

**THE MUNICIPALITY OF MAGNETAWAN**

**STAFF REPORT**

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

FROM: Patrick Townes, BA, Bed and Jamie Robinson, BES, MCIP, RPP  
MHBC Planning Limited

DATE: October 16, 2024

SUBJECT Minor Variance Application – Edelbrock  
80 Oak Lane, Municipality of Magnetawan

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**Recommendation**

Based on the land use planning analysis contained in this Staff Report, MHBC Planning Limited recommends the following:

**THAT** Council receive the Staff Report dated October 16, 2024 respecting the Minor Variance application for 80 Oak Lane (Edelbrock); and,

**THAT** Council approve the Minor Variance application to permit the proposed development at 80 Oak Lane (Edelbrock) in accordance with the following, in accordance with the drawing submitted with the application:

- Minimum Front Yard of 14.7 metres; and,
- Maximum Lot Coverage of 17%.

**Proposal / Background**

A Minor Variance application has been submitted by Planscape Inc. (Agent) on behalf of the property owner, Andre Edelbrock. The subject property is located at 80 Oak Lane in the Municipality of Magnetawan and is legally described as CHAPMAN CON B PT LOTS 84 AND 85 PLAN PSR1959 PART 13 PLAN PSR2008 PART 13 RP 42R22000 PARTS 1 AND 2.

Planscape Inc. submitted a planning justification letter with the Minor Variance application. The purpose and effect of the application is to permit the reconstruction of a dwelling, a new boathouse/dock, and a new accessory building (garage). The proposed dwelling slightly encroaches into the minimum frontage yard requirement for the Shoreline Residential (RS) Zone and the proposed development exceeds the maximum lot coverage that is permitted. Variances are proposed to the following sections of the Zoning By-law:

- Section 4.2.2 iii) – The minimum front yard requirement is 15 metres. The proposed new dwelling has a front yard of 14.7 metres. A variance is sought to reduce the front yard by 0.3 metres.
- Section 4.2.2 vii) – The maximum permitted lot coverage is 15%. The owner is proposing a new dwelling, boathouse, and garage with a proposed lot coverage of 17%. A variance is sought to permit an additional 2% of lot coverage on the subject property.

The subject property has a lot area of 0.26 hectares (0.63 acres) and a lot frontage of 32.5 metres on Ahmic Lake. The boundaries of the subject property were revised through a previous Consent application and the subject property was enlarged through this process. There is an existing dwelling and boathouse on the subject property.

The location of the subject property is shown on Figures 1 and 2, which have been copied from the planning justification letter that was submitted with the application.

Figure 1: Location Map

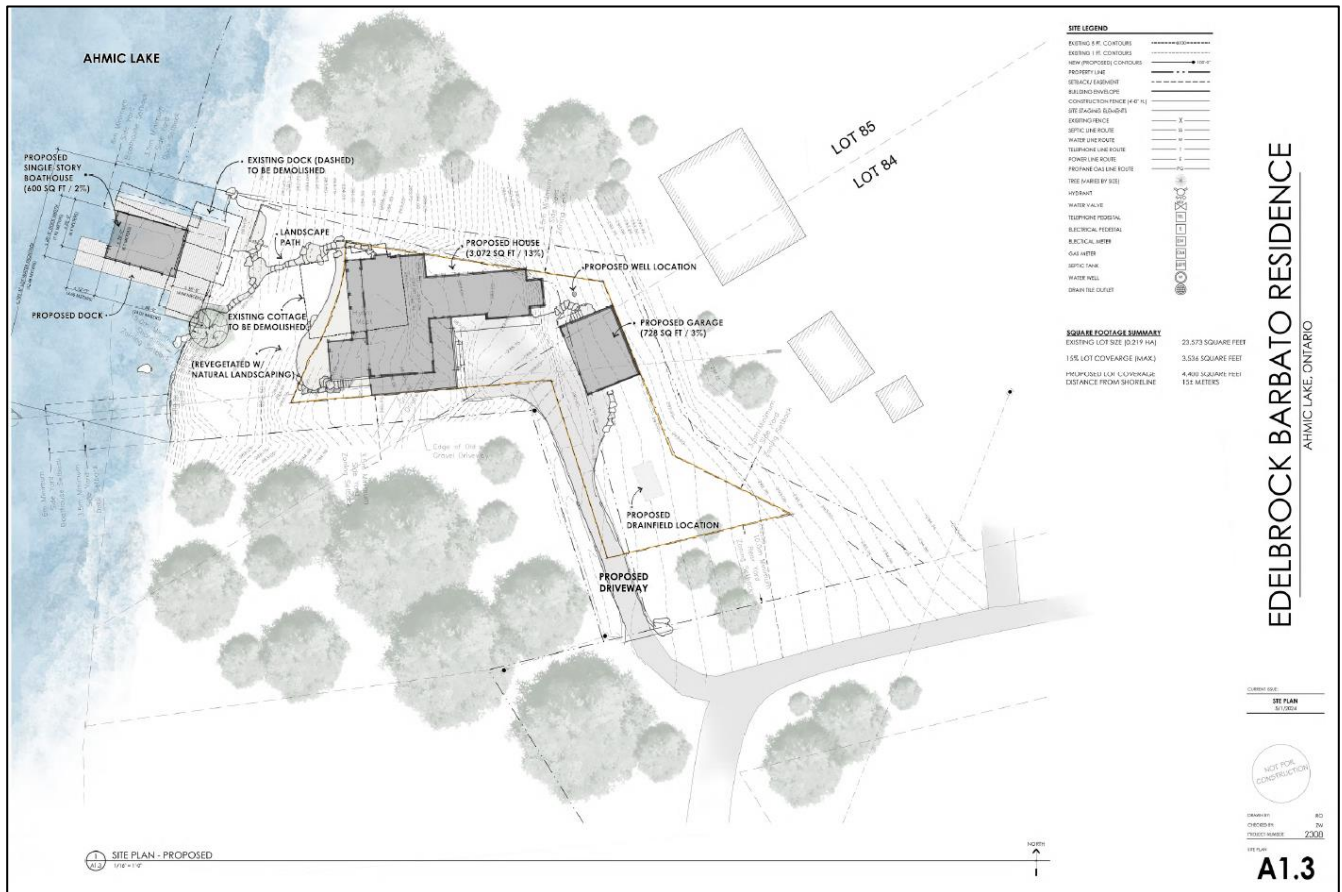


Figure 2: Detailed Location Map



An excerpt of the proposed site plan showing the proposed development has been included as Figure 3.

Figure 3: Proposed Development



Aside from the developed areas on the subject property, the area is treed and naturally vegetated. The subject property is accessed via Oak Lane which is a municipally year-round maintained road.

**Area Context and Surrounding Lane Uses**

**North:** Shoreline residential properties

**East:** Forested Lands

**South:** Shoreline residential properties

**West:** Ahmic Lake

## **Policy Analysis**

### **Planning Act**

The application has been submitted in accordance with Section 45(1) of the *Planning Act* and the application must be considered in accordance with the four tests under that section of the Act. Section 3 (5) of the *Planning Act* states that all planning decisions must be consistent with Provincial Policy Statements issued under subsection (1), including decisions respecting applications for Minor Variances.

### **Provincial Policy Statement**

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development, where all land use planning decisions are required to be consistent with the PPS. The subject lands are classified as “Rural Lands” within the PPS, where it is recognized in Section 1.1.5.2 of the PPS that resource-based recreational development, including recreational dwellings (and associated accessory buildings and structures), are permitted uses on Rural Lands.

The proposed development is to be serviced by a private well and septic system which is consistent with the policy direction of the PPS. There are no concerns from a natural heritage perspective or a natural hazards perspective.

The proposed development and the proposed variances are consistent with the PPS.

### **Fours Tests**

The following describes the four tests for a Minor Variance as set out in Section 45 (1) of the *Planning Act* and provides a review and analysis of the subject application.

#### ***Is the general intent and purpose of the Official Plan maintained?***

The subject property is designated as Shoreline in the Municipality’s Official Plan. Detached dwellings are listed as a permitted use within Section 5.4.1 of the Official Plan for the shoreline designation. The proposed new detached dwelling is located further back from the shoreline than the existing detached dwelling on the subject property, therefore increasing the front yard area on the subject property.

Section 5.4.8 of the Official Plan states that the intent the Official Plan is 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, including the detached dwelling and the boathouse are replacing existing buildings, therefore limiting the vegetation removal and disturbance on the subject property. The proposed garage is also located further from the shoreline to the rear of the proposed detached dwelling.

The proposed variances to reduce the required front yard and to exceed the maximum lot coverage maintain the general intent and purpose of the Official Plan.

***Is the general intent and purpose of the Zoning By-law maintained?***

The subject property is located within the Shoreline Residential (RS) Zone in the Municipality's Zoning By-law. The proposed development is permitted within the RS Zone. The proposed development and site plan drawing was reviewed by staff during the pre-consultation process. Other than the required front yard which is being increased compared to the location of the existing dwelling and the proposed lot coverage, all other elements of the proposal comply to the Zoning By-law.

Variations are proposed to the following sections of the Zoning By-law:

- Section 4.2.2 iii) – The minimum front yard requirement is 15 metres. The proposed new dwelling has a front yard of 14.7 metres. A variance is sought to reduce the front yard by 0.3 metres.
- Section 4.2.2 vii) – The maximum permitted lot coverage is 15%. The owner is proposing a new dwelling, boathouse, and garage with a proposed lot coverage of 17%. A variance is sought to permit an additional 2% of lot coverage on the subject property.

The location of the proposed detached dwelling requires a minor deviation from the required front yard of 15 metres in the Zoning By-law. The proposed setback from the shoreline has been increased compared to the location of the existing dwelling and provides for an adequate setback and area to be maintained in the front yard, between the new dwelling and the shoreline.

The proposed lot coverage of 17% does not result in the overdevelopment of the subject property. Access to the property is no concern with the location of the existing driveway and the location of the proposed septic system is to comply with the requirements of the Zoning By-law. The location of the garage is strategic and most likely is screened from view from the lake due to the location of the proposed dwelling.

The proposed variations to reduce the required front yard and to exceed the maximum lot coverage maintain the general intent and purpose of the Zoning By-law.

***Is it desirable for the appropriate development or use of the land?***

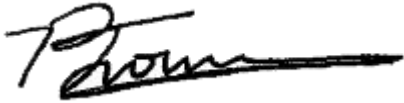
The proposed development on the subject property is representative of the character of the area and shoreline development. The proposed buildings and structures are permitted uses and the location of the new dwelling and boathouse are replacing existing buildings. There has been an effort to utilize the areas of the subject property that have already been developed and to also increase the setback for the dwelling from the shoreline. The proposed development is desirable and appropriate on the subject property.

***Is the variance minor in nature?***

Together with the opinion provided in the planning justification letter and the review of the three previous variations, the proposed variations are minor in nature. The front yard on the subject

property is being increased as a result of the location of the new dwelling and the proposed lot coverage does not result in the overdevelopment of the subject property.

Respectively submitted by:



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