below, with a maximum height of 7.6m (24.9ft).

h) Garages or Other Accessory Buildings or Accessory Structures

Notwithstanding the yard and setback provisions of this Bylaw to the contrary, an attached or detached private garage or other accessory building or accessory structure may be erected and used in an interior side or rear yard, provided that:

- i) Interior Side Yard Where such accessory building or accessory structure is located in an interior side yard, and is 5.0 metres or less in height, the minimum setback for the interior side lot line shall be 1.5 metres.*

- 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 not be closer than 10 metres to the rear lot line.*
- iii) *Height: Notwithstanding any other provisions of this by-law to the contrary, a detached garage shall have a maximum height of 7.6 metres, provided all other applicable provisions of this by-law are met.*

The existing accessory structures are at least 1.5m setback from the interior lot line and are under 15m² (161ft²), which would require a permit. As the proposed garage is located 0.2m from the rear lot line, we are hereby requesting the following variance:

1. To permit a rear yard setback of 0.2m (8in), whereas 10m (32ft) is the minimum required.

The proposed development complies with most of the regulations of the Shoreline Residential Zone; any non-compliances have been addressed in this application. The subject application seeks relief from the Zoning By-law to permit the reduced rear yard setback. The application will not result in any site alteration in the EP Zone or physical shoreline.

FOUR TESTS FOR MINOR VARIANCE

1. Is the application minor in nature?

The subject application is to permit a rear yard setback of 0.2m (8in), whereas 10m (32ft) is the minimum required. This is a variance of 9.8m (32.2ft). The rear lot line abuts a quiet, well vegetated road allowance, and given the distance between neighbours, it is our opinion that this variance is minor.

The surrounding property owners have expressed no concern regarding the reduction in setback and is fully supportive regarding the location of the structure. Public comments/signatures obtained by the surrounding neighbours are attached as **Appendix II**. The well-established test as to whether a variance is minor is that of qualitative impact and not necessarily numerical or quantitative. The reduced setback in this case, will have no impacts on the environment aesthetics or character of the area and is therefore in our professional opinion, minor in nature.

2. Is the application desirable for the appropriate development or use of the land, building or structure?

The proposed Minor Variance for the garage abutting the rear yard is desirable and appropriate for the use of land, as it is appropriate in size and will provide storage and utility for the existing dwelling. The placement of the structure in proximity to the driveway allows the property owner to efficiently and effectively store and retrieve items from the dwelling and vehicles. The location also provides sufficient setbacks from the side lot lines, and remains close to the main structures, without obstructing views to and from the house and road.

There are several single-family homes with detached one to two-storey garages in the immediate area and the proposal is therefore in character with the neighbourhood. The owner will be using the garage for personal use and has no intention of expansion or commercial use.

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

3. Is the application keeping with the general intent and purpose of the Zoning By-law?

Generally, the intention of a 10m rear yard setback is to reduce the interference and disturbance to abutting properties. Supporting letters were provided by the neighbours most directly affected to the east, west, and across the road, showing that the proposed garage will not cause a significant disturbance to their property use.

There is an adequate vegetation buffer to reduce any visual disturbance to neighbours. In regard to road maintenance, the proposed garage is not encroaching on municipal property, and there is a significant distance from the structure to the paved road, including a ditch. Lastly, the lot coverage will not exceed the permitted maximum.

Therefore, it is our opinion that the proposed Minor Variance to reduce the rear yard setback complies with the general intent and purpose of the Zoning By-law.

4. Is the application keeping with the general intent and purpose of the Official Plan?

The main objectives of the local Official Plan for lands designated Shoreline and Rural is to preserve the rural character of the Municipality by preventing incompatible land uses and protecting shoreline and agricultural land. The Official Plan also seeks *to maintain or enhance the natural environment in the Municipality as an ecosystem comprised of many related components and linkages between these areas and to control the density and intensity of development on the lakes in the Municipality in order to protect the natural features and visual qualities of the shoreline and to ensure development on the lake does not exceed the biological or recreational capacity of any water body.*

The proposed Minor Variance is not intended to change the land uses and intensity of the property. The existing residential use has been contributing to the neighbourhood character and the associated proposed garage will not impact said use. The lot coverage is in keeping with low density impact.

The proposed garage, and overall development is setback from the shoreline and does not negatively impact the natural features or visual quality of water way or shoreline.

Lastly, the proponent has no intention to remove the vegetation on the property, contributing to the maintenance of the natural heritage system of the area.

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

SUMMARY & CONCLUSION

During the Pre-consultation stage of this application, Staff indicated that they could not support this application, citing the reduced setback, potential roadwork and hydro lines; this report has addressed all concerns. Staff also indicated that a Zoning By-law Amendment would be more appropriate, but as illustrated in this report, the proposal achieves the four tests of a minor variance (the Pre-consultation Memo is attached as **Appendix III**).

In summary, we would like to request the following Minor Variance:

1. To permit a rear yard setback of 0.2m (8in), whereas 10m (32ft) is the minimum required.

The rationale and summary for the proposed Minor Variance is as follows:

- There are no significant natural and hydrological features adjacent to the proposed building location, therefore, the proposed minor variance will not negatively affect those features.
- Allowing the proposed Minor Variance would allow the property owner to better utilize the property.
- Magnet Road is low traffic; road maintenance concerns are mitigated by the fact that the proposed garage will be set back from where the physical pavement begins, with a ditch as a buffer.
- The placement of the fill and forms was an honest mistake made by the owner; the cost to relocate the foundation will be significant, and the environmental damage to do so is unknown. The property is quite sloping, and there is limited space to build; moving the proposed garage from the property line would involve moving a large boulder and the household well. With the addition of retaining walls, the owner has estimated the cost of relocation to be approximately \$100,000.
- Concerns regarding the hydro lines are an issue between the hydro company and the applicant, not the Municipality.
- The proposed Minor Variance will remain in character and compatible with the surrounding land use and will not adversely affect the abutting properties. In fact, the property directly across the road (49 Magnet Road), and several properties in the area, have detached garages.
- The proposal satisfies the four tests for a Minor Variance in the sense that:
 - a. It maintains the general intent of the official plan
 - b. it maintains the general intent of the zoning by-law
 - c. it is desirable for the appropriate development of the property
 - d. it is minor in nature

It is our professional opinion that this proposal for a Minor Variance is justifiable as it meets the four tests for a Minor Variance, complies with all applicable provisions of the Zoning By-law, conforms to the Municipality's Official Plan, and is consistent with The Provincial Policy Statement and The Planning Act. Moreover, the proposed garage and reduced setback will have no aesthetic, environmental or social impacts and represents good planning.

We respectfully request that the proposed setback reduction for the rear yard be approved.

RESPECTFULLY SUBMITTED BY:



Cassie Sauer, CPT
Marie Poirier Planning & Associates Inc.

APPROVED BY:



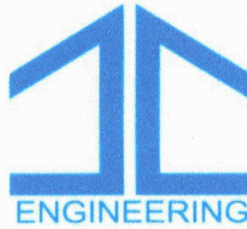
Marie Poirier, MCIP, RPP
Marie Poirier Planning & Associates Inc.

Appendix I

E. Builder (optional)				
Last name		First name	Corporation or partnership (if applicable)	
Street address			Unit number	Lot/con.
Municipality	Postal code	Province	E-mail	
Telephone number	Fax		Cell number	
F. Tarion Warranty Corporation (Ontario New Home Warranty Program)				
i. Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
ii. Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
iii. If yes to (ii) provide registration number(s): _____				
G. Required Schedules				
i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.				
ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.				
H. Completeness and compliance with applicable law				
i) This application meets all the requirements of clauses 1.3.1.3 (5) (a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted). Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the <i>Building Code Act, 1992</i> , to be paid when the application is made.			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> .			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
iv) The proposed building, construction or demolition will not contravene any applicable law.			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
I. Declaration of applicant				
James Baird _____ declare that:				
(print name)				
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.				
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.				
_____		_____		
Date		Signature of applicant		

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E5 (416) 585-6666.

JC Engineering INC.
Civil Engineering Services
Box 317
Magnetawan, ON
POA 1P0



Joshua.cleave@gmail.com
(705) 571-5674
www.jcengineering.ca

May 2, 2023

Project: Garage Excavation/Subgrade Preparation
Client: Jim Baird
Address: 44 Magnet Rd, Magnetawan, ON

A review of the excavation and subgrade preparation was completed for the new garage foundation located at 44 Magnet Rd, Magnetawan, ON

In reviewing the work completed, the following information was confirmed;

- Subgrade prepared as per JC2245 Foundation drawings
- TWSG Management INC (James Linde) completed the subgrade excavation/preparation
- All organic material and topsoil excavated down to sound native material
- Native material consisted of dense clay with min bearing capacity of 75kPa
- Excavation backfilled with Granular B and capped with Granular A compacted in 4" lifts with 200lb plate packer
- Subgrade compaction meets the SPDD 98% design requirements confirmed using compactive effort/method testing
- Subgrade preparation extends min 24" past foundation footprint

In reviewing the excavation and subgrade preparation for the new garage foundation, it has been determined that the work completed meets the intent of the design and is acceptable as constructed.

Regards,

Joshua Cleave, P. Eng





Municipality of
Magnetawan

INSPECTION REPORT

Permit # 2023-001

E: cbo@magnetawan.com | P: 705-387-4029 | F: 705-387-4875
4304 Highway 520 PO Box 70 Magnetawan, ON P0A 1P0

Site Address: 44 MAGNET RD Magnetawan P0A 1P0

Roll Number: 494403000302339

Contact: JAMES EDWIN BAIRD

Inspection #: 001

Inspection Type: Footings

Inspection Status: Failed

Inspector: Tyler Irwin (BCIN: 36356)

Inspection Request Received:

Date/Time of Inspection: May 9, 2023 11:00 AM

Date of Notification:

Comments/Remarks:

Setback from slab forms to shoulder of road measured 20' (+/-), approved site plan shows 36' to lot line. Property markers will need to be located and string line setup to verify at least the minimum measurement of 33' is met as per Zoning By-law. Alternatively a Zoning Amendment could be applied for, property line would still need to be verified.

Please note 24" x 24" corner bars will need to be added and tied to rebar as engineers plans call for 24" overlap.

Conditions:

Overcast, 11°C

Inspector Signature

Appendix II

Hi,

Our address is 47 Magnet Rd.. We are the neighbours of Jim and Tori Baird and have no issues with the planning application.

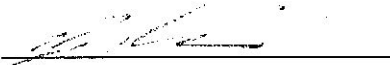
Signature:  _____

Print name: DAVID CAIRUTHERS

Date: MAR 30/2024

Hi,

Our address is 49 Magnet Rd.. We are the neighbours of Jim and Tori Baird and have no issues with the planning application.

Signature: 

Print name: Bryce Chamberlain

Date: 03/29/24

Hi,

Our address is 46 + 48 Magnet Rd. We are the neighbours of Jim and Tori Baird and have no issues with the planning application.


Signature: JPS/L

Print name: Penny Stoker

Date: Mar 29, 24

Hi,

Our address is 42 MAGNET DR. We are the neighbours of Jim and Tori Baird and have no issues with the planning application.

Signature: 

Print name: DAVID LUMMAGE

Date: MARCH 30/24

Hi,

Our address is 51 MAGNET RD MAGNETAWAN. We are the neighbours of Jim and Tori Baird and have no issues with the planning application.

Signature: 

Print name: MIRA LAUMANN

Date: April 11/24

Hi,


Our address is 51 MAGNET RD. We are the neighbours of Jim and Tori Baird and have no issues with the planning application.

Signature: 

Print name: JOSEF LAUMANN

Date: April 1st 2024.

Appendix III

 <p data-bbox="284 268 454 325">Municipality of Magnetawan</p>	<h2 data-bbox="711 205 1266 252">PRE-CONSULTATION MEMO</h2>
To:	Cassie Sauer, Marie Poirier Planning & Associates Inc. via email
From:	Erica Kellogg –Deputy Clerk – Planning and Development
Subject Land:	44 Magnet Road, Magnetawan
Report Date:	March 20, 2024

The purpose of this pre-consultation memo is to provide a general and brief overview of planning requirements for a proposal at Croft M391 Lot 9 PCL 18592, Municipally known as 44 Magnet Road, hereafter referred to as the “subject lands”.

It is understood that the intent of the application is to seek relief from Section 4.2.2 vi) of the current Zoning By-law to accommodate a two-story garage. It is also understood the property owner applied for and was approved a building permit to construct the two-storey garage, however, the initial inspection showcased the permit as approved was not complied with.

The Subject property:

- Is designated Residential Shoreline and Rural in accordance with the Municipality of Magnetawan Official Plan, Land Use Schedule ‘A’;
- Is accessed via Magnet Road, which is a municipally maintained year-round road;
- According to MPAC the subject lands has a total of 65.5m (215 feet) of frontage and a total lot area of 6110.75 square meters (1.51 acres);
- Is Zoned Shoreline Residential and Environmental Protection within the Municipality of Magnetawan Zoning By-law; and
- Currently has an existing dwelling and three outbuildings.

As noted, the subject lands are zoned Shoreline Residential (RS), as with RS Zones, minimum setbacks are 10.m (32ft) from the rear lot line unless the proposed structure is less than 5m in height. The applicant has provided a site plan which showcases the proposed structure will have a set back from the rear lot line of 0.2m (8inches).

Magnet Road is 68m in width in some areas, with the proposed setback there is a potential that the proposed structure could be established on Municipal lands. Additionally, should the Municipality in future intend to conduct road work the proposed setback would significantly impact and potentially hinder such. It is also unclear from the proposal if the proposed structure would comply with the required setbacks from existing hydro lines.

Upon a thorough review, it is of the opinion of Staff the proposed setback is not appropriate planning and does not equate to a Minor Variance. Rather, should an application be supplied the proposal is more suited to a Zoning By-law Amendment Application. Either application would not be supported by a Staff Report.

I trust this provides you with the background information associated with the proposal. Please do not hesitate to contact the office should you have any questions or require any additional information.

Erica Kellogg
Deputy Clerk
Planning and Development

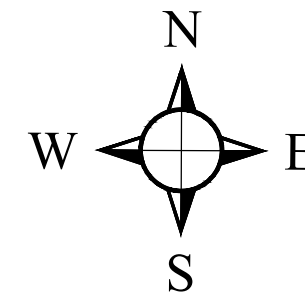
Appendix IV

SITE PLAN For Minor Variance

Total Area: 0.6ha (1.5ac)

Existing	Area	Coverage
Detached Dwelling	115.0m ²	
Deck	29.3m ²	
Shed 1	8.9m ²	
Shed 2	11.1m ²	
Shed 3	11.1m ²	
Outhouse	3.2m ²	
Total	178.6m²	3.0%

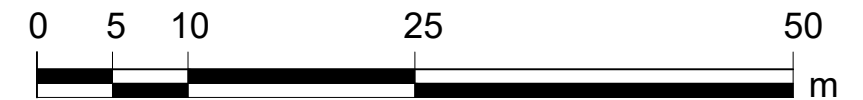
Proposed	Area	Coverage
Garage	44.6m ²	
Total	223.2m²	3.7%



Produced by Marie Poirier Planning & Associates Inc.

DISCLAIMER

The information contained herein is intended for information and discussion purposes. It does not represent a plan of survey.



Civic Address: 44 Magnet Road

Owner: James & Victoria Baird

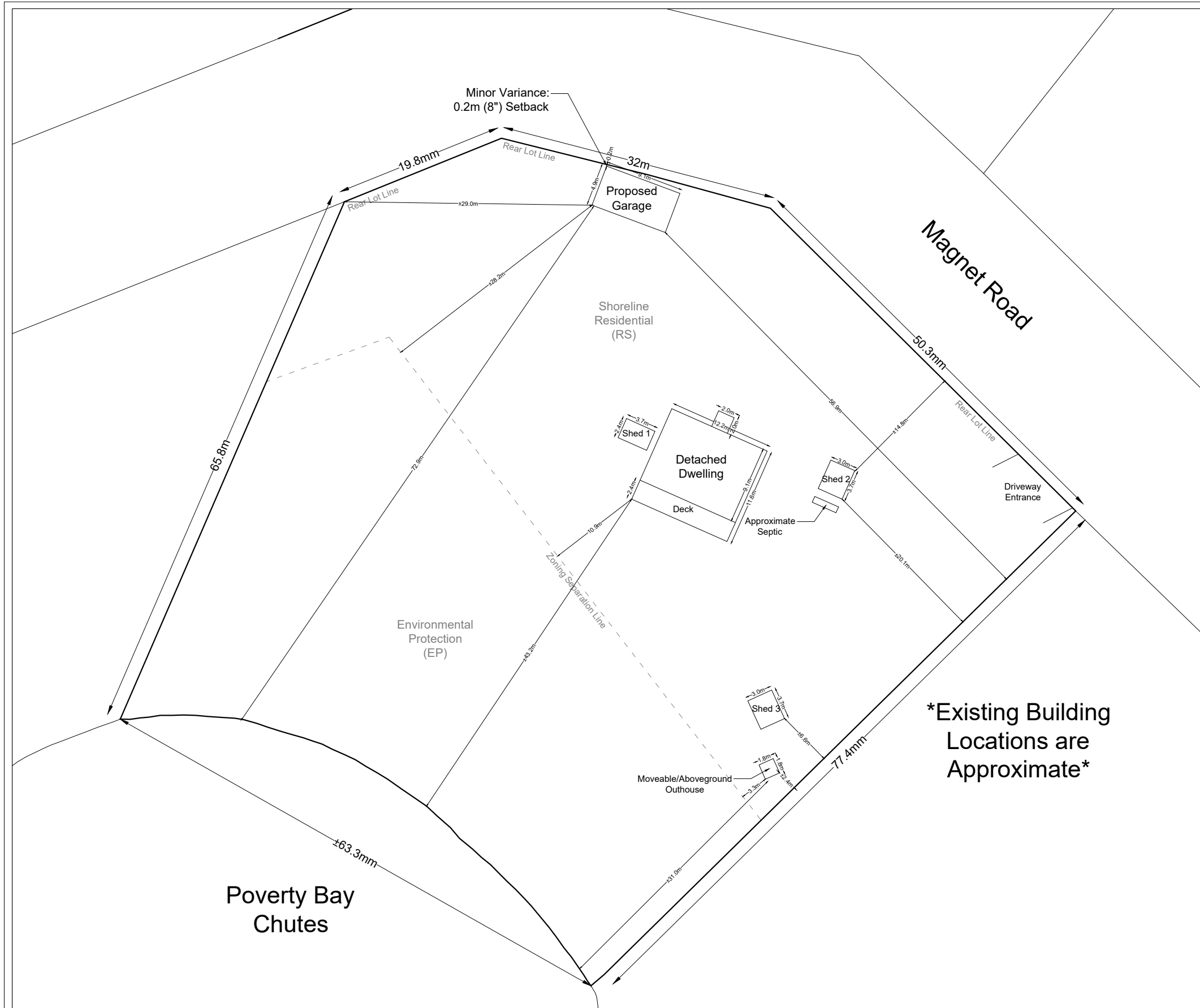
Drawing By: Cassie Sauer

Date: 04/02/2024



**MARIE POIRIER
PLANNING & ASSOCIATES INC.**

44-A King William Street, Huntsville, ON, P1H 1G3
Ph: 705-789-9860 E: marie@mpplanning.com



Appendix V



Slab form facing Magnet Road



Slab form



Road pavement facing property



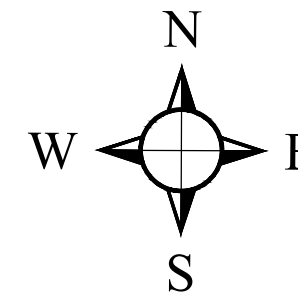
Slab Form with boulder and neighbouring detached garage

SITE PLAN For Minor Variance

Total Area: 0.6ha (1.5ac)

Existing	Area	Coverage
Detached Dwelling	115.0m ²	
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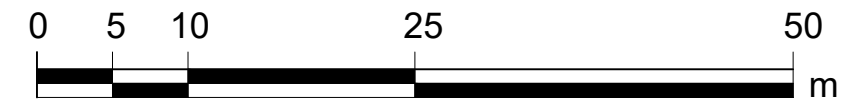
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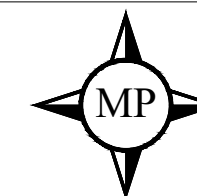


Civic Address: 44 Magnet Road

Owner: James & Victoria Baird

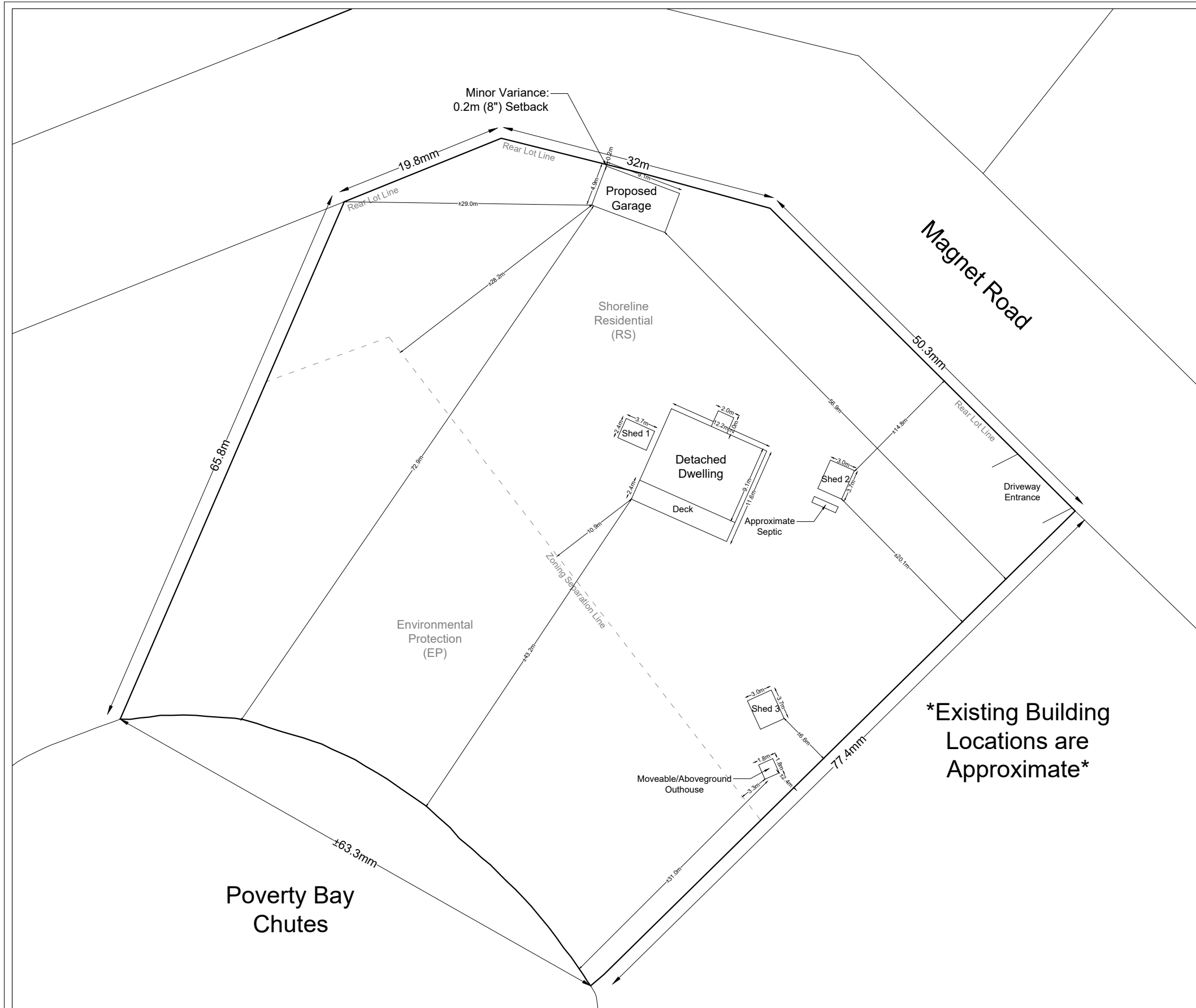
Drawing By: Cassie Sauer

Date: 04/02/2024



**MARIE POIRIER
PLANNING & ASSOCIATES INC.**

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Ph: 705-789-9860 E: marie@mpplanning.com

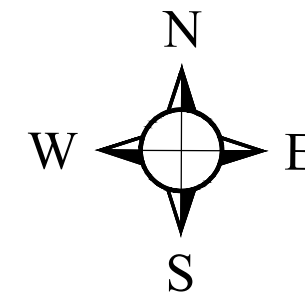


SITE PLAN For Minor Variance

Total Area: 0.6ha (1.5ac)

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Shed 3	11.1m ²	
Outhouse	3.2m ²	
Total	178.6m²	3.0%

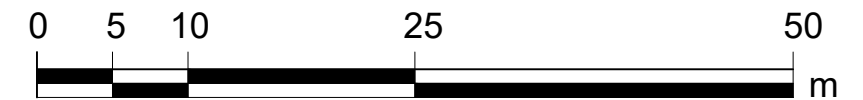
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Civic Address: 44 Magnet Road

Owner: James & Victoria Baird

Drawing By: Cassie Sauer

Date: 04/02/2024



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