

THE MUNICIPALITY OF MAGNETAWAN

STAFF REPORT

TO: Kerstin Vroom, CAO/Clerk,
Municipality of Magnetawan

FROM: Jamie Robinson, BES, MCIP, RPP & Jonathan Pauk, HBASc, MSc, MCIP,
RPP – MHBC Planning Limited

DATE: April 28, 2021

SUBJECT Minor Variance Application – Lanfer & Goldstein – 20 Kings Cove Road,
Municipality of Magnetawan

Recommendation

MHBC Planning has no objections to the provisional Approval of the requested Minor Variance, subject to the recommended conditions. It is the opinion of MHBC Planning that the variance is minor in nature, is in keeping with the general intent of the Municipality's Official Plan and Zoning By-law and is desirable for the appropriate development and use of the land. The recommended conditions include:

1. Municipal Taxes to be paid to date.
2. That the property owner enter into a Site Plan Agreement with the municipality pursuant to Section 45 (9.1) of the Planning Act in order to establish the following:
 - a. A vegetative protection zone parallel to the shoreline extending inland a distance of 10 metres across the entire frontage of the property with the exception of an access area to the shoreline. This will include a requirement for additional vegetation/plantings to restore the ecological features and functions of the shoreline.
 - b. All costs associated with the Agreement and the registration on title be the responsibility of the property owner.
3. That the construction is in substantial compliance with the plans submitted with the Application

Proposal / Background

A Minor Variance application has been submitted by Jessica Coker (Due North Design) on behalf of the Owners, Todd Lanfer and Tammi Goldstein. The subject property is legally described as Concession 2, Part Lot 26, PCL 7603 SS and municipally known as 20 Kings Cove Road. The subject property is approximately 4,856 square metres (1.2 acres) in lot area and has approximately 57 metres of frontage onto Lake Cecebe. The subject property is currently occupied by a single detached dwelling, a bunkie and two sheds.

The application seeks relief from the Zoning By-law to permit a front yard setback of 13.4 metres to a proposed sunroom addition to the existing dwelling, a front yard setback of 11.4 metres to proposed attached deck #2, a front yard setback of 13.8 metres to a covered deck and a front yard setback of 12.5 metres to proposed deck #1. The Municipality's Zoning By-law as amended, establishes a minimum required front yard setback of 15 metres. The proposed site plan submitted with the application is included as Attachment 1 to this Report.

As shown in the proposed site plan (Attachment 1), the Owners are also proposing a new detached garage and is proposing to relocate the existing bunkie and Shed #2. These components of the proposal do not require *Planning Act* approval and comply with the Municipality's Zoning By-law and as such are not part of the subject application

The property is located on the south side of Kings Cove Road and has direct frontage onto Lake Cecebe as shown in Figure 1.

Figure 1: Location of Subject Lands



Area Context

North: Kings Cove Road, Lake Cecebe Road and rural properties.

East: Existing shoreline residential dwellings fronting onto Lake Cecebe

South: Lake Cecebe.

West: Existing shoreline residential dwellings fronting onto Lake Cecebe.

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 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. All land use planning decisions are required to be consistent with the PPS as noted above.

The subject lands are classified as "Rural Lands" by the PPS. The PPS, specifically Section 1.1.5.2, recognizes resource-based recreational development, including recreational dwellings, as a permitted use on Rural Lands. The applicant is proposing an addition to the existing recreational dwelling on the subject lands. In accordance with Section 1.6.6 of the PPS, the subject lands operate on existing individual water and sewage services. The sewage system will have to comply with by-law and Ontario Building Code requirements.

Section 2 of the PPS contains policies pertaining to the wise use and management of resources, including the long term protection of natural heritage features.

There are no natural heritage feature identified on or adjacent to the lot.

Section 3 of the PPS emphasizes the importance of protecting public health and safety in order to reduce the potential for risk to residents from natural or human-made hazards. There are no identified natural or human-made hazards that would impact the subject lands.

The proposed setbacks to the sunroom, deck and covered deck appear to be located above the flood contour for Lake Cecebe.

It is our opinion that the subject Minor Variance Application is consistent with policies outlined in the PPS.

Four 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 Municipality's Official Plan designated the subject property as "Shoreline" in accordance with Schedule A – Land Use.

Section 5.4.1 of the Official Plan recognizes detached dwellings as a permitted use, and subsequently, accessory uses and structures. The proposed sunroom, decks and covered deck are permitted in the Shoreline designation.

The Flood Hazard policies included in Section 4.2.2 of the Official Plan establish the flood elevation of 284.67m CGD for Lake Cecebe in order to ensure that future development is not susceptible to flooding. The proposed front yard setback to the proposed sunroom is 13.4 metres. Based on aerial imagery and the available contour mapping, it appears the existing dwelling and the proposed habitable sunroom addition are above 285m CGD.

Section 5.4.8, states that, "*new development in the Shoreline Area should be directed to lands that are physically suitable for development in their natural state, in an effort to maintain the area's unique character*". Based on a review of the site plan and aerial imagery, it does not appear that the removal of vegetation is required to facilitate the construction of the sunroom, attached decks or the covered deck and there is a limited amount of vegetation in the front yard. Council could consider a condition for site plan approval to require additional shoreline naturalization and tree plantings on the waterside of the dwelling to provide a visual buffer and enhancement of the shoreline vegetation.

Section 8.2 of the Municipality of Magnetawan Official Plan designates the entire municipality as a site plan control area and sets out general policies concerning site plan control. Municipal By-law 2010-44, as amended, designates the subject lands as an area to which site plan control may apply. If Council considers approval of the variances in whole or in part, Council may wish to also consider imposing the requirement for site plan control approval to require the re-naturalization of the shoreline.

The proposed front yard setbacks to the sunroom, deck and covered deck will ensure that the development is not subject to flooding impacts from Lake Cecebe. As a result and in our opinion, the proposed variances are in-keeping with the intent of the policies of the Official Plan.

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

The subject lands are zoned Shorelines Residential (RS) in accordance with Schedule A-2 of the Municipality's Zoning By-law.

Section 3.13 of the Zoning By-law requires that openings to a habitable building not be located below 285.60 m CGD for lots abutting Lake Cecebe. The existing dwelling and

proposed sunroom openings are above the 285 m CGD contour. No variance is requested to this section of the By-law and the additions must comply to this provision of the By-law

Section 4.2 of the Zoning By-law contains provisions regarding the Shoreline Residential (RS) Zone. Specifically Section 4.2.2 (iii) requires a front yard setback of 15 metres. The intent of this provision of the Zoning By-law is to ensure that development is appropriately setback from the lake, to maintain the character of the area and to enable an area for vegetation preservation and revegetation adjacent to the shoreline. The proposed setbacks for the deck and dwelling are not out of character and provide a suitable area for the maintenance of vegetation and revegetation between the dwelling and the shoreline.

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

Shoreline residential development is permitted in the Shoreline Residential Zone. The public interest is ensuring that development is setback an appropriate distance from the shoreline to maintain the character of the area and ensuring that a vegetation area is preserved in the front yard. While the proposed variance provides for a reduction in the required setback, it also provides the opportunity to apply site plan control and require revegetation of the front yard, which would be a net improvement in the vegetation cover in the front yard. This could assist to improve water quality and enhance the character of the area. The variances are desirable

Is the variance minor in nature?

The proposed minor variance would enable a covered deck, two attached decks and a sunroom to be constructed onto an existing single detached dwelling. The minor variances would allow for the continued use of the subject property at a scale and density that is consistent with the vision for the area of the Municipality over the long term.

It is our opinion that the variance is minor in nature.

Comments From Departments

Public Works

- No concerns.

Fire Chief

- No concerns.

Building Department

- No comment.

Respectively submitted by:



Jonathan Pauk HBASc, MSc, RPP
Planning Consultant
MHBC Planning

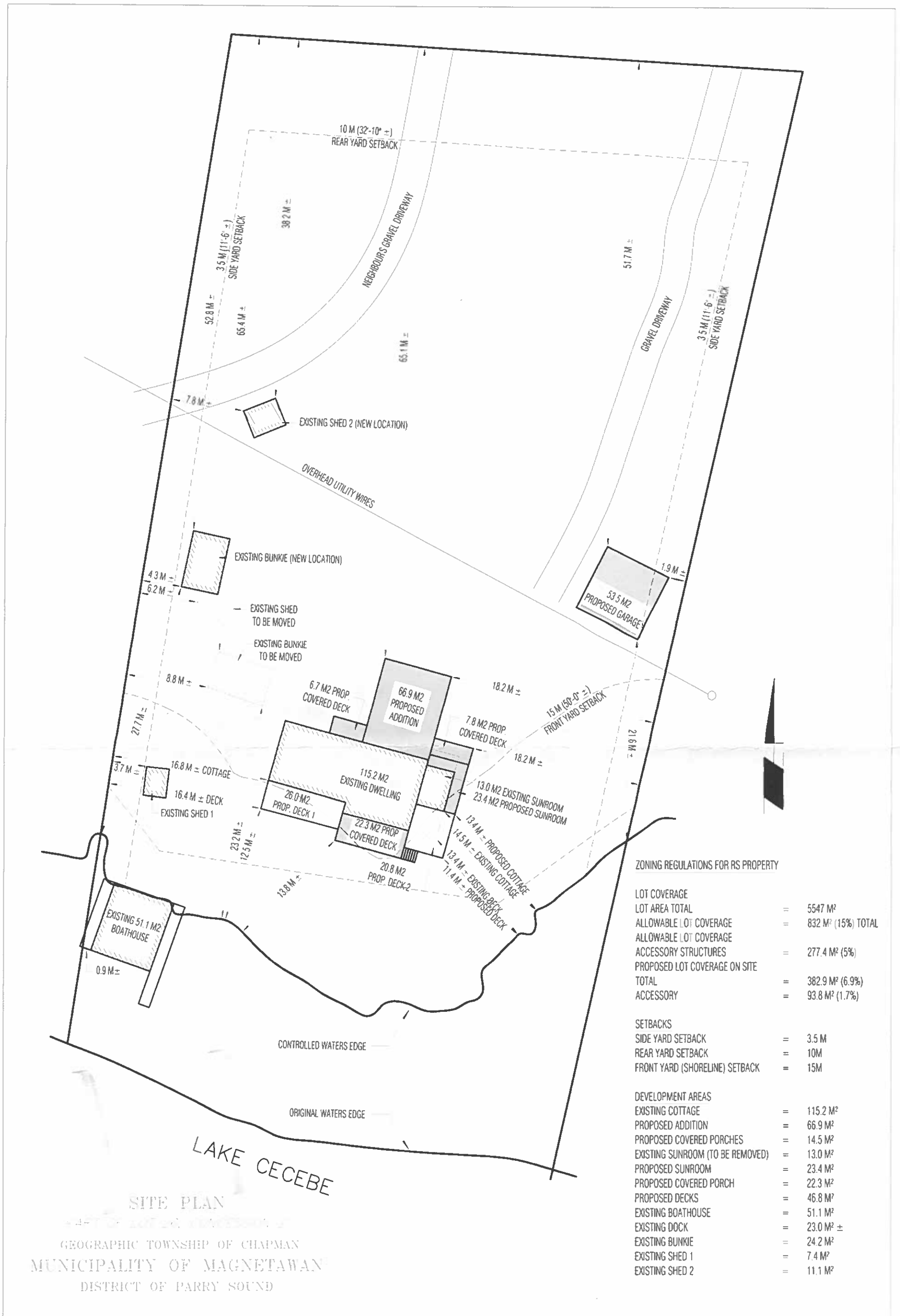


Jamie Robinson, BES, MCIP, RPP
Planning Consultant
MHBC Planning

Attachments:

Attachment 1 – Proposed Site Plan

Attachment 1



ZONING REGULATIONS FOR RS PROPERTY

LOT COVERAGE	
LOT AREA TOTAL	= 5547 M ²
ALLOWABLE LOT COVERAGE	= 832 M ² (15%) TOTAL
ALLOWABLE LOT COVERAGE	
ACCESSORY STRUCTURES	= 277.4 M ² (5%)
PROPOSED LOT COVERAGE ON SITE	
TOTAL	= 382.9 M ² (6.9%)
ACCESSORY	= 93.8 M ² (1.7%)
SETBACKS	
SIDE YARD SETBACK	= 3.5 M
REAR YARD SETBACK	= 10 M
FRONT YARD (SHORELINE) SETBACK	= 15 M
DEVELOPMENT AREAS	
EXISTING COTTAGE	= 115.2 M ²
PROPOSED ADDITION	= 66.9 M ²
PROPOSED COVERED PORCHES	= 14.5 M ²
EXISTING SUNROOM (TO BE REMOVED)	= 13.0 M ²
PROPOSED SUNROOM	= 23.4 M ²
PROPOSED COVERED PORCH	= 22.3 M ²
PROPOSED DECKS	= 46.8 M ²
EXISTING BOATHOUSE	= 51.1 M ²
EXISTING DOCK	= 23.0 M ² ±
EXISTING BUNKIE	= 24.2 M ²
EXISTING SHED 1	= 7.4 M ²
EXISTING SHED 2	= 11.1 M ²

SITE PLAN
 PART OF LOT 26, CONCESSION 5
 GEOGRAPHIC TOWNSHIP OF CHAPMAN
 MUNICIPALITY OF MAGNETAWAN
 DISTRICT OF PARRY SOUND

DUE NORTH
DESIGN & DRAFTING

www.duenorthdesign.ca
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 5 River House Lane
 Huntsville ON P1H 2J3

NOTES

LANFER

SITE PLAN

Address:
 20 KINGS COVE RD
 MAGNETAWAN ON

Project Number: 21-06

Date: Feb 10, 2021

Drawn By: J.C.

SP-1

Scale: 1/32" = 1'-0" REV: