 <p><b>Municipality of Magnetawan</b></p>	<p><b>STAFF PLANNING REPORT</b></p>
To:	Mayor and Council
From:	Erica Kellogg – Deputy Clerk – Planning and Development
Subject Land:	Con 9 Lot 21 legally known as Con 9 Lot 21 (Tot)
Report Date:	April 16 <sup>th</sup> , 2025

### **Background**

A Zoning By-law Amendment application has been submitted by Jonny Tot (owner) to permit an existing hunt camp and outbuilding that were built without the required building permits, on the subject land located at Con 9 Lot 21 in the former Township of Croft, now in the Municipality of Magnetawan.

Section 3.8 of the Zoning By-law permits the establishment of Hunt Camps when access to the subject lands is via an unopened road allowance. Section 3.12 permits a Hunt Camp to be established on lands designated Rural, the subject lands are zoned Rural Residential. This application has been brought forward as the existing uses does not comply with the current Zoning By-law and the permitted uses in Rural Residential Zones.

The subject lands are located approximately 198 meters north of Stayner's Road which is a municipally owned and year-round maintained road. Direct access to the subject lands is an unopened road allowance off of Stayner's Road, shown in Figure 1. In total the subject lands are approximately 2.4 ha (6acres) in size.

According to MPAC the subject land is currently developed with a single-family detached dwelling and a detached garage, both structures are subject to the Zoning Amendment application. It is worth noting MPAC does not have a classification for a hunt camp, thus the structure is assessed as a single family dwelling. The subject land is serviced by an individual on-site sewage the applicant has indicated water is not available on the subject lands. Figure 2, provided by the applicant showcases the existing structures.

**Figure #1: Location of Subject Land**

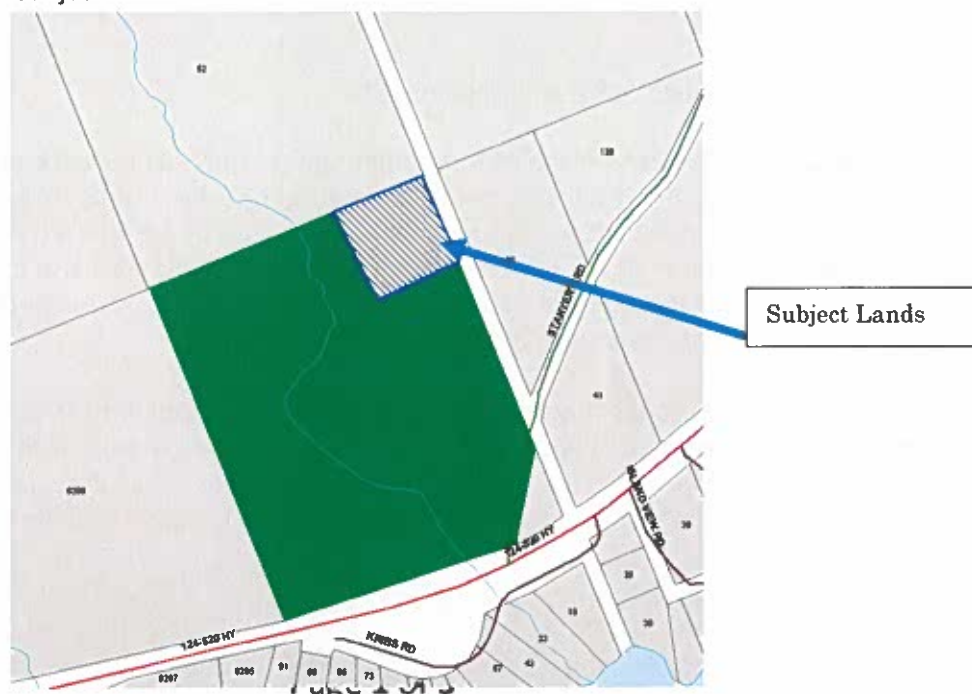
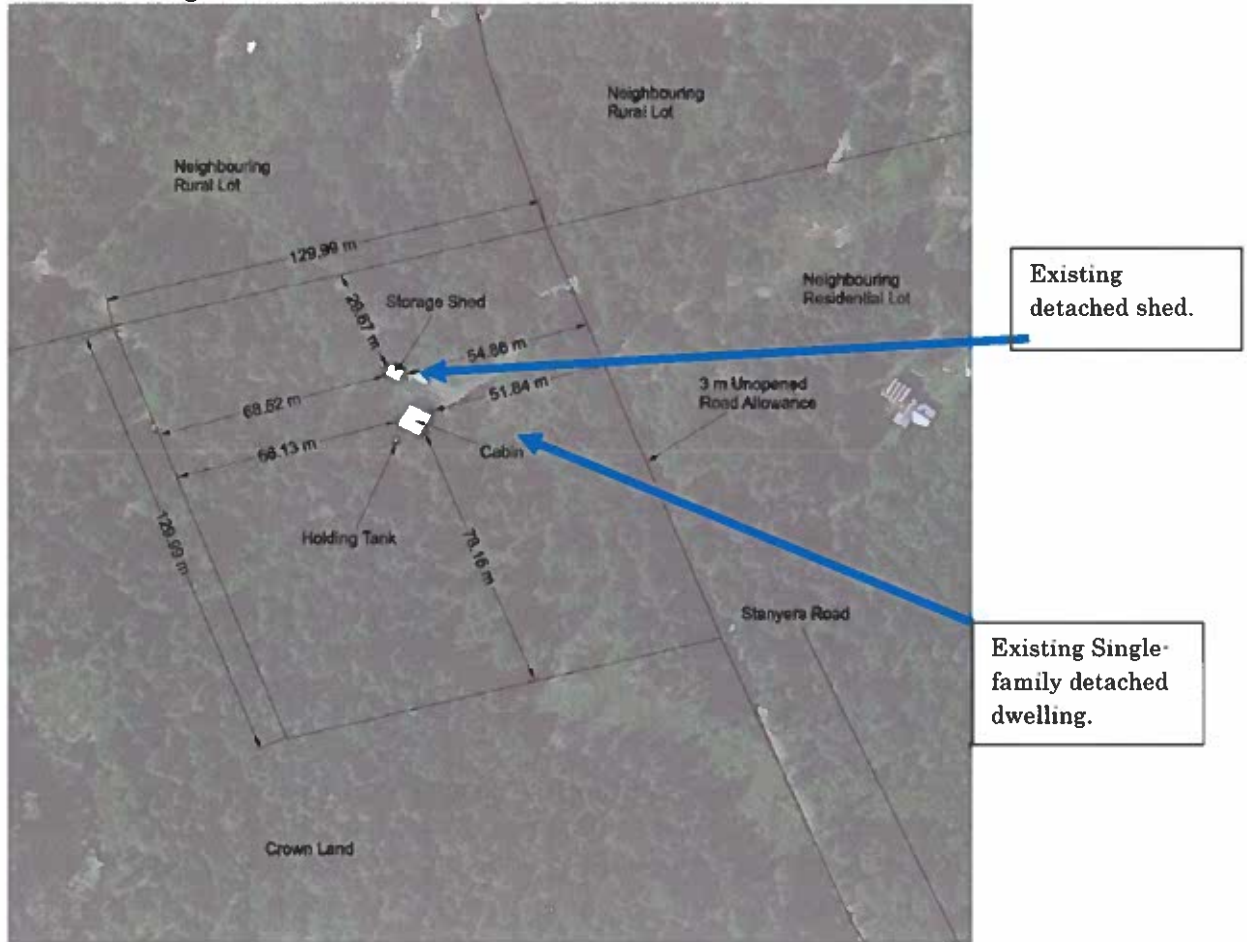


Figure #2: Sketch of Existing Structures



### **Land Context**

As seen in Figure #2, the subject land has a total area of 2.4ha (6acres) with 130 metres of frontage onto the municipally owned unopened road allowance and 130 metres of depth. The surrounding uses include residential to the south and southeast along with additional hunt camps located to the north and northeast of the subject lands. The large swath of lands in Figure #1 shown in green, represent Provincially owned Crown Land.

### **Policy Considerations**

#### **Provincial Planning Statement (PPS) and Planning Act**

When making land use decisions, Planning Authorities must ensure that the decisions are consistent with both the Planning Act and the PPS. In the context of the PPS, the subject lands are located within the Rural designation. Section 2.6 of the PPS permits uses that include *“resource-based recreational uses (including recreational dwellings not intended as permanent residences)”*. Section 2.6 also provides the permitted use in Rural lands as *“the management or use of resources”*. A hunt camp is a permitted resource based recreational use in lands designated as Rural.

Section 2.6 3) of the PPS states that *“development shall be appropriate to the infrastructure, which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure”*. The subject lands are accessible only by a municipally owned unopened road allowance to which municipal services such as road maintenance is not provided. A hunt camp is a permitted use within the Rural lands.

Section 2.6 4) of the PPS provides that *“planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses”*. A hunt camp would be a permitted use within the Rural lands.

#### Municipality of Magnetawan Official Plan

The Municipality’s Official Plan provides direction on growth and development as it pertains to lands within Magnetawan. The Official Plan gives policy direction to address the environment, cultural and built heritage, natural resources and transportation. Schedule A and Schedule B of the Official Plan identifies the subject land as Rural, shown in Figure 3 and 4.

Figure #3: Official Plan Excerpt, Schedule A



Figure# 4: Official Plan Excerpt, Schedule B



Section 5.2 of the Municipality’s Official Plan (the Plan) states that permitted uses within the Rural designation include among other things hunt camps.

Section 6.2 of the Plan states that where seasonal development is proposed on an unmaintained municipal road allowance *“Council may permit the development only where the owner enters into an agreement that acknowledges that municipal services to the lands may not be available to the lands and that the Municipality assumes no liability to provide services to the development”*. Council can require the applicant to enter into a Limited-Service Agreement for the subject lands provided the development is approved.

Section 6.7 of the Official Plan provides policy direction when addressing Road Allowances. The policy prescribes that *“the Municipality will not stop up or sell unmaintained road allowances where there is any possibility that there is a potential future public use for the lands”*. The zoning amendment application does not seek to stop up and close the road allowance that the subject lands utilize to gain access.

### Municipality of Magnetawan Zoning By-law

The subject land is currently zoned Rural Residential, as shown in Figure 5. Within this designation, permissible uses include detached dwellings. In order to permit a detached dwelling, the subject land must be accessible either by a Municipally maintained road, be water access or be accessed by a private road that is in existence as of the date of the Zoning By-law, neither is the case in this application. With access provided by an unopened road allowance, Section 3.8 d) provides that a hunt camp is a permitted use.

Figure #5: Zoning By-law Excerpt



Section 3.12 of the Zoning By-law provides that hunt camps are permitted within the Rural designation; the subject lands are designated Rural Residential. This same Section 3.12 identifies the following criteria in reference to a permitted hunt camp within the Rural designation.

- i. A minimum floor area of 10 m<sup>2</sup>;
- ii. A maximum height of 5m;
- iii. A maximum floor area of 65m<sup>2</sup> (approximately 700sqft);
- iv. A hunt camp must be a minimum of 100 m from an existing dwelling or public road;
- v. A hunt camp shall not include servicing (septic system or well);
- vi. A hunt camp is only permitted where a building permit for a dwelling unit is not available; and
- vii. The provision of municipal road services on unopened road allowance or private rights of way will not be available.

The existing structure meets the above criteria as it is over the minimum floor area (10m<sup>2</sup>) and under the maximum floor area 65m<sup>2</sup> (54m<sup>2</sup>). According to the applicant the existing structure is 5m in height and is located 198m from a municipal road and 147 m from an existing residential dwelling. The site sketch provided by the applicant showcases a holding tank of which is not permitted.

In addition to the existing non-compliant structure the Applicant acknowledges that an outbuilding with a total floor area of 193 sqft. This accessory structure was established without the presence of a building permit. The accessory structure as per the Applicants application is used as a storage shed. As per O' Reg 867/21 any storage shed that exceeds a total gross floor area of 161.46sqft requires a building permit.

**Staff Comments**

**Building:** If the Zoning Amendment is approved, both the shed and dwelling will need to be brought into compliance with the building code requirements. The illegal septic system will need to be removed.

**Fire:** No concerns to the application.

**Roads:** The unopened road allowance is not maintained by the Municipality.

**By-law:** No concerns to the application.

**Conclusion:**

The applicant is in possession of land to which structures were constructed absent building permits while also not being compliant with the Zoning By-law. The Applicant seeks an amendment as a means to permit the existing structures and use to remain. Should Council permit the existing structures to remain in place, the applicant will be required to coordinate with the Municipality's CBO to ensure permits are obtained and the property is in compliance with the *Ontario Building Code*.

The following options are available to Council:

- i. Support the Zoning Amendment to permit the establishment of a Hunt Camp on a Rural Residential lot with the condition the property and all structures to be compliant with the provisions permitted in Section 3.12 of the Zoning By-law, the Ontario Building Code and the Municipality's Official Plan Section 6.2; or
- ii. Support the Zoning Amendment to permit the establishment of a Hunt Camp on a Rural Residential lot permitting the holding tank to remain in place while requiring the property and all structures to be compliant with the Ontario Building Code and the Municipality's Official Plan Section 6.2; or
- iii. Deny the application requiring the applicant to remove all existing structures.

Respectfully submitted,



Erica Kellogg  
Deputy Clerk – Planning and Development