

STAFF REPORT

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

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

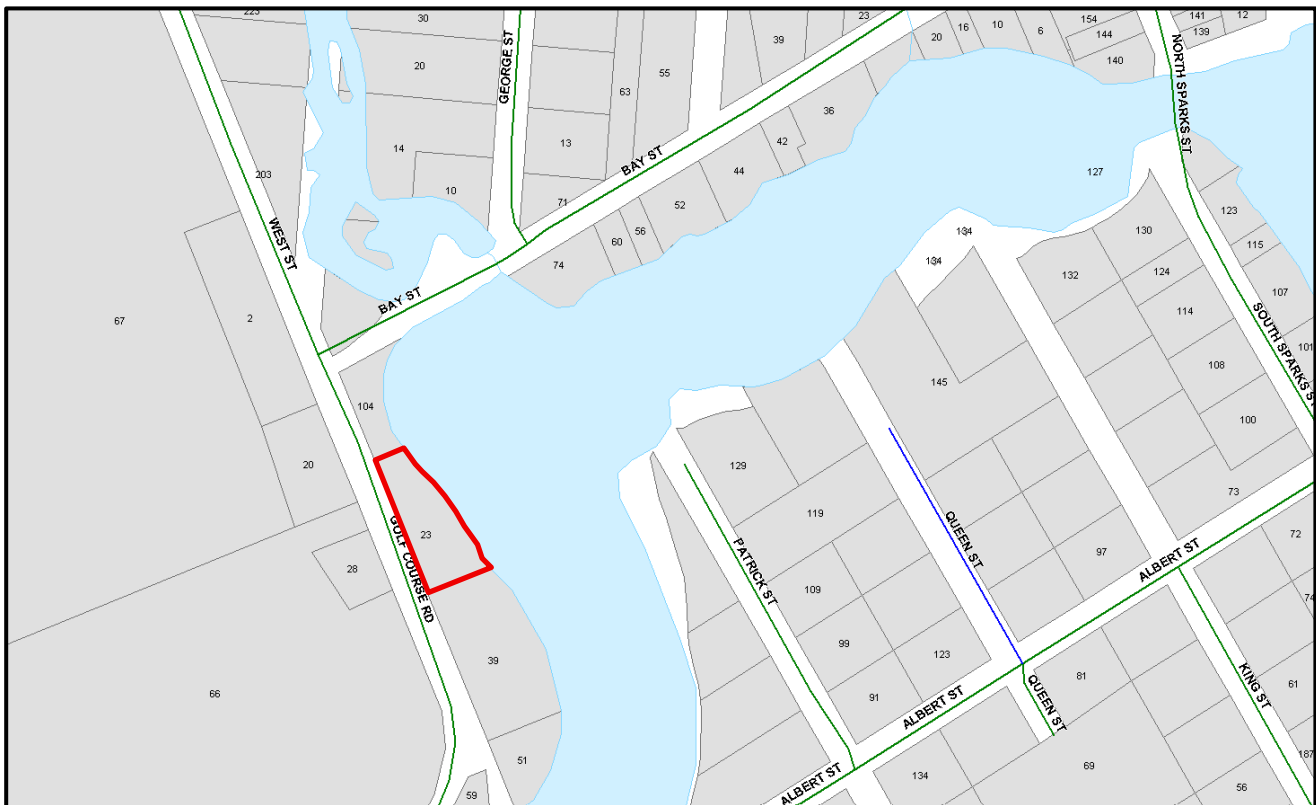
DATE: October 29, 2025

SUBJECT: Minor Variance Application – 23 Golf Course Road (Dick)

Proposal / Background

A Minor Variance application has been submitted by Denis Lachance on behalf of Terry Lynn Dick, who owns the subject property located at 23 Golf Course 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 and an accessory building. The subject property has a lot area of approximately 2,650 square metres and has a lot frontage of approximately 91 metres on the

shoreline of Magnetawan River. The lot line that abuts Golf Course 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 is considered a legal non-complying building because it does not meet the minimum required setback from the shoreline of the river and the minimum required rear yard of the Shoreline Residential (RS) Zone.

The owner is proposing to construct a covered porch, an addition to the dwelling, and an addition to the deck on the subject property (outlined in red). The existing and proposed development is shown on Figure 2 and Figure 3.

Figure 2: Existing and Proposed Development

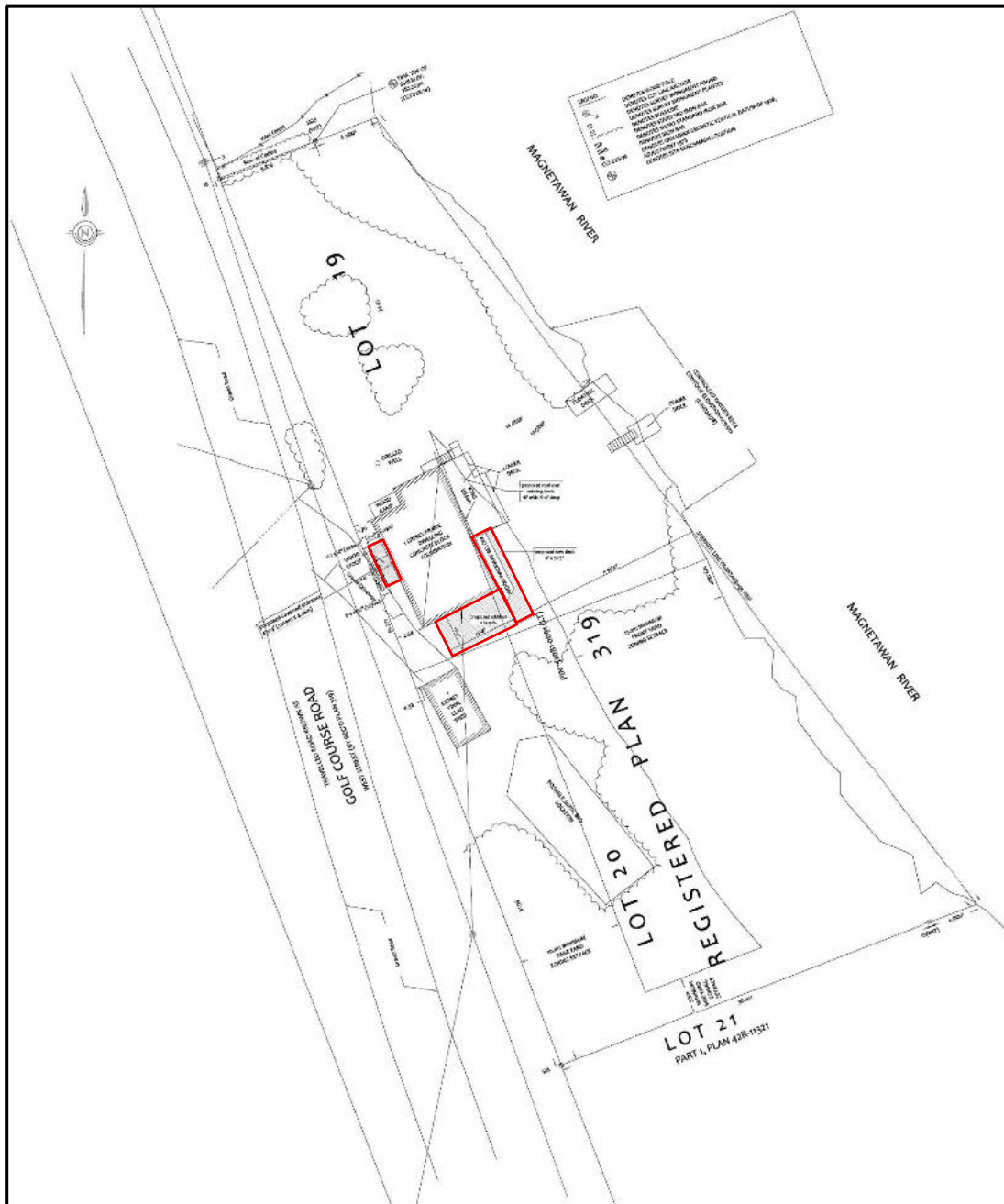
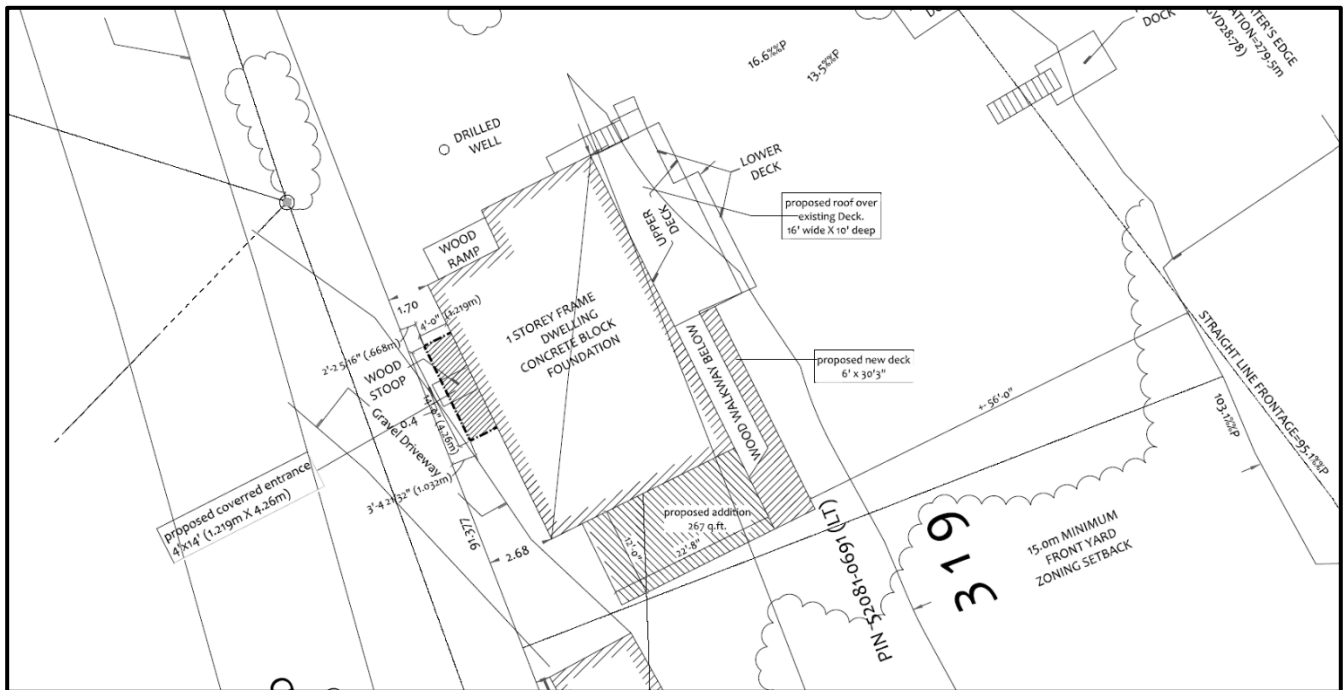


Figure 3: Existing and Proposed Development



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

- 1) Section 3.19 a) i) – The existing dwelling and attached deck are considered legal non-complying buildings and structures. The proposed additions are located within the required minimum setbacks (from the shoreline of the river) and minimum required rear yard of the Shoreline Residential (RS) Zone in the Zoning By-law.
- 2) Section 3.27 – To permit an addition to the existing dwelling that is located 18.5 metres from the shoreline of the river and an attached deck (a portion is covered) that is located 17 metres from the shoreline of the river. The existing dwelling is located 19 metres from the river, and the existing deck is located 17 metres from the river. Section 3.27 of the Zoning By-law requires a minimum setback of 20 metres from a river and decks are only permitted to encroach 2 metres into the setback (i.e. a minimum setback of 18 metres).
- 3) Section 4.2.2 vi) – To permit a covered porch on the roadside of the subject property that is located 0.6 metres from the lot line abutting Golf Course Road which is considered the rear lot line. The existing dwelling is located 1.7 metres from the rear lot line. Section 4.2.2 vi) of the Zoning By-law requires a minimum rear yard of 10 metres.

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 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 covered porch, an addition to the existing dwelling and an addition to the deck on the subject property. Variances are required to reduce the required setback from the shoreline of the river and to reduce the minimum required rear yard as a result of the proposed development.

The proposed variances are not expected to impact the character of the area and the proposed setbacks from the river are similar to that of other dwellings 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 and accessory building. As a result of the proposed development, variances are required to the following sections of the Zoning By-law:

- 1) Section 3.19 a) i) – The existing dwelling and attached deck are considered legal non-complying buildings and structures. The proposed additions are located within the required minimum setbacks (from the shoreline of the river) and minimum required rear yard of the Shoreline Residential (RS) Zone in the Zoning By-law.

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 is 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. The proposed development results in a reduction to the required setbacks and yards in the Zoning By-law, which are further outlined in the other two required variances.

- 2) Section 3.27 – To permit an addition to the existing dwelling that is located 18.5 metres from the shoreline of the river and an attached deck (a portion is covered) that is located 17 metres from the shoreline of the river. The existing dwelling is located 19 metres from the river, and the existing deck is located 17 metres from the river. Section 3.27 of the Zoning By-law requires a minimum setback of 20 metres from a river and decks are only permitted to encroach 2 metres into the setback (i.e. a minimum setback of 18 metres).

The intent of the minimum setback from a watercourse (the Magnetawan River) of 20 metres within the Zoning By-law is to ensure an adequate setback from the shoreline is required to maintain the character of the shoreline area and to provide an opportunity for natural vegetation to be maintained between development and the shoreline.

The proposed addition to the dwelling and the deck has resulted in a slight reduction to the existing setback from the shoreline of the river. The agent and owner have attempted to maintain the existing setbacks as much as possible, and the proposed setback appears to be adequate on the subject property to maintain an area between the development and the shoreline of the river. The section of the deck that is proposed to be covered is existing.

- 3) Section 4.2.2 vi) – To permit a covered porch on the roadside of the subject property that is located 0.6 metres from the lot line abutting Golf Course Road which is considered the rear lot line. The existing dwelling is located 1.7 metres from the rear lot line. Section 4.2.2 vi) of the Zoning By-law requires a minimum rear yard of 10 metres.

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. The area where the covered porch is proposed is already used as a porch, however it is understood that the proposal is to cover this area for safety purposes, i.e. to prevent snowfall on the porch area. The proposed porch does not impact parking and access to the subject property, and the porch appears to be sufficiently setback from the edge of the travelled road.

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 shoreline of the river and the road is the key aspect of public interest to be considered. Due to the undersized nature of the subject property and the properties to the north and south also have dwellings located close to the rear lot line and shoreline, 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?

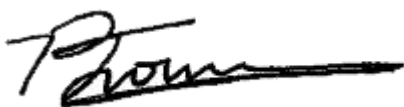
Planning staff have not had an opportunity to conduct a site visit, however based on the review of aerial photography and the drawings that have been provided, the proposed variances appear to be minor in nature. There is an existing dwelling on the subject property, and the location of the porch, dwelling and deck 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 variances that are in substantial compliance with the drawings submitted with the Minor Variance application for the property located at 23 Golf Course Road:
 - a. An addition to the existing dwelling with a setback of 18.5 metres from the shoreline of the river;
 - b. An addition to the existing deck (a portion being covered) with a setback of 17 metres from the shoreline of the river; and,
 - c. A porch with a minimum rear yard of 0.6 metres.

Respectively submitted,



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